

**CODE OF ORDINANCES
VILLAGE OF
VERNON, MICHIGAN**

Table of Content

General ProvisionsCD 1-1

Chapter 1	CD 1-1
Sec. 1-1. Designation and citation of Code.....	CD 1-2
Sec. 1-2. Definitions and rules of construction.	CD 1-2
Sec. 1-3. Section catchlines and other headings.	CD 1-3
Sec. 1-4. History notes.	CD 1-3
Sec. 1-5. References and editor's notes.	CD 1-3
Sec. 1-6. Certain provisions saved from repeal.....	CD 1-4
Sec. 1-7. Effect of repeal of ordinances.	CD 1-4
Sec. 1-8. Severability.	CD 1-4
Sec. 1-9. Amendments to Code.....	CD 1-4
Sec. 1-10. Supplementation of Code.....	CD 1-5
Sec. 1-11. Altering Code.....	CD 1-6
Sec. 1-12. General penalty for violation of Code; continuing violations.....	CD 1-6

AdministrationCD2-1

Chapter 2	CD 2-1
ARTICLE I. IN GENERAL	CD 2-2
Sec. 2-1. Offices of Village Clerk and Village treasurer filled by nomination.....	CD 2-2
Secs. 2-2-2-30. Reserved.	CD 2-2
ARTICLE II. VILLAGE COUNCIL	CD 2-2
Sec. 2-31. Compensation.	CD 2-2
Sec. 2-32. Expenses.	CD 2-2
Sec. 2-33. Term.....	CD 2-3
Secs. 2-34-2-50. Reserved.	CD 2-3
ARTICLE III. BOARDS AND COMMISSIONS	CD 2-3
Sec. 2-51. Established; powers and duties.	CD 2-3
Sec. 2-52. Composition; appointment; ex officio members; holding of other offices.	CD 2-3
Sec. 2-53. Terms of office; removals.....	CD 2-3
Sec. 2-54. Rules; recordkeeping.	CD 2-3
Sec. 2-55. Powers and duties.	CD 2-4
Sec. 2-56. Compensation.	CD 2-4
Sec. 2-57. Vacancies.....	CD 2-4
Sec. 2-58. Election of officers.....	CD 2-4
Sec. 2-59. Conflict of interest.	CD 2-4

Reserved	CD 3-6
Chapters 3-5	CD 3-6
Alcoholic Liquors	CD 6-1
Chapter 6.....	CD 6-1
Sec. 6-1. Definitions.	CD 6-2
Sec. 6-2. Unlawful conduct.....	CD 6-2
Sec. 6-3. Penalty.	CD 6-2
Reserved	CD 7-1
Chapters 7-9	CD 7-1
Animals	CD 10-1
Chapter 10.....	CD 10-1
Article I. In General	CD 10-2
Sec. 10-1 Keeping cows, horses, poultry, etc.	CD 10-2
Sec. 10-2. Cruelty to animals.....	CD 10-2
Sec. 10-3. Poisoning.	CD 10-2
Sec. 10-4. Number of dogs and cats; keeping litters over 12 weeks; kennel license.	CD 10-2
Sec. 10-5. Domestic or wild animals at large.....	CD 10-3
Secs. 10-6-10-30. Reserved.	CD 10-3
Reserved	CD 11-1
Chapters 11-13	CD 11-1
Buildings and Building Regulations	CD 14-1
Chapter 14.....	CD 14-1
Article I. In General	CD 14-2
Sec. 14-1. Enforcing agency to discharge Village responsibility under State Construction Code Act- Electrical official.....	CD 14-2
Sec. 14-2. Same-Plumbing official.	CD 14-2
Sec. 14-3. Same-Mechanical official.	CD 14-2
Sec. 14-4. Same-Building official.....	CD 14-2
Secs. 14-5-14-30. Reserved.	CD 14-2
Article II. Dangerous Buildings	CD 14-3
Sec. 14-31. Defined.....	CD 14-3
Sec. 14-32. Prohibition of Dangerous Buildings	CD 14-4
Sec. 14-33. Dangerous Building Hearing Officer.	CD 14-4
Sec. 14-34. Dangerous Building Board of Appeals	CD 14-4
Sec. 14-35. Procedures for Determination of Status of Dangerous Building.....	CD 14-5

Sec. 14-36. Implementation and Enforcement of Remedies	CD 14-6
Sec. 14-37. Sanction for Nonconformance with Order.....	CD 14-7
Sec. 14-38. Appeal of Dangerous Building Board of Appeals Decision.....	CD 14-7
Secs. 14-39-14-65. Reserved.	CD 14-7
Article III. Building Code	CD 14-7
Sec. 14-66. Adoption.	CD 14-7
Sec. 14-67. Enforcing agency	CD 14-7
Sec. 14-68. Fees	CD 14-7
Secs. 14-69-14-95. Reserved.	CD 14-7
Article IV. Property Maintenance Code	CD 14-8
Sec. 14-96 Adoption.	CD 14-8
Sec. 14-97. Additions, insertions, and changes.....	CD 14-8
Secs. 14-98-14-149. Reserved.	CD 14-8
Article V. Abandoned Buildings and Structures; Registration, Maintenance and Costs	CD 14-8
Sec.14-150. Purpose.....	CD 14-8
Sec.14-151. Definitions.....	CD 14-8
Sec.14-152. Registration.....	CD 14-10
Sec.14-153. Maintenance Requirements.....	CD 14-10
Sec.14-154. Security Requirements.	CD 14-10
Sec.14-155. Additional Authority.....	CD 14-10
Sec.14-156. Certificate of Occupancy.	CD 14-11
Sec.14-157. Fees.	CD 14-11
Sec.14-158. Costs; reimbursement to Village; lien for expenses; collection.....	CD 14-11
Sec.14-159 Violation; penalty.....	CD 14-11
Secs. 14-160-14-169. Reserved	CD 14-11
Reserved	CD 15-1
Chapters 15-17	CD 15-1
Businesses	CD 18-1
Chapter 18.....	CD 18-1
Article I. In General	CD 18-3
Secs. 18-1-18-30. Reserved.	CD 18-3
Article II. Peddlers	CD 18-3
Sec. 18-31. Definitions.....	CD 18-3
Sec. 18-32. Registration required.....	CD 18-3
Sec. 18-33. Fixed stands.	CD 18-3
Sec. 18-34. Prohibited areas.....	CD 18-3

Sec. 18-35. Prohibited practices.....	CD 18-4
Sec. 18-36. Curb service.	CD 18-4
Sec. 18-37. Exemptions.	CD 18-4
Sec. 18-38. Penalty	CD 18-4
Secs. 18-39-18-60. Reserved.	CD 18-4
Article III. Sales.....	CD 18-4
Sec. 18-61. Definitions.....	CD 18-4
Sec. 18-62. Conditions.....	CD 18-5
Sec. 18-63. Penalty.	CD 18-5
Secs. 18-64-18-140. Reserved.	CD 18-5
Article IV. Public Entertainment	CD 18-5
Sec. 18-141. Title.....	CD 18-5
Sec. 18-142. Purpose.....	CD 18-5
Sec. 18-143. License-Required.	CD 18-6
Sec. 18-144. Same-Owner to see license.	CD 18-6
Sec. 18-145. Same-Compliance with conditions.	CD 18-6
Sec. 18-146. Same-Procedure for issuance.	CD 18-6
Sec. 18-147. Requirements for operation of business.....	CD 18-7
Sec. 18-148. License-Termination.	CD 18-8
Sec. 18-149. Same-Nontransferability.	CD 18-8
Sec. 18-150. Same-Suspension and revocation.....	CD 18-8
Sec. 18-151. Violation a nuisance; additional remedy.....	CD 18-9
Article V. LICENSES	CD 18-9
Sec. 18-160. Required.....	CD 18-9
Sec. 18-161. Multiple businesses.	CD 18-9
Sec. 18-162. State-licensed businesses.	CD 18-9
Sec. 18-163. License application.	CD 18-9
Sec. 18-165. Conditions for issuance.....	CD 18-9
Sec. 18-173. Right to issuance.	CD 18-10
Sec. 18-174. Fees; when paid.....	CD 18-10
Sec. 18-175. Exempt persons.....	CD 18-10
Sec. 18-176. Suspension or revocation.	CD 18-10
Sec. 18-177. Cause defined.....	CD 18-10
Sec. 18-179. Exhibition of license.	CD 18-10
Sec. 18-182. Transferability; misuse generally.....	CD 18-11
Sec. 18-183. Automatic revocation for misuse.	CD 18-11

Secs. 18-184—18-200. Reserved.....	CD 18-11
Reserved	CD 19-1
Chapters 19-21	CD 19-1
Community Development	CD 22-1
Chapter 22	CD 22-1
Article I. In General	CD 22-2
Sec. 22-1. Definitions.....	CD 22-2
Sec. 22-2. Purpose.....	CD 22-2
Sec. 22-3. Creation of authority.	CD 22-2
Sec. 22-4. Description of downtown district.....	CD 22-2
Sec. 22-5. Board of directors.	CD 22-2
Sec. 22-6. Powers of the authority.	CD 22-3
Sec. 22-7. Fiscal year; adoption of budget; reports; audits.	CD 22-3
Sec. 22-8. Termination.....	CD 22-3
Secs. 22-9-22-20. Reserved.	CD 22-3
Article II. Downtown Development.....	CD 22-3
Sec. 22-21. Definitions.....	CD 22-3
Sec. 22-22. Approval and adoption of development plan.	CD 22-4
Sec. 22-23. Boundaries of development area.....	CD 22-4
Sec. 22-24. Preparation of base year assessment roll.....	CD 22-4
Sec. 22-25. Preparation of annual captured assessment value assessment roll.	CD 22-5
Sec. 22-26. Establishment of development fund; approval of depository.	CD 22-5
Sec. 22-27. Payment of tax increments to downtown development authority.	CD 22-5
Sec. 22-28. Use of moneys in the development fund.....	CD 22-5
Sec. 22-29. Annual report.	CD 22-6
Reserved	CD 23-1
Chapters 23-25	CD 23-1
Emergency Management	CD 26-1
Chapter 26.....	CD 26-1
Sec. 26-1. Purpose.....	CD 26-2
Sec. 26-2. Emergency services coordinator.	CD 26-2
Sec. 26-3. Effect of chapter.....	CD 26-2
Sec. 26-4. Definitions.....	CD 26-2
Sec. 26-5. Duties of president.	CD 26-3
Sec. 26-6. Designation of emergency services forces.....	CD 26-3

Sec. 26-7. Deputy emergency services coordinator.	CD 26-3
Secs. 26-8 – 26-9 Reserved.....	CD 26-3
Sec. 26-10. Floodplain Management	CD 26-3
Reserved	CD 27-1
Chapters 27-29	CD 27-1
Environment	CD 30-1
Chapter 30.....	CD 30-1
Article I. In General	CD 30-2
Secs, 30-1-30-60. Reserved.	CD 30-2
Article II. Noise	CD 30-2
Sec. 30-61. Purpose.....	CD 30-2
Sec. 30-62. General prohibitions.....	CD 30-2
Sec. 30-63. Specific offenses and activity.	CD 30-2
Sec. 30-64. Aiding, abetting, or permitting prohibited activity.	CD 30-3
Sec. 30-65. Penalty	CD 30-3
Reserved	CD 31-1
Chapters 31-33	CD 31-1
Fire Prevention and Protection	CD 34-1
Chapter 34.....	CD 34-1
Sec. 34-1. Open burning in residential areas.....	CD 34-2
Sec. 34-2. Outdoor furnaces throughout Vernon.	CD 34-2
Sec. 34-3. Recreational fires.	CD 34-2
Sec. 34-4. Penalty.	CD 34-3
Reserved	CD 35-1
Chapters 35-41	CD 35-1
Municipal Civil Infractions	CD 42-1
Sec. 42-1. Purpose.....	CD 42-2
Sec. 42-2. Definitions and rules of construction.	CD 42-2
Sec. 42-3. Municipal civil infraction action; commencement.	CD 42-2
Sec. 42-4. Municipal civil infraction citations-Issuance and service.	CD 42-2
Sec. 42-5. Same-Contents.	CD 42-3
Sec. 42-6. Municipal ordinance violations bureau.....	CD 42-4
Sec. 42-7. Schedule of civil fines established.	CD 42-5
Reserved	CD 43-1

Chapters 43-45	CD 43-1
Offenses and Miscellaneous Provisions	CD 46-1
Chapter 46	CD 46-1
Article I. In General	CD 46-3
Sec. 46-1. Definition of public places.....	CD 46-3
Sec. 46-2. Fortunetelling.....	CD 46-3
Sec. 46-3. Resisting police.....	CD 46-3
Sec. 46-4. Spitting.....	CD 46-3
Sec. 46-5. Stop and search.	CD 46-3
Secs. 46-6-46-31. Reserved.	CD 46-3
Article II. Offenses Against Property	CD 46-3
Sec. 46-32. Owner to maintain premises free of litter.	CD 46-3
Sec. 46-33. Rubbish and litter defined.....	CD 46-4
Sec. 46-34. Accumulation of litter, scrap materials, etc., on private property.....	CD 46-4
Sec. 46-35. Penalty	CD 46-4
Sec. 46-36. Malicious destruction of property.....	CD 46-4
Sec. 46-37. Trespassing.	CD 46-5
Secs. 46-38-46-45. Reserved.	CD 46-5
Sec. 46-46. Purpose and intent.....	CD 46-5
Sec. 46-47. Definitions.....	CD 46-5
Sec. 46-48. Graffiti declared public nuisance.	CD 46-6
Sec. 46-49. Graffiti prohibited.	CD 46-6
Sec. 46-50. Possession of graffiti implements by minors prohibited.....	CD 46-6
Sec. 46-51. Limits on minors' access to graffiti implements.	CD 46-6
Sec. 46-52. Responsibility of person applying graffiti for removal.....	CD 46-6
Sec. 46-53. Graffiti removal.	CD 46-6
Sec. 46-54. Penalties; civil liability of parents.....	CD 46-8
Sec. 46-55. Violations; civil remedies available.....	CD 46-8
Secs. 46-56-46-60. Reserved.	CD 46-8
Article III. Offenses Against the Person	CD 46-8
Sec. 46-61. Assault breach of peace.	CD 46-8
Sec. 46-62. Accosting, insulting others.....	CD 46-9
Secs. 46-63-46-85. Reserved.	CD 46-9
Article IV. Offenses Against Public Morals	CD 46-9
Sec. 46-86. Peeping through windows.....	CD 46-9
Sec. 46-87. Obscene, indecent materials.....	CD 46-9

Sec. 46-88. Illegal exposure of human body.....	CD 46-10
Sec. 46-89. Marijuana.....	CD 46-10
Sec. 46-90. Prostitution.....	CD 46-11
Sec. 46-91. Illegal activity.	CD 46-11
Sec. 46-92. Gambling, illegal sale of alcoholic beverages, prostitution.	CD 46-11
Sec. 46-93. Soliciting.....	CD 46-11
Sec. 46-94. Transport for illegal purposes.	CD 46-11
Sec. 46-95. Gaming rooms.....	CD 46-11
Secs. 46-96-46-100. Reserved.	CD 46-11
Sec. 46-101. Title.....	CD 46-12
Sec. 46-102. Purpose.....	CD 46-12
Sec. 46-103. Definition.	CD 46-12
Sec. 46-104. Prohibited.....	CD 46-12
Sec. 46-105. Violation a nuisance; additional remedy.....	CD 46-12
Sec. 46-106. Penalty.	CD 46-12
Secs. 46-107-46-115. Reserved.	CD 46-12
Article V. Offenses Against Public Safety.....	CD 46-13
Sec. 46-116. Intoxication, under influence of narcotic drug.....	CD 46-13
Sec. 46-117. Firearms, bow and arrow, etc.....	CD 46-13
Sec. 46-118. Fireworks.	CD 46-13
Sec. 46-119. Obscene language and abusive conduct.....	CD 46-15
Secs. 46-120--46-155. Reserved.	CD 46-15
Article VI. Offenses Involving Minors.....	CD 46-15
Sec. 46-156. Curfew for Minors-Generally.	CD 46-15
Sec. 46-157. Same-Parent or guardian.....	CD 46-15
Secs. 46-158--46-185. Reserved.	CD 46-16
Article VII. Confiscated, Abandoned, Lost Property.....	CD 46-16
Sec. 46-186. Disposition of property acquired by Village.....	CD 46-16
Secs. 46-187-46-200. Reserved.	CD 46-17
Article VIII. Property Used for Illegal Activity.....	CD 46-17
Sec. 46-201. Findings of fact with respect to drug use.	CD 46-17
Sec. 46-202. Definitions.....	CD 46-17
Sec. 46-203. Penalty for violation of section 46-207, 46-208, 46-209 or 46-210.....	CD 46-17
Sec. 46-204. Public Nuisance-Declared; maintained.....	CD 46-18
Sec. 46-205. Same--Declaration procedures.....	CD 46-18
Sec. 46-206. Same--Abatement; costs.	CD 46-18

Sec. 46-207. Same--Conclusive presumption.	CD 46-19
Sec. 46-208. Same--Posting and listing.	CD 46-19
Sec. 46-209. Entry into or use of any property declared nuisance, occupancy prohibited.	CD 46-19
Sec. 46-210. Receiving or admitting persons.....	CD 46-20
Sec. 46-211. Loitering.....	CD 46-20
Sec. 46-212. Frequenting.	CD 46-20
Sec. 46-213. Appeal.	CD 46-20
Secs. 46-214-46-250. Reserved.	CD 46-20
Article IX. Offenses Against Public Peace	CD 46-20
Sec. 46-251. Fighting.	CD 46-20
Sec. 46-252. Public disturbances.	CD 46-20
Sec. 46-253. Jostling.	CD 46-20
Sec. 46-254. Breach of peace.....	CD 46-20
Sec. 46-255. Ball game playing.	CD 46-21
Sec. 46-256. Disturbing the peace.	CD 46-21
Sec. 46-257. Boisterous places.	CD 46-21
Reserved	CD 47-1
Chapters 47-49	CD 47-1
Solid Waste	1
Chapter 48.....	CD 48-1
Sec. 50-1. Definitions.....	CD 48-2
Sec. 50-2. Collection regulations; containers.....	CD 48-2
Sec. 50-3. Rates; billing; payment; delinquency.....	CD 48-2
Sec. 50-4. Receptacles; use and specifications.	CD 48-2
Sec. 50-5. Burning, incineration and burial.	CD 48-3
Sec. 50-6. Penalty.	CD 48-3
Reserved	CD 51-1
Chapters 51-53.....	CD 51-1
Streets, Sidewalks, and Other Public Places	CD 54-1
Chapter 54.....	CD 54-1
Article I. In General	CD 54-3
Secs. 54-1-54-30. Reserved.	CD 54-3
Article II. Sidewalks	CD 54-3
Sec. 54-31. Definitions.....	CD 54-3
Sec. 54-32. DPW Director responsibility.....	CD 54-3

Sec. 54-33. Resolution for construction of sidewalk; contents.	CD 54-3
Sec. 54-33.5. Determination of hazardous condition.	CD 54-3
Sec. 54-34. New sidewalks; construction.	CD 54-3
Sec. 54-35. Presently existing sidewalks.	CD 54-4
Sec. 54-35.5. Construction or repair of sidewalks by property owner.	CD 54-4
Sec. 54-36. Specifications.	CD 54-4
Sec. 54-37. Sidewalk repair or construction chargeable to owners of adjacent property.	CD 54-4
Sec. 54-37.5. Sidewalk repair or construction for which property owner is liable.	CD 54-5
Sec. 54-38. Construction or repair of sidewalks in violation of article.	CD 54-5
Sec. 54-39. Clearing sidewalks of snow and ice.	CD 54-5
Secs. 54-40-54-65. Reserved.	CD 54-5
Article III. Streets.	CD 54-5
Sec. 54-66. Parking or standing motor vehicles on major streets.	CD 54-5
Sec. 54-67. Approaches to driveways.	CD 54-6
Secs. 54-68-54-95. Reserved.	CD 54-6
Article IV. House Numbering.	CD 54-6
Sec. 54-96. Definitions.	CD 54-6
Sec. 54-97. Display of assigned number.	CD 54-7
Sec. 54-98. Street and road numbering system.	CD 54-7
Sec. 54-99. Enforcement.	CD 54-8
Secs. 54-100-54-150. Reserved.	CD 54-8
Article V. Metropolitan Extension Telecommunications Rights-of-Way Act.	CD 54-8
Sec. 54-151. Purpose.	CD 54-8
Sec. 54-152. Conflict.	CD 54-8
Sec. 54-153. Terms defined.	CD 54-8
Sec. 54-154. Permit required.	CD 54-10
Sec. 54-155. Issuance of permit.	CD 54-10
Sec. 54-156. Construction/engineering permit.	CD 54-11
Sec. 54-157. Conduit or utility poles.	CD 54-11
Sec. 54-158. Route maps.	CD 54-11
Sec. 54-159. Repair of damage.	CD 54-11
Sec. 54-160. Establishment and payment of maintenance fee.	CD 54-12
Sec. 54-161. Modification of existing fees.	CD 54-12
Sec. 54-162. Savings clause.	CD 54-12
Sec. 54-163. Use of funds.	CD 54-12
Sec. 54-164. Annual report.	CD 54-12

Sec. 54-165. Cable television operators.....	CD 54-12
Sec. 54-166. Existing rights.	CD 54-13
Sec. 54-167. Compliance.	CD 54-13
Sec. 54-168. Reservation of police powers.....	CD 54-14
Sec. 54-169. Severability.	CD 54-14
Sec. 54-170. Authorized Village officials.....	CD 54-14
Sec. 54-171. Municipal civil infraction.	CD 54-14
Subdivisions.....	CD 55-1
Chapter 55.....	CD 55-1
Article I. In General	CD 55-2
Secs. 55-1-55-30. Reserved.	CD 55-2
Article II. Subdivision Control Ordinance	CD 55-2
Sec. 55-31. Short Title	CD 55-2
Sec. 55-32. Definitions.....	CD 55-3
Sec. 55-33. Exemptions to Platting Requirements.....	CD 55-5
Sec. 55-34. Procedure for Review of Subdivision Plats	CD 55-6
Sec. 55-35. Condominiums.....	CD 55-17
Sec. 55-36. Development Design Standards. Reserved.....	CD 55-17
Sec. 55-37. Fees and Penalties	CD 55-17
Parks	CD 56-1
Chapter 56.....	CD 56-1
Article I. In General	CD 56-2
Secs. 56-1-56-30. Reserved	CD 56-2
Article II. Park Rules	CD 56-2
Section 56-31 Purpose and Intent	CD 56-2
Section 56-32. Definitions.....	CD 56-2
Section 56-33. Public Use, Hours, and Penalties	CD 56-2
Section 56-34. Protection of Park Property.....	CD 56-3
Section 56-35. Wildlife and Pets in Parks.....	CD 56-4
Section 56-36. Traffic Control within Village Park.....	CD 56-4
Section 56-37. Prohibited Uses.....	CD 56-4
Section 56-38. Liability Insurance and Hold Harmless Requirements	CD 56-5
Section 56-39. Fees or Charges.....	CD 56-5
Reserved	CD 57-1
Chapters 57	CD 57-1

Traffic and VehiclesCD 58-1

Chapter 58.....	CD 58-1
Article I. In General	CD 58-2
Secs. 58-1-58-30. Reserved.	CD 58-2
Article II. Uniform Traffic Code.....	CD 58-2
Sec. 58-31. Adoption.	CD 58-2
Sec. 58-32. References in code.	CD 58-2
Sec. 58-33. Amendments.	CD 58-2
Secs. 58-34-58-84. Reserved.	CD 58-35
Article III. Bicycles.....	CD 58-35
Sec. 58-85. Rules of operation on pedestrian sidewalks.	CD 58-35
Sec. 58-86. On sidewalks of Main Street, between Walnut Street and Church Street.....	CD 58-35
Sec. 58-87. Penalty.	CD 58-35
Secs. 58-88-58-115. Reserved.	CD 58-36
Article IV. Stopping, Standing and Parking	CD 58-36
Secs. 58-116-58-130. Reserved.	CD 58-36
Sec. 58-131. Bureau established.	CD 58-36
Sec. 58-132. Clerk.....	CD 58-36
Sec. 58-133. Procedure.	CD 58-36
Sec. 58-134. Time to appear.	CD 58-36
Sec. 58-135. Contested matters.....	CD 58-36
Secs. 58-136-58-160. Reserved.	CD 58-37
Sec. 58-161. Code adopted.	CD 58-37
Sec. 58-162. References in Code.	CD 58-37
Sec. 58-163. Penalties.	CD 58-37

ReservedCD 59-1

Chapters 59-61	CD 59-1
----------------------	---------

UtilitiesCD 62-1

Chapter 62.....	CD 62-1
Article I. In General	CD 62-2
Secs. 62-1-62-30. Reserved.	CD 62-2
Article II. Sewers	CD 62-2
Secs. 62-31-62-45. Reserved	CD 62-2
Sec. 62-46. Definitions.....	CD 62-2
Sec. 62-47. Use of public sewers required.....	CD 62-3
Sec. 62-48. Discharge of untreated waters to natural outlet prohibited.	CD 62-3

Sec. 62-49. Connecting to public sewer.....	CD 62-3
Sec. 62-50. Private sewage disposal.	CD 62-3
Sec. 62-51. Public sewage disposal.	CD 62-3
Sec. 62-52. Building sewers and connections-Permits.	CD 62-4
Sec. 62-53. Same-Costs of installation borne by owner.	CD 62-4
Sec. 62-54. Same-Separate sewers required; exceptions.	CD 62-4
Sec. 62-55. Same-Construction specifications.....	CD 62-5
Sec. 62-56. Use of the public sewers.	CD 62-6
Sec. 62-57. Protection from damage.....	CD 62-7
Sec. 62-58. · Powers and authority of inspectors.....	CD 62-7
Sec. 62-59. Penalties.	CD 62-7
Sec. 62-60. Conditions of service.	CD 62-7
Sec. 62-61. Design standards for sewer mains.....	CD 62-9
Secs. 62-62-62-75. Reserved.	CD 62-9
Sec. 62-76. Sewer service charge established.....	CD 62-9
Sec. 62-77. Bills; when due and payable.	CD 62-10
Sec. 62-78. Customers not supplied by municipal water system; when bills due.....	CD 62-10
Sec. 62-79. Application fee for sewer service.....	CD 62-10
Sec. 62-80. Duties of Village Clerk.	CD 62-10
Reserved	CD 63-1
Chapters 63-65	CD 63-1
Vegetation.....	CD 66-1
Chapter 66.....	CD 66-1
Article I. In General	CD 66-2
Secs. 66-1-66-30. Reserved.	CD 66-2
Article II. Noxious Weeds	CD 66-2
Sec. 66-31. On private property or adjoining street right-of-way.....	CD 66-2
Sec. 66-32. Specified dates for cutting.....	CD 66-2
Sec. 66-33. Violation.	CD 66-2
Sec. 66-34. Penalty.	CD 66-2
Appendix A: Franchises.....	CDA-1
Appendix B: Resolutions	CDB-1
VILLAGE of VERNON RESOLUTION OF WASTE WATER SERVICE RATES, FEES, TAPS, AND CHARGES	CDB-1
MICHIGAN COMMUNITY RESOLUTION TO MANAGE FLOODPLAIN DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM	CDB-3

RESOLUTION OF THE VILLAGE OF VERNON OF SHIAWASSEE COUNTY, MICHIGAN APPROVING A CERTAIN INTERLOCAL AGREEMENT CREATING THE 1-69 INTERNATIONAL TRADE CORRIDOR NEXT MICHIGAN DEVELOPMENT CORPORATION	CDB-5
A RESOLUTION TO EXEMPT THE VILLAGE FROM THE REQUIREMENTS OF PUBLIC ACT 152 FOR 2012.....	CDB-6
RESOLUTION ESTABLISHING FEES FOR ORDINANCE 05-131 RENTAL DWELLING UNITS	CDB-7
Appendix C: Sanitary Sewer Main Specifications.....	CDC-1

CODE OF ORDINANCES

General Provisions

Chapter 1

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Section catchlines and other headings.
- Sec. 1-4. History notes.
- Sec. 1-5. References and editor's notes.
- Sec. 1-6. Certain provisions saved from repeal.
- Sec. 1-7. Effect of repeal of ordinances.
- Sec. 1-8. Severability.
- Sec. 1-9. Amendments to Code.
- Sec. 1-10. Supplementation of Code.
- Sec. 1-11. Altering Code.
- Sec. 1-12. General penalty for violation of Code; continuing violations.

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

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Village of Vernon, Michigan," and may be so cited. Such Code may also be cited as the "Vernon Village Code."

State Law Reference-Authority to codify ordinances, MCL 66.3a, MSA 5.1273(1).

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

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

Code. The term "this Code" or "Code" shall mean the Code of Ordinances, Village of Vernon, Michigan, as designated in section 1-1.

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

County. The term "the county" or "this county" shall mean the County of Shiawassee in the State of Michigan.

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

MCL//SA. The abbreviation "MCL" shall mean the Michigan Compiled Laws, as amended. The abbreviation "MSA" shall mean the Michigan Statutes Annotated, as amended.

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

Oath, affirmation, sworn, affirmed. The word "oath" shall be construed to include the word "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "sworn" shall be construed to include the word "affirmed."

Officer, department, board, commission or other agency. Whenever any officer, department, board, commission or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the Village of Vernon, Michigan." Whenever by the provisions of this Code any officer of the Village is assigned any duty or empowered to perform any act or duty, reference to such officer shall mean and include such officer or his deputy or authorized subordinate.

Or/and. "Or" may be read "and" and "and" may be read "or" if the sense requires it.

Person. The word "person" includes firms, joint ventures, partnerships, corporations, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and all federal,

state and local agencies of government, as well as natural persons, and includes all legal representatives, heirs, successors and assigns thereof.

Public Acts. All references to "Public Acts" are references to Michigan Public Acts.

Public place. The term "public place" shall mean any place to or upon which the public resorts or travels, whether such place is owned or controlled by the Village or any agency of the state, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.

Shall, may. The word "shall" is mandatory; the word "may" is permissive.

Sidewalk. The word "sidewalk" shall mean that portion of a street between the curblines or lateral lines and the right-of-way lines which is intended for the use of pedestrians.

State. The term "the state" or "this state" shall be construed to mean the State of Michigan.

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

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

Village. The word "Village" shall mean the Village of Vernon, Michigan.

Village Council. The term "Village Council" or "council" shall mean the Village Council of the Village of Vernon.

(b) Any word or term not defined in this Code shall be considered to be defined in accordance with its common or standard definition.

Sec. 1-3. Section catchlines and other headings.

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

Sec. 1-4. History notes.

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

Sec. 1-5. References and editor's notes.

The references and editor's notes following certain sections of the Code are inserted as an aid and guide to the reader and are not controlling or meant to have any legal effect.

Sec. 1-6. Certain provisions saved from repeal.

Nothing in this Code or the ordinance adopting this Code, when not inconsistent with this Code, shall affect any ordinance:

- (1) Affecting the boundaries of the Village;
- (2) Relating to any specific local improvement;
- (3) Authorizing, directing or ratifying any purchase or sale;
- (4) Approving or accepting any subdivision or plat;
- (5) Authorizing or directing the issuance of any bonds or other evidence of indebtedness;
- (6) Authorizing or directing the making of any investment;
- (7) Making or otherwise affecting any appropriations;
- (8) Levying or otherwise affecting any taxes, not inconsistent herewith;
- (9) Relating to franchises;
- (10) Any ordinances prescribing traffic regulations, including through streets, speed limits, one-way traffic, limitations on load of vehicles or loading zones;
- (11) Any ordinance regarding special districts;
- (12) Ordinance no. 89, pertaining to zoning is saved from repeal; copies are available in Village hall;
- (13) Regulations pertaining to personnel;
- (14) Any temporary or special ordinances;
- (15) Any administrative ordinance; and

all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the office of the Village. No offense committed or penalty incurred or any right established prior to the effective date of the Code shall be affected.

Sec. 1-7. Effect of repeal of ordinances.

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

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

Sec. 1-8. Severability.

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

Sec. 1-9. Amendments to Code.

- (a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____

of the Code of Ordinances, Village of Vernon, Michigan (or Vernon Village Code), is hereby amended to read as follows: " The new provisions shall then be set out in full as desired.

- (b) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Village of Vernon, Michigan (or Vernon Village Code), is hereby amended by adding a section, to be numbered _____, which section reads as follows:" The new section shall then be set out in full as desired.
- (c) If a section is to be repealed, the following language shall be used: "That the Code of Ordinances, Village of Vernon, Michigan (or Vernon Village Code), is hereby amended by deleting a section, numbered _____"

Sec. 1-10. Supplementation of Code.

- (a) By contract or by Village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Village Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - 1) Organize the ordinance material into appropriate subdivisions;
 - 2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - 3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - 4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - 5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-11. Altering Code.

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the Code to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-12.

Sec. 1-12. General penalty for violation of Code; continuing violations.

- (a) Unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code or any rule or regulation adopted or issued in pursuance of this Code shall be punished by a fine of not more than \$500.00 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code, whether or not such penalty is reenacted in the amendatory ordinance.
- (b) In addition to the penalty prescribed in subsection (a) of this section, the Village may pursue other remedies such as enforcement of a civil infraction, abatement of nuisances, injunctive relief and revocation of licenses or permits.

Cross Reference- Municipal civil infractions, ch. 42.

State Law Reference- Limitation on penalties, MCL 66.2, MSA 5.1272.

Administration¹

Chapter 2

Article I. In General

Sec. 2-1. Offices of Village Clerk and Village treasurer filled by nomination.

Secs. 2-2-2-30. Reserved.

Article II. Village Council

Sec. 2-31. Compensation.

Sec. 2-32. Expenses.

Sec. 2-33. Term.

Secs. 2-34-2-50. Reserved.

Article III. Boards and Commissions

Division 1. Planning Commission

Sec. 2-51. Established; powers and duties.

Sec. 2-52. Composition; appointment; ex officio members; holding of other offices.

Sec. 2-53. Terms of office; removals.

Sec. 2-54. Rules; recordkeeping.

Sec. 2-55. Powers and duties.

Sec. 2-56. Compensation.

Sec. 2-57. Vacancies.

Sec. 2-58. Election of officers.

Sec. 2-59. Conflict of interest

¹ State Law References-Open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.; freedom of information act, MCL 15.231 et seq., MSA4.1801(1) et seq.

ARTICLE I. IN GENERAL

Sec. 2-1. Offices of Village Clerk and Village treasurer filled by nomination.

- (a) As authorized by Chapter II, Section 2(3) of the General Law Village Act, being Act 3 of the Public Acts of Michigan of 1895 as amended, the Village Clerk and Village treasurer shall be chosen by nomination of the Village President and appointment by the Village Council.
- (b) The term of office of the Village Clerk and Village treasurer shall be two years from the second Monday of March of each even-numbered year and until a successor is appointed. The person first appointed as Village Clerk and Village treasurer under this section shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files same with the Village, together with the filing of any bond required by law, but such initial term of office shall commence not earlier than the second Monday of March, 2000.
- (c) This section shall take effect 45 days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the Village is filed with the acting Village Clerk or Village office within such 45 days. If any such valid petition is filed within such period of time, this section shall then take effect only upon its approval at a Village election held on the question whether the ordinance shall be approved. Notice of any delayed effect of the section and the right of petition under this subsection shall be published separately, at the same time and in the same manner as this section or a notice of this section is published in a local newspaper of general circulation. In the event any such valid petition is filed, the question of approval of this section shall be submitted at the next general Village election or at a special election.
- (d) The Village Clerk or his designee shall arrange for the required publication of a notice of adoption of this section and publication of notice of the right of petition, as stated above.
(Ord. No. 103, §§ 1-4, 5-5-99)

Secs. 2-2-2-30. Reserved.

ARTICLE II. VILLAGE COUNCIL²

Sec. 2-31. Compensation.

- (a) Compensation for the Village President and trustees shall be set by the Village Council by resolution and may be changed by resolution from time to time.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 2-32. Expenses.

The Village President may also be reimbursed for official business travel expenses at a rate set by the Village Council by resolution and which may be changed by resolution from time to time. The expenses shall be paid monthly following the submission of a specific expense mileage voucher.

² State Law References-Village Council, MCL 65.1 et seq., MSA 5.1264 et seq.; standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.; open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.; freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 2-33. Term.

- (a) Three of the Village trustees shall be elected at each biennial Village election for the term of four years and until their successors are qualified. The Village President shall be elected at each biennial Village election beginning in 2007 for the term of two years and until his/her successor is qualified.

(Ord. No. 12-133 Eff. 1-17-17)

Secs. 2-34-2-50. Reserved.

ARTICLE III. BOARDS AND COMMISSIONS

DIVISION 1. PLANNING COMMISSION

Sec. 2-51. Established; powers and duties.

There is hereby constituted a Planning Commission to be known as the "Village of Vernon Planning Commission", said Commission to have all of the powers and duties as provided in Act 33 of the Public Acts of 2008, as amended.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 2-52. Composition; appointment; ex officio members; holding of other offices.

The Planning Commission shall consist of five members, one of whom shall be a member of the Village Council to be selected by resolution of the Village Council to serve as a member ex officio. The remaining members shall be appointed by the Village President subject to approval of the Village Council by majority vote, one of whom shall be a member of the Village zoning board of appeals as required by Section 601 (3) of PA 110 of 2006, the Michigan Zoning Enabling Act. An appointed member shall not hold another municipal office, except as otherwise required by this article and all members shall be a qualified electors of the Village unless the Village President chooses to appoint one non-electors as authorized by the Michigan Planning Enabling Act.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 2-53. Terms of office; removals.

The term of the ex officio member shall be based on their term as member of the Village Council. The term of each appointed member shall be three years or until his or her successor takes office except that the respective terms of two of the members first appointed shall be for one year and three for two years. After a public hearing, a member other than the member selected by the Village Council may be removed by the Village President for misfeasance, nonfeasance, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 2-54. Rules; recordkeeping.

The Planning Commission may adopt rules for transactions of business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be a public record.

(Ord. No. 07-126, § IV, 6-20-2007)

Sec. 2-55. Powers and duties.

The Planning Commission shall have such powers and duties as prescribed in the Michigan Planning Enabling Act, PA 33 of 2008.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 2-56. Compensation.

All appointed members of the commission may be compensated at a rate to be determined by the Village Council.

(Ord. No. 07-126, §VI, 6-20-2007)

Sec. 2-57. Vacancies.

A vacancy on the Planning Commission occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Village President with the approval of the Village Council.

(Ord. No. 07-126, §VII, 6-20-2007)

Sec. 2-58. Election of officers.

The Planning Commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year, with eligibility for reelection.

(Ord. No. 07-126, §VIII, 6-20-2007)

Sec. 2-59. Conflict of interest.

A Planning Commission member may be excused from voting on a matter only if that member is determined to have a bona fide conflict of interest with regard to that matter as recognized by the majority of the remaining members of the Planning Commission present at the meeting.

- (a) Self-Conflict. If a member believes that a conflict of interest exists for that member, the member may request to be excused from voting on the matter for which a conflict of interest is determined to exist. That request shall be made before the consideration of the matter by the Planning Commission. The member believed to have a conflict of interest shall reveal the basis for the potential conflict and the remainder of the Planning Commission shall vote to find that it is, or is not a conflict. In determining whether a bona fide conflict exists the Planning Commission may consider personal and financial interests that would, to a reasonable person, appear to impair the Planning Commission member's independence of judgment or action in the performance of their official duties.
- (b) Conflict of Another. A member may also request that the Planning Commission find, by majority vote of the remaining members that another member of the Planning Commission has a conflict of interest and should be prohibited from participating in and voting on the matter. That request shall be made before the consideration of the matter by the Planning Commission. The member raising the issue shall reveal the basis for that member's belief that a conflict of interest for another member exists. The member who has the potential conflict of interest shall reveal any information which may be relevant with respect to determining whether an actual conflict of interest exists. The remainder of the Planning Commission shall vote to find that it is, or is not a conflict of interest. The member raising the potential conflict of interest of another member shall vote on the determination of whether a conflict of interest exists. The member who has the potential conflict of interest shall not vote on the issue. In determining whether a bona fide conflict exists the ZBA may consider personal and financial interests which would, to a reasonable person, appear to impair the ZBA member's independence of judgment or action in the performance of their official duties.

- (c) Any member permitted or required by the Planning Commission to abstain from voting on a matter as provided above shall not participate in the discussion of that matter and shall leave the meeting room while the matter is being discussed and voted upon.

(Ord. No. 12-133 Eff. 1-17-17)

Reserved
Chapters 3-5

Alcoholic Liquors³

Chapter 6

Sec. 6-1. Definitions.

Sec. 6-2. Unlawful conduct.

Sec. 6-3. Penalty.

³ State Law Reference-Liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

Sec. 6-1. Definitions.

Alcoholic liquor shall be construed to include any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever names called, containing one-half of one percent or more of alcohol by volume which are fit for use for beverage purposes.

Beer is hereby defined and construed to mean any beverage obtained by alcoholic fermentation of an infusion decoction of barley, malt, hops and/or other cereal in potable water.

Spirits are hereby defined and construed to mean any beverages containing alcohol by distillation, mixed with potable water and other substances in solution, and includes, among other things, wine containing an alcoholic content of over 16 percent by volume.

Wine is hereby defined and construed to mean the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, or any other fruit with the usual cellar treatment and containing not more than 16 percent of alcohol by volume. It shall also include fermented fruit juices other than grapes.

(Ord. No. 51, § 1, 5-7-80)

Cross Reference-Definitions generally, § 1-2.

Sec. 6-2. Unlawful conduct.

It shall be unlawful for any person to consume or possess any alcoholic liquor, beer, wine or spirit in a container which is open, uncapped, or upon which the seal is broken, upon the property of the Village without first obtaining a special permit from the Village Council. The council may regulate the issuance of such permits upon consideration of the health, safety and welfare of Village citizens and property on a case-by-case basis. Fees for such permits may be set by the council.

(Ord. No. 51, § 2, 5-7-80)

Sec. 6-3. Penalty.

Any person who shall violate the provision of this chapter shall, upon conviction thereof, be punished in accordance with section 1-12.

(Ord. No. 51, § 3, 5-7-80)

Reserved
Chapters 7-9

Animals ⁴

Chapter 10

Article I. In General

Sec. 10-1 Keeping cows, horses, poultry, etc.

Sec. 10-2. Cruelty to animals.

Sec. 10-3. Poisoning.

Sec. 10-4. Number of dogs and cats; keeping litters over 12 weeks; kennel license.

Sec. 10-5. Domestic or wild animals at large.

Secs. 10-6-10-30. Reserved.

⁴ State Law References-Authority to adopt animal control ordinance, MCL 287.290, MSA 12.541; crimes relating to animals and birds, MCL 750.49 et seq., MSA 28.244 et seq.; dog law, MCL 287.261 et seq., MSA 12.511 et seq.

Article I. In General

Sec. 10-1 Keeping cows, horses, poultry, etc.

- (a) Raising, keeping by owner. No person shall raise or keep any cows, horses, swine, sheep or goats within the Village.
- (b) Raising poultry is limited to the following:
 - (1) Not more than twelve chickens or similar poultry are allowed for parcels under a half- acre in size, not more than 18 chickens or similar poultry are allowed for parcels between a half-acre and acre in size and not more than 24 chickens or similar poultry are allowed on parcels over an acre in size.
 - (2) No roosters (male adult chickens) may be kept.
 - (3) Poultry are not allowed in a residence, porch or attached garage.
 - (4) The poultry facility shall be 10 feet from any property line.

A property owner may request a variance from the number of chickens allowed under the variance provisions of the Village Zoning Ordinance.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 10-2. Cruelty to animals.

No person shall cruelly treat or abuse any animal or bird.

State Law Reference-Cruelty towards animals, MCL 752.21 et seq., MSA28.161 et seq.

Sec. 10-3. Poisoning.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.

Sec. 10-4. Number of dogs and cats; keeping litters over 12 weeks; kennel license.

- (a) No person shall keep more than four dogs, three cats, or any combination of four dogs and/or cats in his premises within the Village without first obtaining a kennel license for operation of a kennel, it being deemed that the keeping of more than three dogs and/or cats shall be deemed a kennel operation and subject to being licensed as a kennel operation. It is further provided that no dog shall require a license until it has attained the age of six months.
- (b) No person who has custody of a dog or cat that has puppies or kittens may retain the puppies or kittens born of the dog or cat exceeding four for 12 weeks after the birth of the animals. If after the expiration of the 12 weeks after birth there remain more than four dogs or three cats, or any combination thereof, in any one residence or apartment, the owner, or person in custody of the dogs or cats will be in violation of this chapter.
- (c) Kennel licenses must be obtained from the state and be approved by the health department after an inspection. It is essential that the kennel is first determined to be in compliance with the following provisions:
 - (1) It is maintained in a clean and sanitary condition, devoid of all rodents, vermin and objectionable odors.

- (2) The interior walls, ceilings, floors, partitions, and appurtenances of all such structures shall be painted annually or more often if the health department finds that more frequent painting is necessary.
- (3) It is not a health hazard or nuisance to its neighbors.
- (4) It complies with all applicable zoning laws.
- (5) It is not a hazard to public safety or the public's general welfare.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 10-5. Domestic or wild animals at large.

No person shall suffer nor permit any domestic or wild animal of which he is the owner, caretaker or custodian to be at large or run at large within the Village. Any such animal shall be deemed to be at large when it is off the premises owned or rented by its owner, and is unaccompanied by the owner, caretaker or custodian.

Secs. 10-6-10-30. Reserved.

(Ord. No. 12-133 Eff. 1-17-17)

Reserved
Chapters 11-13

(Ord. No. 12-133 Eff. 1-17-17)

Buildings and Building Regulations⁵

Chapter 14

Article I. In General

Sec. 14-1. Enforcing agency to discharge Village responsibility under State Construction Code Act-Electrical official.
Sec. 14-2. Same-Plumbing official.
Sec. 14-3. Same-Mechanical official.
Sec. 14-4. Same-Building official.
Secs. 14-5-14-30. Reserved.

Article II. Dangerous Buildings

Sec. 14-31. Defined.
Sec. 14-32. Prohibition of Dangerous Buildings
Sec. 14-33. Dangerous Building Hearing Officer.
Sec. 14-34. Dangerous Building Board of Appeals
Sec. 14-35. Procedures for Determination of Status of Dangerous Building
Sec. 14-36. Implementation and Enforcement of Remedies
Sec. 14-37. Sanction for Nonconformance with Order
Sec. 14-38. Appeal of Dangerous Building Board of Appeals Decision
Secs. 14-39-14-65. Reserved.

Article III. Building Code

Sec. 14-66. Adoption.
Sec. 14-67. Enforcing agency
Sec. 14-68. Fees
Secs. 14-69-14-95. Reserved.

Article IV. Property Maintenance Code

Sec. 14-96. Adoption.
Sec. 14-97. Additions, insertions, and changes.
Sec. 14-98-14-149. Reserved.

Article V. Abandoned Buildings and Structures; Registration, Maintenance and Costs

Sec. 14-150. Purpose.
Sec. 14-151. Definitions.
Sec. 14-152. Registration.
Sec. 14-153. Maintenance Requirements.
Sec. 14-154. Security Requirements.
Sec. 14-155. Additional Authority.
Sec 14-156. Certificate of Occupancy.
Sec 14-157. Fees.
Sec 14-158. Costs; reimbursement to village; lien for expenses; collection.
Sec 14-159. Violation; penalty.
Sec. 14-160-14-169. Reserved

⁵ Cross References-Fire prevention and protection, ch. 34; floods, ch. 38; streets, sidewalks and other public places, ch. 54; subdivisions, ch. 55; utilities, ch. 62.
State Law Reference-State construction code act, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

Article I. In General

Sec. 14-1. Enforcing agency to discharge Village responsibility under State Construction Code Act-Electrical official.

Pursuant to the provision of the Michigan Electrical Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the electrical official of the Village is hereby designated as the enforcing agency to discharge the responsibility of the Village under Act 230, P.A. 1972, as amended, State of Michigan. The Village assumes responsibility for the administration and enforcement of such act throughout its corporate limits.

(Ord. No. 95, § 1, 9-17-97)

Editor's Note-Ordinance No. 95, adopted September 17, 1997, did not specifically amend the Code; hence, codification of § 1 of said ordinance as § 14-1 was at the discretion of the editor.

Sec. 14-2. Same-Plumbing official.

Pursuant to the provision of the Michigan Plumbing Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the plumbing official of the Village is hereby designated as the enforcing agency to discharge the responsibility of the Village under Act 230, P.A. 1972, as amended, State of Michigan. The Village assumes responsibility for the administration and enforcement of such act throughout its corporate limits.

(Ord. No. 96, § 1, 9-17-97)

Editor's Note-Ordinance No. 96, adopted September 17, 1997, did not specifically amend the Code; hence, codification of § 1 of said ordinance as § 14-2 was at the discretion of the editor.

Sec. 14-3. Same-Mechanical official.

Pursuant to the provision of the Michigan Mechanical Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the mechanical official of the Village is hereby designated as the enforcing agency to discharge the responsibility of the Village under Act 230, P.A. 1972, as amended, State of Michigan. The Village assumes responsibility for the administration and enforcement of such act throughout its corporate limits.

(Ord. No. 97, § 1, 9-17-97)

Editor's Note-Ordinance No. 97, adopted September 17, 1997, did not specifically amend the Code; hence, codification of § 1 of said ordinance as § 14-3 was at the discretion of the editor.

Sec. 14-4. Same-Building official.

Pursuant to the provision of the Michigan Building Code, in accordance with Section 9 of Act 230, P.A. 1972, as amended, the building official of the Village is hereby designated as the enforcing agency to discharge the responsibility of the Village under Act 230, P.A. 1972, as amended, State of Michigan. The Village assumes responsibility for the administration and enforcement of such act throughout its corporate limits.

(Ord. No. 98, § 1, 9-17-97)

Editor's Note-Ordinance No. 98, adopted September 17, 1997, did not specifically amend the Code; hence, codification of § 1 of said ordinance as § 14-4 was at the discretion of the editor.

Secs. 14-5-14-30. Reserved.

Article II. Dangerous Buildings

Sec. 14-31. Defined.

- (a) "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
- (1) A door, aisle, passageway, stairway or other means of exit does not conform to the Village Fire Code or Village Building Code.
 - (2) A portion of the building or structure is damaged by fire, wind, flood or other cause so 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 Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), or the Village Building Code for a new building or structure, purpose or location.
 - (3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
 - (4) 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 Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, et seq.), or the Village Building Code.
 - (5) The building or structure, or a 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 reason, 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 way.
 - (6) The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
 - (7) The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
 - (8) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
 - (9) A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
 - (10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (MCL 339.2501, et

seq.), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:

a. A building or structure if the owner or agent does both of the following:

1. Notifies the County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the County Sheriff's Department by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
2. Maintains the exterior of the building or structure and adjoining grounds in accordance with this Ordinance and the Housing Law of Michigan, Public Act 167 1917, as amended, (MCL 125.401, et seq.), or the Village Building Code

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the County Sheriff's Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

(b) "Enforcing agency" means this Village, through the Village Building Official and/or such other official(s) or agency as may be designated by the Village Board to enforce this Ordinance.

(c) "Village Building Code" means the building code administered and enforced in the Village pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (MCL 125.1501, et seq.).

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-32. Prohibition of Dangerous Buildings

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-33. Dangerous Building Hearing Officer.

The hearing officer shall be appointed by the Village President and shall serve at their discretion. The hearing officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-34. Dangerous Building Board of Appeals

(a) *Establishment and Duties.* The Village Council shall serve as the Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties described in Section 14.35 of this Ordinance.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-35. Procedures for Determination of Status of Dangerous Building

- (a) *Determination of Dangerous Building.* The building official or other designated member of the Village shall make the determination that a building or structure is dangerous as defined by this ordinance.
- (b) *Notice Requirement.* Upon determination that a building or structure is dangerous, the building official or other designated member of the Village shall issue a notice that the building or structure is a dangerous building and that a hearing on the issue will be held by the hearing officer:
 - (1) *Parties Entitled to Notice.* The notice shall be served on each owner of, or party with interest in, the building or structure in whose name the property appears on the last local tax assessment records of Vernon Township.
 - (2) *Contents of Notice.* The notice shall:
 - a. Specify the time and place of a hearing on whether the building or structure is a dangerous building
 - b. State that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.
 - (3) *Service of Notice.* The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the last local tax assessment records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing.
- (c) *Filing Dangerous Building Notice with Hearing Officer.* The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the hearing officer.
- (d) *Hearing Testimony and Decision.* At a hearing prescribed by this Ordinance, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained. A record of the hearing shall be prepared and maintained by the Village.
- (e) *Compliance with Hearing Officer Order.* If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section 14.31.a.10 of this Ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.
- (f) *Noncompliance with Hearing Officer Order/Request to Enforce Order.* If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section 14.35.e. of this Ordinance, the hearing officer shall file a report of the findings and a copy of the order with the Village Council not more than 5 days after noncompliance by the owner and request that

necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner; agent or lessee in the manner prescribed in Section 14.35 b.3 of this Ordinance.

- (g) *Enforcement Hearing Before the Village Council.* The Village Council shall fix a date not less than 30 days after the order of the hearing officer, and shall give notice to the owner, agent or lessee in the manner prescribed in Section 14.35 b.3 of this Ordinance of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The Village Council shall approve, disapprove or modify the order. If the Village Council approves or modifies the order, it shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Village Council determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-36. Implementation and Enforcement of Remedies

- (a) *Implementation of Order by the Village.* In the event of the refusal or failure of the owner or party in interest to comply with the decision of the Dangerous Building Board of Appeals, the Village Council may, in its discretion, contract for the demolition of the building, the making safe of the building or maintaining the exterior of the building, structure or grounds adjoining the building or structure.
- (b) *Reimbursement of Costs.* The costs of the remedies outlined in Section 14.36.a. above, incurred by the Village to bring the property into conformance with this Ordinance shall be reimbursed to the Village by the owner or party in interest in whose name the property appears.
- (c) *Notice of Costs.* The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Village treasurer of the amount of the costs of the remedies outlined in Section 14.36.a. above, by first class mail at the address shown on the Village records.
- (d) *Lien for Unpaid Costs.* If the owner or party in interest fails to pay the costs within 30 days after mailing by the Village treasurer of the notice of the amount of the cost, the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, until paid.
- (e) *Court Judgment for Unpaid Costs.* In addition to other remedies under this Ordinance, the Village may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- (f) *Enforcement of Judgment.* A judgment in an action brought pursuant to Section 14.36.E. of this Ordinance may be enforced against assets of the owner other than the building or structure.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-37. Sanction for Nonconformance with Order

Any person or other entity that fails or refuses to comply with an order approved or hearing prescribed in Section 14.35.D of this Ordinance for a hearing on the findings and modified by the Dangerous Building Board of Appeals, under Section 14.35.G of this Ordinance within the time prescribed by that Section shall be guilty of a misdemeanor. Upon conviction thereof before any court of competent jurisdiction, they shall be subject to punishment by a fine not to exceed five hundred (500) dollars, or by imprisonment not to exceed ninety (90) days, or both, and in addition, shall pay all costs of prosecution. Each day during which a violation continues shall be deemed to be a separate offense. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-38. Appeal of Dangerous Building Board of Appeals Decision

An owner aggrieved by any final decision or order of the Village Council under Section 14.35.g of this Ordinance may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

(Ord. No. 12-133 Eff. 1-17-17)

Secs. 14-39-14-65. Reserved.

(Ord. No. 12-133 Eff. 1-17-17)

Article III. Building Code**Sec. 14-66. Adoption.**

The state construction code as established by Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended, is hereby adopted. Such code includes the building, electrical, plumbing and mechanical codes. One copy of the codes adopted shall be on file in the office of the Village Building Inspector.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-67. Enforcing agency

Pursuant to the provisions of the state construction code, the building inspector of the Village is hereby designated as the enforcing agency to discharge the responsibilities of the Village under Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended. The Village hereby assumes responsibility for the administration and enforcement of the act throughout its corporate limits.

Sec. 14-68. Fees

Fees required under the state construction code shall be as prescribed by resolution of the Village Council.

(Ord. No. 12-133 Eff. 1-17-17)

Secs. 14-69-14-95. Reserved.

(Ord. No. 12-133 Eff. 1-17-17)

Article IV. Property Maintenance Code

Sec. 14-96 Adoption.

A certain document, three copies of which are on file in the office of the building inspector of the Village of Vernon being marked and designated as the International Property Maintenance Code, 2009 edition as published by the International Code Council., and is hereby adopted as the Property Maintenance Code of the Village of Vernon; in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Village of Vernon are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 14-97.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 14-97. Additions, insertions, and changes.

The following sections are hereby revised:

- (a) Section 101.1. Insert: **Village of Vernon**
- (b) Section 103.5. Insert: Fee schedule adopted by the Vernon Village Council
- (c) Section 112.4. Insert: **(1) \$25.00 for a first offense; (2) \$100.00 for a second or subsequent offense within a 12-month period** – Range of fees for violations
- (d) Section 302.4. Insert: 8 – Grass height
- (e) Section 304.14. Insert: June and September - Months when Screens are required
- (f) Section 602.3. Insert: **October and April** - Months when heating is required
- (g) Section 602.4. Insert: **October and April** - Months when heating is required

(Ord. No. 12-133 Eff. 1-17-17)

Secs. 14-98-14-149. Reserved.

(Ord. No. 12-133 Eff. 1-17-17)

Article V. Abandoned Buildings and Structures; Registration, Maintenance and Costs

Sec.14-150. Purpose.

It is the purpose and intent of the council of the Village of Vernon, through the adoption of this ordinance, to establish an abandoned property registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

Sec.14-151. Definitions.

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

- (a) **Abandoned Building or Structure.** A residential, commercial or industrial structure that has been vacant for 30 days and meets any of the following criteria:
 - (1) Provides a location for loitering, vagrancy, unauthorized entry or other criminal activity;
 - (2) Has 1 or more boarded windows;
 - (3) Has taxes in arrears for a period of time exceeding 365 days;
 - (4) Has utilities disconnected or not in use;
 - (5) Is not maintained in compliance with the International Property Maintenance Code.
- (b) **Accessible Property.** A property that is accessible through a compromised/breached gate, fence, wall, or the like.
- (c) **Accessible Structure.** A structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.
- (d) **Days.** Consecutive calendar days.
- (e) **Evidence of Vacancy.** Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of furnishings and/or personal items consistent with habitation, statements by neighbors, passersby, delivery agents, government employees that the property is vacant.
- (f) **Neighborhood Standard.** Those conditions that are present on a simple majority of properties within a 300-foot radius of an individual property. A property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.
- (g) **Owner.** Any person, firm, corporation, partnership, commercial entity, joint venture, LLC or other legal entity with a legal or equitable ownership interest in the structure. Accordingly, this term shall include both land contract vendors and vendees. This term shall also specifically include a person, firm, corporation, partnership, commercial entity, joint venture, LLC or other legal entity with any mortgagee interest in the property.
- (h) **Property.** Any unimproved or improved real property, or portion thereof, situated in the Village, including the buildings or structures located on the property regardless of condition.
- (i) **Securing.** Such measures as may be directed by the Village of Vernon building inspector that assist in rendering the property inaccessible to unauthorized persons, including, but not limited to the repairing of fences and walls, chaining/padlocking of gates, the repair of boarding of door, window and/or other openings.

- (j) **Vacant.** A building/structure that is not legally occupied.

Sec.14-152. Registration.

- (a) If any building or structure is found to be an abandoned structure or shows evidence of vacancy, the Village's Building Inspector shall mail out notice to all owners of the property as reflected on the assessment and tax records of the Village that the property has been deemed abandon. Such notice shall be mailed by both certified mail, return receipt requested, and by regular first class mail.
- (b) Owners shall have a period of 10 days from the date of the notice to register the property on the registration form to be provided by the Village with the Village of Vernon building inspector.
- (c) An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year in which the registration was initially required. Subsequent registrations and fees are due January 1 of each year and must be received no later than January 31 of the year due. Registration fees will not be prorated.
- (d) Properties subject to this ordinance shall remain under the annual registration requirement, and security and maintenance standards of this section as long as they are deemed to be an abandoned structure.
- (e) Any owner that has registered a property under this ordinance must report any change of information contained in the registration to the Village of Vernon building inspector within 10 days of any such change. Changes include, but are not limited to, the sale or transfer of properties and any security issues of the boarding of openings.

Sec.14-153. Maintenance Requirements.

- (a) Registered properties shall be maintained in compliance with the International Property Maintenance Code and all other applicable Village ordinances.
- (b) Adherence to this ordinance does not relieve owners of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations that may apply to the property.

Sec.14-154. Security Requirements.

- (a) Registered properties shall be maintained in a secure manner so as to not be accessible to unauthorized persons.
- (b) Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows securing means temporary boarding, with the re-glazing of the window within a reasonable amount of time. If any exterior openings of the building are boarded up it shall be done in a neat workmanlike manner using water resistant plywood or other material approved by the Code Official, sized to fit the opening, securely fastened and painted with a compatible exterior grade paint.

Sec.14-155. Additional Authority.

- (a) The Village may contract with 1 or more local property management companies to perform regular inspections of all registered properties to verify that the property is secure and that they are being maintained in accordance with subsection D above.
- (b) The Village of Vernon Building Inspector shall have the authority to require any owner of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.
- (c) The Village's Building Inspector, or his or her designee, may enter upon any premises which has been deemed abandon to secure the property to preserve the public safety.

Sec.14-156. Certificate of Occupancy.

A certificate of occupancy shall be required prior to the re-occupancy of any structure or building deemed to be vacant or abandoned.

Sec.14-157. Fees.

All fees applicable to this ordinance shall be established and amended from time to time by resolution of the Village Council.

Sec.14-158. Costs; reimbursement to Village; lien for expenses; collection.

- (a) All expenses incurred by the Village under this ordinance including but not limited to, costs of mailings, costs and charges of any property management company secured to implement this ordinance, costs of securing any property deemed to be abandoned, legal fees and costs of litigation required to enforce the terms of this ordinance shall be reimbursed to the Village by persons owning the property affected.
- (b) The Village shall have a lien for the expenses incurred under this ordinance. With respect to property being currently occupied for single-family or multi-family residential uses, the lien for the expenses shall have priority over all liens and encumbrances filed or recorded after the date of the expenditure. With respect to all other property, the lien for the expenses shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, being Act 206 of the Public Acts of Michigan 1893, as amended.

Sec.14-159 Violation; penalty.

The penalty for a violation of this chapter shall be a civil infraction as outlined in Chapter 42, Sec 42-7 of the Village Code of Ordinances.

Secs. 14-160-14-169. Reserved

(Ord. No. 12-133 Eff. 1-17-17)

Reserved
Chapters 15-17

Businesses⁶

Chapter 18

Article I. In General

Secs. 18-1-18-30. Reserved.

Article II. Peddlers and Solicitors

Sec. 18-31. Definitions
Sec. 18-32. Registration required
Sec. 18-33. Fixed stands.
Sec. 18-34. Prohibited areas.
Sec. 18-35. Prohibited practices.
Sec. 18-36. Curb service.
Sec. 18-37. Exemptions.
Sec. 18-38. Penalty
Secs. 18-39-18-60. Reserved.

Article III. Sales

Sec. 18-61. Definitions.
Sec. 18-62. Conditions.
Sec. 18-63. Penalty.
Secs. 18-64-18-140. Reserved.

Article IV. Public Entertainment

Sec. 18-141. Title.
Sec. 18-142. Purpose.
Sec. 18-143. License-Required.
Sec. 18-144. Same-Owner to see license.
Sec. 18-145. Same-Compliance with conditions.
Sec. 18-146. Same-Procedure for issuance.
Sec. 18-147. Requirements for operation of business.
Sec. 18-148. License-Termination.
Sec. 18-149. Same-Nontransferability.
Sec. 18-150. Same-Suspension and revocation.
Sec. 18-151. Violation a nuisance; additional remedy.
Sec. 18-152-18-60. -Reserved

Article V. Licenses

Sec. 18-160. Required.
Sec. 18-161. Multiple businesses
Sec. 18-162. State-licensed businesses.
Sec. 18-163. License application.
Sec. 18-164. Conditions for issuance.
Sec. 18-165. Right to issuance.
Sec. 18-166. Fees; when paid.
Sec. 18-167. Exempt persons.
Sec. 18-168. Suspension or revocation.
Sec. 18-169. Cause defined.

⁶ **Cross Reference-** Streets, sidewalks and other public places, ch. 54.

Sec. 18-170. Exhibition of license.
Sec. 18-171. Transferability; misuse generally.
Sec. 18-172. Automatic revocation for misuse.
Secs. 18-173-18-200. Reserved.

Article I. In General

Secs. 18-1-18-30. Reserved.

Article II. Peddlers and Solicitors

Sec. 18-31. Definitions

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

Peddler means any person traveling by foot, wagon, automotive vehicle or other conveyance from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this article, shall be deemed a peddler. The word "peddler" shall include the words "hawker" and "huckster".

Solicitor means any individual, whether a resident of the Village or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, and this definition shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the Village for the sole purpose of exhibiting samples and taking orders for future delivery. The word "solicitor" shall include the word "canvasser".

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 18-32. Registration required

No person shall engage in the business of peddler or solicitor within the Village without first registering with the Village Clerk and receiving a copy of these regulations.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 18-33. Fixed stands.

No peddler or solicitor shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy. Any peddler or solicitor using a vehicle, when stopped, shall place his vehicle parallel to and within 12 inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 18-34. Prohibited areas.

No peddler or solicitor, in the sale of goods, wares and merchandise, shall obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a sale nor remain, barter, sell, offer or expose for sale any goods, wares or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of such property. No peddler or solicitor shall engage in peddling on any street, alley or public place after having been

requested to desist by any police officer of the Village because of congested or dangerous traffic conditions.

Sec. 18-35. Prohibited practices.

No peddler or solicitor shall shout or cry out his goods or merchandise nor blow any horns, ring any bell or use any other similar device to attract the attention of the public.

Sec. 18-36. Curb service.

No person shall operate or maintain any stand, vehicle, store or place of business on or near to any highway in such a manner that the customers of or traders with such person occupy or congregate within the limits of any street, land, highway or public place within the Village. No person shall be permitted to use the streets, alleys, lanes or public places of the Village for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting such business in any manner that shall require the customer, when transacting such business, to stand within the limits of the streets, highways, alleys or public places of the Village.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 18-37. Exemptions.

(a) The following shall be exempt from the registration requirements of this article, but shall be subject to the other provisions of this article.

(1) 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.

(2) Any person under 18 years of age in the accompaniment of an adult, when engaged in peddling or soliciting on foot in the neighborhood of his or her residence under the direct supervision of any school or recognized charitable or religious organization.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 18-38. Penalty

(a) The penalty for a violation of this chapter shall be a civil infraction as outlined in Chapter 42, Sec 42-7 of the Village Code of Ordinances.

(Ord. No. 12-133 Eff. 1-17-17)

Secs. 18-39-18-60. Reserved.

Article III. Sales

Sec. 18-61. Definitions.

Yard sales, garage sales and basement sales are hereby defined as the sale or offering for sale of more than five items by any person other than a licensed retail merchant, church, club or charitable institution of new and used merchandise, clothing, household goods or rummage upon premises other than that zoned for such sales.

(Ord. No. 74, § 1, 9-7-88)

Cross Reference-Definitions generally, § 1-2.

Sec. 18-62. Conditions.

Yard sales, garage sales and basement sales shall not be permitted in the Village except under the following conditions:

- (a) Such sales shall only be conducted by the owner or occupant of the premises for the sale of goods owned by said owner or occupant.
- (b) Such sale shall be for a period of not greater than three days.
- (c) No signs advertising the sale shall be posted except on the premises where the sale is being conducted, inside sidewalk.
- (d) The owner or occupant of the premises shall be limited to four sales per calendar year.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 18-63. Penalty.

- (a) All penalties relative to violation of this chapter shall be civil infractions only and shall carry fines as follows:

- (1) \$25.00 for a first offense;
- (2) \$50.00 for a second offense within a 12-month period;
- (3) \$100.00 for a third or subsequent offense within a 12-month period.

- (b) Each day for which an offense is committed or is ongoing shall constitute a separate and distinct offense.

(Ord. No. 85, 7-12-95; Ord. No. 99, 2-18-98)

Secs. 18-64-18-140. Reserved.

(Ord. No. 12-133 Eff. 1-17-17)

Article IV. Public Entertainment⁷

Sec. 18-141. Title.

This article shall be known and cited as the Village of Vernon Public Entertainment Ordinance.

Sec. 18-142. Purpose.

The purpose of this article is to regulate public commercial entertainment involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display, and establishments within the Village where such public entertainment is presented, promoted or permitted.

⁷ Editor's Note-Ordinance No. 100, adopted May 20, 1998, did not specifically amend the Code; hence, codification of §§ 1-11 of said ordinance as §§ 18-141-18-151 was at the discretion of the editor.

Sec. 18-143. License-Required.

No person, firm or corporation shall engage in the business within the Village of offering a public amusement, entertainment, exhibition or performance by live performers involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display without first obtaining a license therefor from the Village.

Sec. 18-144. Same-Owner to see license.

No person, firm or corporation shall knowingly allow or permit any building or land owned or possessed by him or it to be used for such purpose unless a Village license therefor has been shown to such owner or possessor.

Sec. 18-145. Same-Compliance with conditions.

No license shall be granted or delivered until the applicant therefor has complied with all of the required conditions precedent to its issuance.

Sec. 18-146. Same-Procedure for issuance.

- (a) The applicant shall submit an application not less than 60 days prior to the proposed commencement of such business, under oath, on a form to be provided by the Village Clerk, which application shall disclose such pertinent information about the applicant, his proposed business location, facilities, maximum capacity to be admitted, business history, and responsibility, as the clerk may require, and shall be accompanied by the following:
 - (1) Evidence that the applicant has obtained public liability insurance with a limit of not less than \$100,000.00/\$300,000.00 and property damage insurance with a limit of not less than \$25,000.00 from a company or companies approved by the commissioner of insurance of the state, which insurance shall insure the applicant, his employees, and his agent against liability for death or injury to persons or damages to property which may result from the conduct of such licensed business, which policy or policies shall remain in full force and effect in the specified amounts during the term of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Village Clerk, in writing, at least ten days before the expiration or cancellation of such policy or policies.
 - (2) A corporate surety bond in the amount of \$10,000.00 in a form to be approved by the Village attorney, conditioned upon the applicant's faithful compliance with all the terms and provisions of this licensing article, and all applicable provisions of other Village ordinances, county ordinances, and state ordinances.
 - (3) A license fee of \$100.00 for a business, the approved capacity of which does not exceed 500 persons and an additional license fee of \$100.00 for each additional 1,000 persons or fraction thereof to be admitted to the licensee's place of business per day of operation.
- (b) The clerk may refer the application to the Village zoning administrator, the county health department, the state fire marshal and other public officials as he/she may deem appropriate.
- (c) The application, supporting data, and reports of governmental officials shall then be presented to the Village Council. In passing on the application, the Village Council shall determine whether or not the proposed business meets the requirements of this article, other applicable Village ordinances, other applicable county ordinances and applicable state statutes and shall approve or

deny the license accordingly. If the license is denied, the basis or bases for denial shall be specified in the resolution of denial.

- (d) Advertising of the applicant's proposed business prior to the issuance of a license by the Village shall constitute a violation of this article by the applicant and shall constitute a basis for denial of such license.
- (e) Based upon the maximum number of persons to be admitted to the licensee's place of business per day as disclosed in the application, if such number exceeds 499 persons and if the Village Council [in] its discretion determines that the public safety and welfare make it desirable that police personnel be assigned to the vicinity of the licensee's place of business, the licensee shall be obligated to reimburse the Village for the actual expense of providing such police service to the extent of two officers for the first 500 persons and one additional officer for each additional 200 persons.

Sec. 18-147. Requirements for operation of business.

After insurance of the license, the licensee shall meet the following requirements:

- (a) The insurance and bond required above shall continue in full force and effect until the expiration or termination of the license.
- (b) The licensee shall permit Village, county and state officials to enter upon the licensed premises at all reasonable times to determine compliance with the requirements of this article and other applicable Village, county, and state ordinances and statutes.
- (c) The licensee shall not knowingly permit violations of any Village ordinance, county ordinances or state statute by any of his patrons.
- (d) The licensee shall provide off-street parking facilities sufficient to accommodate all persons to be admitted to his place of business based on the maximum capacity specified in the application.
- (e) The licensee shall not admit to his premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall he knowingly permit the possession, sale or consumption of narcotics or hallucinogenic drugs on his business premises.
- (f) The licensee shall provide sufficient fences or barriers or shall so patrol the boundaries of his business premises as to efficiently prevent his patrons from directly trespassing on neighboring premises.
- (g) The licensee shall so conduct his business that it shall not give rise to a nuisance by reason of noise, vibration, smoke, odor or dust.
- (h) The licensee shall limit his business activities to the hours specified in his license.
- (i) The licensee shall post a copy of this article and a copy of his license in his place of business in a location where they can be read easily by his patrons.
- (j) The licensee shall not permit in his/her or its establishment any form of commercial public entertainment by live performers within the Village involving any of the following:

- (1) Displays that fall under the classification of Sexually Oriented Business under the Village of Vernon Zoning Ordinance shall not be permitted except in facilities permitted for that purpose under that ordinance.
- (k) Any establishment within the Village in which public commercial entertainment by live performers is permitted shall comply with the following regulations prior to the allowance or presentation of such entertainment:
 - (1) No person under 18 years of age shall serve any liquor or entertain or work, either on a paid or voluntary basis, in that portion of the premises wherein liquor is being served or consumed.
 - (2) If the establishment offers public entertainment wherein performers are required to change costumes or attire, the establishment shall provide and make use of separate dressing facilities set aside for separate use by male or female performers. The establishment shall not allow the use of restrooms, public rooms, kitchens, or other similar areas for the changing of clothing by entertainers.
 - (3) The area utilized for performances shall be separated from the area occupied by patrons and customers by either a raised stage, railing or other permanent divider-type construction.
 - (4) No performer shall be allowed to dance, mingle, eat, or drink with patrons or customers in the establishment during the period of their employment or between performances occurring in a continuous 12-hour period in the establishment.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 18-148. License-Termination.

Each license granted under the provisions of this article shall expire at the end of the term specified in the application, but, if not so established, shall expire on the next succeeding March 31.

Sec. 18-149. Same-Nontransferability.

A license issued under this article shall not be transferable to any other firm or person.

Sec. 18-150. Same-Suspension and revocation.

A license required by this article may be suspended or the renewal thereof refused by the Village for misrepresentation of any material fact in the application for such license. Any license may be suspended or revoked by the Village for good cause. The term "good cause" shall mean any act or omission or the permitting of a condition to exist with respect to the licensee in question which is contrary to the safety or welfare of the public, unlawful, or fraudulent in nature, a violation of any provision or provisions of this article under which the license was granted, is beyond the scope of the license issued, or a fact, circumstance or condition which, had it existed or been known to the Village at the time the license was granted, would have been sufficient grounds for the refusal thereof. Revocation of a license may take place only after a hearing before the Village board upon not less than seven days' written notice to the licensee at the address stated in the application of the licensee stating the time and place of such hearing and the reasons for revocation. A license issued under this article may be suspended for not more than 20 days by the Village President or by a two-thirds vote of the Village Council for good cause.

Sec. 18-151. Violation a nuisance; additional remedy

Any violation of this article is hereby declared to be a nuisance. In addition to any other relief or penalties provided by this article, the Village attorney may apply to a court of competent jurisdiction, upon direction of the Village Council, for an injunction to prohibit the seeking of a temporary restraining order, temporary injunction, or permanent injunction, in the discretion of the court having jurisdiction.

Article V. LICENSES**Sec. 18-160. Required.**

No person shall engage or be engaged in the operation, conduct or carrying on of any trade, profession, or business and no activity for which any license is required by any provision of this Code without first obtaining a license from the Village in the manner provided for in this chapter. Such license shall be only required at the commencement of the trade, profession, or business at the address specified in the permit. Subsequent licenses are only required if the trade, profession, or business or location change

Sec. 18-161. Multiple businesses.

An individual undertaking multiple trades, professions, or businesses at a single address shall be licensed for each trade, profession, or business, however multiple activities may be covered by a single license.

Sec. 18-162. State-licensed businesses.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a license or permit from the Village if such license or permit is required by this Code. In such cases, the person shall provide proof of the state license or permit as part of the approval of the Village license.

Sec. 18-163. License application.

Unless otherwise provided in this Code, every person required to obtain a license from the Village to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for the license to the Village Clerk upon forms provided by the Village Clerk and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of the license. No person shall make false statement or representation in connection with any application for a license under this Code.

Sec. 18-164. Conditions for issuance.

No license or permit required by this Code shall be issued to any person until the following has been satisfied:

- (a) If required to have a license or permit from the state, such person shall submit evidence of such state license or permit and proof that all fees appertaining thereto have been paid.
- (b) The proposed use has been reviewed by the zoning administrator and determined to be in compliance with the Village zoning ordinance
- (c) The premises has been inspected by the fire chief and building inspector and determined to be in compliance with the fire code, the building code and the international property maintenance code

- (d) In applicable cases the property has been inspected and approved by the county environmental health department

Sec. 18-165. Right to issuance.

If the application for any license is approved by the proper officers of the Village as provided in this Code, the license shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.

Sec. 18-166. Fees; when paid.

The fee required by this Code for any license or permit shall be paid at the office of the issuing authority prescribed in this Code upon or before the granting of the license or permit.

Sec. 18-167. Exempt persons.

No license fee shall be required from any person exempt from such fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The Village Clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to the exemption and the reason therefor.

Sec. 18-168. Suspension or revocation.

Any license issued by the Village may be suspended by the Village President for cause, and any permit issued by the Village may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before the council on any such action of the Village President, provided a written request therefor is filed with the Village Clerk within five days after receipt of the notice of suspension. The council may confirm the suspension or revoke or reinstate the license. The action taken by the council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

Sec. 18-169. Cause defined.

The term "cause," as used in this chapter, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the provisions of this Code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:

- (a) Contrary to the health, morals, safety or welfare of the public.
- (b) Unlawful, irregular or fraudulent in nature.
- (c) Unauthorized or beyond the scope of the license or permit granted.
- (d) Forbidden by the provisions of this Code or any duly established rule or regulation of the Village applicable to the trade, profession, business or privilege for which the license or permit has been granted.

Sec. 18-170. Exhibition of license.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, the license shall be exhibited at all times in some conspicuous place in his place of business. Every licensee

shall produce his license for examination when applying for a renewal or when requested to do so by any Village police officer or by any person representing the issuing authority.

Sec. 18-171. Transferability; misuse generally.

No license or permit issued under the provisions of this Code shall be transferable unless specifically authorized by the provisions of this Code. No licensee or permittee shall, unless specifically authorized by the provisions of this Code, transfer or attempt to transfer his license or permit to another nor shall he make any improper use of the license or permit.

Sec. 18-172. Automatic revocation for misuse.

In addition to the general penalty provision for violation of this chapter, any attempt by a licensee or permittee to transfer his license or permit to another, unless specifically authorized by the provisions of this Code, or to use it improperly shall be void and result in the automatic revocation of the license or permit.

Secs. 18-173—18-200. Reserved.

(Ord. No. 12-133 Eff. 1-17-17)

Reserved
Chapters 19-21

Community Development

Chapter 22

Article I. In General

- Sec. 22-1. Definitions.
- Sec. 22-2. Purpose.
- Sec. 22-3. Creation of authority.
- Sec. 22-4. Description of downtown district.
- Sec. 22-5. Board of directors.
- Sec. 22-6. Powers of the authority.
- Sec. 22-7. Fiscal year; adoption of budget; reports; audits.
- Sec. 22-8. Termination.
- Secs. 22-9-22-20. Reserved.

Article II. Downtown Development

- Sec. 22-21. Definitions.
- Sec. 22-22. Approval and adoption of development plan.
- Sec. 22-23. Boundaries of development area.
- Sec. 22-24. Preparation of base year assessment roll.
- Sec. 22-25. Preparation of annual captured assessment value assessment roll.
- Sec. 22-26. Establishment of development fund; approval of depository.
- Sec. 22-27. Payment of tax increments to downtown development authority.
- Sec. 22-28. Use of moneys in the development fund.
- Sec. 22-29. Annual report.

Article I. In General

Sec. 22-1. Definitions.

The terms used herein shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided, unless the context clearly indicates to the contrary. As used in this chapter:

Act 197 means Act No. 197 of the Public Acts of Michigan of 1975 (MCL 125.1651 et seq., MSA 5.3010(1) et seq.) as amended.

Authority means the downtown development authority of the Village.

Board or board of directors means the board of directors of the authority.

Downtown district means the downtown district designated in section 22-4 or as hereafter amended.

President means the president of the Village.

(Ord. No. 78, § II, 3-15-89)

Cross Reference-Definitions generally, § 1-2.

Sec. 22-2. Purpose.

The Village Council of the Village hereby determines that it is in the best interest of the Village to create a public body corporate 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 encourage historic preservation and to promote economic growth pursuant to Act 197.

(Ord. No. 78, § III, 3-15-89)

Sec. 22-3. Creation of authority.

There is hereby created, pursuant to Act 197, a downtown development authority for the Village. The authority shall be a public body corporate and shall be known and exercise its powers under title of the "Vernon Downtown Development Authority." The authority may adopt a seal, may sue and be sued in any court of this state, and shall possess all 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 in Act 197 shall not be construed as a limitation upon the general powers of the authority.

(Ord. No. 78, § V, 3-15-89)

Sec. 22-4. Description of downtown district.

The downtown district in which the authority shall exercise its powers as provided by Act 197 shall consist of the property in the Village as described on exhibit I on file in Village hall, subject to such changes as may hereinafter be made pursuant to this chapter and Act 197.

(Ord. No. 78, § V, 3-15-89)

Sec. 22-5. Board of directors.

The authority shall be under the supervision and control of a board consisting of the president of the Village and 8 members. The members shall be appointed by the president subject to approval by the council. Eligibility for membership on the board and terms of office shall be as provided in Act 197. All members shall hold office until the member's successor is appointed.

(Ord. No. 04-130 Eff. 5-8-12, Ord. No. 12-133 Eff. 1-17-17)

Sec. 22-6. Powers of the authority.

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.

(Ord. No. 78, §VII, 3-15-89)

Sec. 22-7. Fiscal year; adoption of budget; reports; audits.

- (a) The fiscal year of the authority shall begin on April 1 of each year and end on March 31 of the following year, or such other fiscal year as may hereafter be adopted by the Village.
- (b) The board shall annually prepare a budget and shall submit it to the Village Council. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the council. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.
- (c) The authority shall be audited annually by the same independent auditors auditing the Village and copies of the audit report shall be filed with the Village Council.

(Ord. No. 78, §VIII, 3-15-89)

Sec. 22-8. Termination.

Upon completion of its purposes, the authority may be dissolved by an ordinance duly adopted by the Village Council. The property and assets of the authority, after dissolution and satisfaction of its obligations, shall revert to the Village.

(Ord. No. 78, § IX, 3-15-89)

Secs. 22-9-22-20. Reserved.

Article II. Downtown Development

Sec. 22-21. Definitions.

The terms used in this article shall have the following meaning unless the context clearly requires otherwise:

Base year assessment roll means the base year assessment roll prepared by the Village assessor in accordance with section 22-24.

Captured assessed value means generally the amount in any one year by which the current assessed value as finally equalized of all taxable property in the development area exceed the initial assessed value. The state tax commission shall prescribe the method for calculating captured assessed value.

Development fund means the downtown development authority development fund established pursuant to section 22-26.

Development plan means the tax increment financing and development plan for the Village of Vernon dated June 7, 2006 transmitted to the Village Council by the Village of Vernon Downtown Development Authority for public hearing as amended by the Village Council, copies of which are on file in the office of the Village Clerk.

Downtown development authority means the Village of Vernon Downtown Development Authority.

Initial assessed value means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the development area at the time of adoption of this article, as calculated using the criteria in Section l(q) of the Downtown Development Authority Act.

Taxing jurisdiction shall mean each unit of government levying an ad valorem property tax on property in the development area.

(Ord. No. 06-122, § 1, 8-16-2006)

Sec. 22-22. Approval and adoption of development plan.

Based on the following determinations, the development plan is hereby adopted and approved:

- (1) The development plan and all expenditures therefore constitutes a public purpose.
- (2) The development plan meets the requirement Section 17 (2) of Act 197, Public Acts of Michigan of 1975 as amended.
- (3) The proposed method of financing the development is feasible and the downtown development authority has demonstrated the ability to arrange the necessary financing.
- (4) The proposed development is reasonable and necessary to carry out the purposes of this act.
- (5) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of the Downtown Development Authority Act in an efficient and economically satisfactory manner.
- (6) The development plan is in reasonable accord with the Land Use Plan of the Village of Vernon.
- (7) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- (8) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and the Village of Vernon.

(Ord. No. 06-122, § 2, 8-16-2006)

Sec. 22-23. Boundaries of development area.

The boundaries of the development area as set forth in the development plan are hereby adopted and confirmed.

(Ord. No. 06-122, § 3, 8-16-2006)

Sec. 22-24. Preparation of base year assessment roll.

- (a) Within 60 days of the effective date of this article, the Village assessor shall prepare the initial base year assessment roll. The initial base year assessment roll shall list each taxing jurisdiction in which the development area is located, the initial assessed value of the development area on the effective date of this article and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the development area.
- (b) The assessor shall transmit copies of the initial base year assessment roll to the Village treasurer, township treasurer, county treasurer, downtown development authority and each taxing

jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this article and the tax increment financing plan contained in the development plan approved by this article.

(Ord. No. 06-122, § 4, 8-16-2006)

Sec. 22-25. Preparation of annual captured assessment value assessment roll.

Each year within 15 days following the final equalization of property in the development area, the assessor shall prepare an assessed captured value assessment roll. The updated captured assessment roll shall show the information required in the initial year assessment roll and in addition, the captured assessed value for that year. Copies of the annual captured assessed value assessment roll shall be transmitted by the assessor to the same persons as the initial base year assessment roll, together with a notice that it has been prepared in accordance with this article and the development plan.

(Ord. No. 06-122, § 5, 8-16-2006)

Sec. 22-26. Establishment of development fund; approval of depository.

The treasurer of the downtown development authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the Village treasurer of the Village of Vernon to be designated downtown development authority development fund. All moneys received by the downtown development authority pursuant to the development plan shall be deposited in the development fund. All moneys in that fund and earnings thereon shall be used only in accordance with the development plan and this article.

(Ord. No. 06-122, § 6, 8-16-2006)

Sec. 22-27. Payment of tax increments to downtown development authority.

The Village, township and county treasurer shall, as ad valorem taxes are collected on the property in the development area, pay that proportion of the taxes except for penalties and collection fees that constitutes the captured assessed value to the treasurer of the downtown development authority for deposit in the development fund. The payments shall be made on the date or dates on which the Village, township and county treasurers are required to remit taxes to each of the taxing jurisdictions.

(Ord. No. 06-122, § 7, 8-16-2006)

Sec. 22-28. Use of moneys in the development fund.

The money credited to the development fund and on hand therein from time to time shall annually be used in the following manner and following order of priority:

- (1) To pay the cost of the public improvements provided in the development plan.
- (2) To pay administrative and operating costs of the DDA to the extent provided in the annual budget of the DDA
- (3) To reimburse the Village of funds advanced to acquire property, clear land, make preliminary plans and improvements necessary for the development of the development area in accordance with the development plan.
- (4) Any tax increment receipts in excess of those needed under the preceding paragraphs shall revert proportionately to the taxing jurisdiction.

(Ord. No. 06-122, § 8, 8-16-2006)

Sec. 22-29. Annual report.

Within 90 days after the end of each fiscal year, the downtown development authority shall submit to the Village Council with copies to each taxing jurisdiction, a report on the status of the development fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the initial assessed value of the development area, the captured assessed value of the development area the tax increments received and the amount of any surplus from the prior year and any additional information requested by the Village Council or deemed appropriate by the downtown development authority. The secretary of the downtown development authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the Village.

(Ord. No. 06-122, § 9, 8-16-2006)

Reserved
Chapters 23-25

Emergency Management⁸

Chapter 26

Sec. 26-1. Purpose.

Sec. 26-2. Emergency services coordinator.

Sec. 26-3. Effect of chapter.

Sec. 26-4. Definitions.

Sec. 26-5. Duties of president.

Sec. 26-6. Designation of emergency services forces.

Sec. 26-7. Deputy emergency services coordinator.

Secs. 26-8 – 26-9 Reserved

Sec. 26-10. Floodplain Management

⁸ Cross Reference-Floods, ch. 38.

State Law Reference-Emergency management, MCL 30.401 et seq., MSA4.824(11) et seq.

Sec. 26-1. Purpose.

It is the intent and purpose of this chapter to establish the position of deputy emergency services coordinator to provide liaison between this Village and the county and to ensure complete and efficient utilization of all resources during periods of emergency.
(Ord. No. 81, § 101, 11-13-91)

Sec. 26-2. Emergency services coordinator.

The emergency services coordinator of the county, in accordance with Act No. 390 of the Public Acts of Michigan of 1976 (MCL 30.401 et seq., MSA4.824(11) et seq.), as amended, and the county emergency services resolution, is the coordinator of emergency services activities in the political subdivisions within the county.
(Ord. No. 81, § 101, 11-13-91)

Sec. 26-3. Effect of chapter.

This chapter will not relieve any elected official or municipal department of the normal responsibilities or authority given by general law or ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster.
(Ord. No. 81, § 101, 11-13-91)

Sec. 26-4. Definitions.

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

Coordinator means a person appointed to coordinate emergency planning and services within the Village or as prescribed in this chapter. In the absence of an appointed person, coordinator shall mean the Village President.

Deputy coordinator means the person appointed to provide liaison services between the Village and the county office of emergency services.

Disaster means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, snow, ice, or wind storm, wave action, oil spills, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, epidemic, air contamination, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action. Riots and other civil disorders are not within the meaning of this term unless they directly result from and are an aggravating element of the disaster.

District coordinator means state police district emergency services coordinator or his authorized representative.

Emergency operations plan means the Village emergency operations plan which has been prepared to coordinate disaster response and recovery within the Village.

Emergency services means and includes preparations for, and relief from, the effects of natural and manmade disasters and to include civil defense.

Emergency services forces means all disaster relief forces; all agencies of the municipal government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this chapter or pursuant to a lawful order or directive authorized by this chapter.

Emergency services volunteer means any person duly registered and appointed by the coordinator and assigned to participate in the emergency services activity.

Emergency situation means any situation confronting a community requiring emergency actions of a lesser nature than a disaster, as defined above, to include, but not limited to, civil disturbances, labor strikes, visits by national or international dignitaries, and build-up activities prior to an actual disaster.

State of disaster means a declaration by executive order or proclamation by the governor under the provisions of Act No. 390 of the Public Acts of Michigan of 1976 (MCL 30.401 et seq., MSA 4.824(11) et seq.), as amended, which activates the disaster response and recovery aspects of state, local, and interjurisdictional disaster emergency plans and authorizes the deployment and use of any forces to which the plan applies.

State of emergency means a declaration by the Village President pursuant to this chapter which activates the disaster response and recovery aspects of the Village emergency operations plan and authorizes the deployment and use of any municipal forces to which the plan applies.
(Ord. No. 81, § 101, 11-13-91)

Sec. 26-5. Duties of president.

The president, with approval of the council, is hereby authorized and directed to prepare for community disasters, utilizing to the fullest extent existing agencies within the Village. The president as executive head of the municipal government, shall be responsible for the organization, administration and operation of the Village's emergency services forces, if any, working through the county emergency services coordinator and the Village deputy coordinator.
(Ord. No. 81, § 101, 11-13-91)

Sec. 26-6. Designation of emergency services forces.

The employees, equipment and facilities of all municipal departments, boards, agencies, and commissions suitable for, or adaptable to emergency service activities may be designated as part of the total emergency services forces of the county. Such designations shall be made by the chairman of the county board of commissioners with approval of the Village Council.
(Ord. No. 81, § 101, 11-13-91)

Sec. 26-7. Deputy emergency services coordinator.

The president, with approval of the council, shall appoint a deputy emergency services coordinator who shall be a person with the personal attributes and experience to provide liaison services to county officials and to coordinate the activities of certain designated municipal departments, boards, agencies, and commissions to protect the public health, safety, and welfare during emergency situations or disasters.
(Ord. No. 81, § 101, 11-13-91)

Secs. 26-8 – 26-9 Reserved

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 26-10. Floodplain Management

- (1) **Agency Designated.** Pursuant to the provisions of the state construction code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the Village of Vernon is hereby designated as the enforcing agency to discharge the responsibility of the Village of Vernon under Act 230, of the Public Acts of 1972, as amended, State of Michigan.

The Village of Vernon assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

- (2) **Code Appendix Enforced.** Pursuant to the provisions of the state construction code, in accordance with Section 8n(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Village of Vernon .
- (3) **Designation of Regulated Flood Prone Hazard Areas.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (F IS) Entitled "Shiawassee County, Michigan (All Jurisdictions)" and dated 9/29/11 and the Flood Insurance Rate Map (s) (FIRMS) panel number(s) of 26155C; 0258C, 0259C, 0266C, 0267C dated 9/29/11 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301 .2(1) of the Michigan Residential Code.

(Ord. No. 11-129 Eff. 9-29-11)

Reserved
Chapters 27-29

Environment⁹

Chapter 30

Article I. In General

Secs, 30-1-30-60. Reserved.

Article III. Noise

Sec. 30-61. Purpose.

Sec. 30-62. General prohibitions.

Sec. 30-63. Specific offenses and activity.

Sec. 30-64. Aiding, abetting, or permitting prohibited activity.

Sec. 30-65. Penalty.

⁹ Cross References-Offenses and miscellaneous provisions, ch. 46; traffic and vehicles, ch. 58.

Article I. In General

Secs, 30-1-30-60. Reserved.

(Ord. No. 12-133 Eff. 1-17-17)

Article II. Noise

Sec. 30-61. Purpose.

The purpose of this article is to preserve the peace, welfare and order of persons, and property within the Village; to proscribe certain activities and conduct within the Village, and to set forth penalties for violations thereof.

(Ord. No. 77, § 2, 1-18-89)

Sec. 30-62. General prohibitions.

It shall be unlawful for any person to engage in, make, continue, or cause to be made or continued any loud, any unnecessary, unreasonable or any unusual noise or activity or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, within the Village.

(Ord. No. 77, § 3, 1-18-89; Ord. No. 06-125, §II, 12-6-2006)

Sec. 30-63. Specific offenses and activity.

The following acts, among others are declared to be loud, disturbing, unreasonable and unnecessary noises in the violation of this article, but said enumeration shall not be deemed to be exclusive, mainly:

- (1) The playing or operation of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder or other electronic sound producing devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling or any type of residence, or of any persons in the vicinity in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this article.
- (2) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet or comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for any persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto, shall be a violation of this article. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00a.m. in such a manner as to be plainly audible at a distance of 75 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this article.
- (3) The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, shall be a violation of this article.
- (4) The sounding of any horn or signaling device on any automobile, motorcycle, car or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sounds and the sounding of any such

device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust, and use of any such signaling device when traffic is for any reason held up, all and each shall be a violation of this article.

- (5) Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00a.m., or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, or other type of residence or of any persons in the vicinity, shall be a violation of this article.
- (6) The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity, shall be a violation hereof.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, or the use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises, shall be unlawful and a violation hereof.

(Ord. No. 77, § 4, 1-18-89; Ord. No. 06-125, §III, 12-6-2006)

Sec. 30-64. Aiding, abetting, or permitting prohibited activity.

Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts, hosts, invites or permits a gathering, conduct, or activity which is or during the course thereof, becomes a violation as defined in section 30-63, in which violation is either the intentional result of, or within the reasonable expectations of the person having such possessory control, is hereby deemed to have committed a violation of this article and upon conviction, shall be guilty of a misdemeanor.

(Ord. No. 77, § 5, 1-18-89)

Sec. 30-65. Penalty

- (a) All penalties relative to violation of this chapter shall be civil infractions as outlined in Chapter 42, Sec 42-7 of the Village Code of Ordinances:

(Ord. No. 12-133 Eff. 1-17-17)

Reserved
Chapters 31-33

Fire Prevention and Protection ¹⁰

Chapter 34

- Sec. 34-1. Open burning in residential areas.
- Sec. 34-2. Outdoor furnaces throughout Vernon.
- Sec. 34-3. Recreational fires.
- Sec. 34-4. Penalty.

¹⁰ **Cross References-Buildings** and building regulations, ch. 14; solid waste, ch. 50.

Sec. 34-1. Open burning in residential areas.

Incineration or burning of waste materials, refuse, leaves, paper, and other combustible debris, outside of a building or structure in the residential areas in the Village shall be permitted if done in accordance with the following rules:

- (1) No such burning may be done within 15 feet of an existing building, nor upon the paved portion of any street; nor shall any person burn on property other than his own or that upon which he has permission.
- (2) No burning shall be done unless under the charge or supervision of a person of over 18 years of age and discretion.
- (3) No such burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.
- (4) No burning shall be done where its maximum size is not controllable by one person over 18 years of age and discretion.
- (5) These regulations do not apply to operation of the Village compost area.
- (6) No open burning of any kind shall be done on October 30 and 31.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 34-2. Outdoor furnaces throughout Vernon.

- (a) **Outdoor furnaces prohibited.** No person, corporation, partnership or entity shall install, use or maintain an outdoor furnace fired by wood, corn, pellets, coal, gas or any other type of combustible material within the Village of Vernon.
- (b) **Penalties for violations.** Persons, corporations and partnerships or other entities violating this section shall be responsible for a civil infraction pursuant to section 34-4, Penalties, subject to the schedule of civil infraction fines therein established, as amended from time to time.
- (c) **Continuing noncompliance.** When persons, corporations, partnerships or entities who/ which continue to violate this section, each and every day of such noncompliance shall be deemed a separate violation hereof.

(Ord. No. 06-119, §§ II-IV, 1-18-2006)

Sec. 34-3. Recreational fires.

Recreational or cooking fires shall be only between 8:00a.m. and 1:00 a.m. the following day. Such fires shall burn only unprocessed wood. Recreational fires shall be permitted on private property, so long as such fire does not present a fire hazard. A recreational fire shall be constantly attended by a competent adult of 18 years or older and shall be completely extinguished before being left alone.

(Ord. No. 06-123, § 2, 9-20-2006)

Editor's Note-Ord. No. 06-123, adopted Sept. 20, 2006, supplied provisions to be added to the Code as § 34-2. In order to preserve the style of the Code and facilitate ease of use, at the discretion of the editor, these provisions have re-designated as § 34-3.

Sec. 34-4. Penalty.

(a) All penalties relative to violation of this chapter shall be civil infractions only and shall carry fines as follows:

(1) \$25.00 for a first offense;

(2) \$50.00 for a second offense within a 12-month period;

(3) \$100.00 for a third or subsequent offense within a 12-month period.

(b) Each day for which an offense is committed or is ongoing shall constitute a separate and distinct offense.

(Ord. No. 85, 7-12-95; Ord. No. 99, 2-18-98; Ord. No. 06-119, §I, 1-18-2006; Ord. No. 06-123, § 1, 9-20-2006)

Reserved
Chapters 35-41

(Ord. No. 12-133 Eff. 1-17-17)

Municipal Civil Infractions ¹¹

Chapter 42

Sec. 42-1. Purpose.

Sec. 42-2. Definitions and rules of construction.

Sec. 42-3. Municipal civil infraction action; commencement.

Sec. 42-4. Municipal civil infraction citations-Issuance and service.

Sec. 42-5. Same-Contents.

Sec. 42-6. Municipal ordinance violations bureau.

Sec. 42-7. Schedule of civil fines established.

¹¹ Editor's Note-The zoning ordinance of the Village is a separate publication and does not appear in this Code. Violations of the zoning ordinance are municipal civil infractions. Cross References-General penalty, § 1-12; vegetation, ch. 66.

Sec. 42-1. Purpose.

This chapter hereby establishes the authority for certain individual ordinances of the Village to be amended so as to convert criminal penalties into civil penalties pursuant to statute made and provided. (Ord. No. 88, § 1, 10-18-95)

Sec. 42-2. Definitions and rules of construction.

As used herein:

Act means Act No. 236 of the Public Acts of Michigan of 1961, as amended.

Authorized Village official means a police officer or other personnel of the Village authorized by this chapter to issue municipal civil infraction citations or municipal civil infraction violation notices.

Bureau means the Village municipal ordinance violations bureau as established by this chapter.

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized Village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Municipal civil infraction violation notice means a written notice prepared by an authorized Village official, directing a person to appear at the Village municipal ordinance violations bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Village, as authorized under sections 8396 and 8707(6) of the Act.

(Ord. No. 88, § 2, 10-18-95)

Cross Reference-Definitions generally, § 1-2.

Sec. 42-3. Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized Village official of a municipal civil infraction citation directing the alleged violator to appear in court; or a municipal civil infraction violation notice directing the alleged violator to appear at the Village municipal ordinance violations bureau.

(Ord. No. 88, § 3, 10-18-95)

Sec. 42-4. Municipal civil infraction citations-Issuance and service.

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

- (1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (2) The place for appearance specified in a citation shall be the 66th district court.
- (3) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the Village and issued to the alleged violator as provided by section 8705 of the Act.
- (4) A citation for a municipal civil infraction signed by an authorized Village official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official

signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

- (5) An authorized Village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and completely as possible, an original and required copies of a citation.
- (6) An authorized Village official may issue a citation to a person if:
 - a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or Village attorney approves in writing the issuance of the citation.
- (7) Municipal civil infraction citations shall be served by an authorized Village official as follows:
 - a. Except as provided by subsection b. of this subsection, an authorized Village official shall personally serve a copy of the citation upon the alleged violator.
 - b. If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

(Ord. No. 88, § 4, 10-18-95)

Sec. 42-5. Same-Contents.

- (a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (b) Further, the citation shall inform the alleged violator that he may do one of the following:
 - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - (3) Deny responsibility for the municipal civil infraction by doing either of the following:
 - a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Village.

- b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (c) The citation shall also inform the alleged violator of all of the following:
 - (1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Village.
 - (4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - (5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

(Ord. No. 88, § 5, 10-18-95)

Sec. 42-6. Municipal ordinance violations bureau.

- (a) *Bureau established.* The Village hereby establishes a municipal ordinance violations bureau ("bureau") as authorized under section 8396 of the Act to accept admissions of responsibility for municipal civil infraction in response to municipal civil infraction violation notices issued and served by authorized Village officials, and to collect and retain civil fines and costs as prescribed by this chapter.
- (b) *Location; supervision; employees; rules and regulations.* The bureau shall be located at the Village hall and shall be under the supervision and control of the Village Clerk. The clerk, subject to the approval of the Village Council, shall adopt rules and regulations for the operation of the bureau and appoint any other necessary qualified Village employees to administer the bureau, also subject to approval of the Village Council.
- (c) *Enforcement.* Pursuant to this chapter, the zoning administrator shall be authorized to enforce the zoning ordinance and violations thereof, and the police department shall be authorized to enforce all other ordinances and they all shall automatically be "authorized Village officials" pursuant to this chapter.

- (d) *Disposition of violations.* The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the bureau. Nothing in this chapter shall prevent or restrict the Village from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- (e) *Bureau limited to accepting admissions of responsibility.* The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
- (f) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized Village officials under the same circumstances and upon the same persons as provided for citations as provided in section 42-4(f), (g) of this chapter. In addition to any other information required by this chapter, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- (g) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- (h) *Procedure where admission of responsibility not made or fine not paid.* If an authorized Village official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fines and costs, if any, prescribed by the schedule of fines for the violation are not paid at the bureau, a municipal civil infraction citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(Ord. No. 88, § 6, 10-18-95)

Sec. 42-7. Schedule of civil fines established.

- (a) A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations not contained within an individual ordinance shall be as listed below and a composite schedule for various ordinances shall be maintained by the Village Clerk.

- (1) \$25.00 for a first offense;

- (2) \$50.00 for a second offense within a 12-month period;
- (3) \$100.00 for a third or subsequent offense within a 12-month period
- (4) Each day for which an offense is committed or is ongoing shall constitute a separate and distinct offense.

(b) A copy of the schedule, as amended from time to time, shall be posted at the bureau.

(c) The fine may be set by the judge or magistrate

Ord. No. 12-133 Eff. 1-17-17

Reserved
Chapters 43-45

Offenses and Miscellaneous Provisions¹²

Chapter 46

Article I. In General

Sec. 46-1. Definition of public places.
Sec. 46-2. Fortunetelling.
Sec. 46-3. Resisting police.
Sec. 46-4. Spitting.
Sec. 46-5. Stop and search.
Secs. 46-6-46-31. Reserved.

Article II. Offenses Against Property

Division 1. Generally

Sec. 46-32. Owner to maintain premises free of litter.
Sec. 46-33. Rubbish and litter defined.
Sec. 46-34. Accumulation of litter, scrap materials, etc., on private property.
Sec. 46-35. Penalty.
Sec. 46-36. Malicious destruction of property.
Sec. 46-37. Trespassing.
Secs. 46-38-46-45. Reserved.

Division 2. Graffiti

Sec. 46-46. Purpose and intent.
Sec. 46-47. Definitions.
Sec. 46-48. Graffiti declared public nuisance.
Sec. 46-49. Graffiti prohibited.
Sec. 46-50. Possession of graffiti implements by minors prohibited.
Sec. 46-51. Limits on minors' access to graffiti implements.
Sec. 46-52. Responsibility of person applying graffiti for removal.
Sec. 46-53. Graffiti removal.
Sec. 46-54. Penalties; civil liability of parents.
Sec. 46-55. Violations; civil remedies available.
Secs. 46-56-46-60. Reserved.

Article III. Offenses Against the Person

Sec. 46-61. Assault breach of peace.
Sec. 46-62. Accosting, insulting others.
Secs. 46-63-46-85. Reserved.

Article IV. Offenses Against Public Morals

Division 1. Generally

Sec. 46-86. Peeping through windows.
Sec. 46-87. Obscene, indecent materials.
Sec. 46-88. Illegal exposure of human body.
Sec. 46-89. Marijuana.
Sec. 46-90. Prostitution.
Sec. 46-91. Illegal activity.
Sec. 46-92. Gambling, illegal sale of alcoholic beverages, prostitution.

¹² *Cross Reference-Environment, ch. 30.

Sec. 46-93. Soliciting.
Sec. 46-94. Transport for illegal purposes.
Sec. 46-95. Gaming rooms.
Secs. 46-96--46-100. Reserved.

Division 2. Public Nudity

Sec. 46-101. Title.
Sec. 46-102. Purpose.
Sec. 46-103. Definition.
Sec. 46-104. Prohibited.
Sec. 46-105. Violation a nuisance; additional remedy.
Sec. 46-106. Penalty.
Secs. 46-107-46-115. Reserved.

Article V. Offenses Against Public Safety

Sec. 46-116. Intoxication, under influence of narcotic drug.
Sec. 46-117. Firearms, bow and arrow, etc.
Sec. 46-118. Fireworks.
Sec. 46-119. Obscene language and abusive conduct.
Secs. 46-120-46-155. Reserved.

Article VI. Offenses Involving Minors

Sec. 46-156. Curfew for minors-Generally.
Sec. 46-157. Same-Parent or guardian.
Secs. 46-158-46-185. Reserved.

Article VII. Confiscated, Abandoned, Lost Property

Sec. 46-186. Disposition of property acquired by Village.
Secs. 46-187-46-200. Reserved.

Article VIII. Property Used for Illegal Activity

Sec. 46-201. Findings of fact with respect to drug use.
Sec. 46-202. Definitions.
Sec. 46-203. Penalty for violation of section 46-207, 46-208, 46-209 or 46-210.
Sec. 46-204. Public nuisance-Declared; maintained.
Sec. 46-205. Same--Declaration procedures.
Sec. 46-206. Same--Abatement; costs.
Sec. 46-207. Same--Conclusive presumption.
Sec. 46-208. Same--Posting and listing.
Sec. 46-209. Entry into or use of any property declared nuisance, occupancy prohibited.
Sec. 46-210. Receiving or admitting persons.
Sec. 46-211. Loitering.
Sec. 46-212. Frequenting.
Sec. 46-213. Appeal.
Secs. 46-214-46-250. Reserved.

Article IX. Offenses Against Public Peace

Sec. 46-251. Fighting.
Sec. 46-252. Public disturbances.
Sec. 46-253. Jostling.
Sec. 46-254. Breach of peace.
Sec. 46-255. Ball game playing.
Sec. 46-256. Disturbing the peace.
Sec. 46-257. Boisterous places.

Article I. In General

Sec. 46-1. Definition of public places.

The term public place shall mean any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

(Ord. No. 76, § 1, 1-18-89)

Sec. 46-2. Fortunetelling.

It shall be unlawful for any person in the Village to engage in fortunetelling or pretend to tell fortunes for hire, gain or reward.

(Ord. No. 76, § 2(10), 1-18-89)

Sec. 46-3. Resisting police.

It shall be unlawful for any person in the Village to obstruct, resist, hinder or oppose any member of the police force, or any peace officer in the discharge of his duties as such.

(Ord. No. 76, § 2(27), 1-18-89)

Sec. 46-4. Spitting.

It shall be unlawful for any person in the Village to spit on any sidewalk or on the floor or seat of any public assemblage.

(Ord. No. 76, § 2(30), 1-18-89)

Sec. 46-5. Stop and search.

- (a) A peace officer may stop a person whom he reasonably suspects is committing, has committed or is about to commit a felony and may demand of him his name, address and an explanation of his actions.
- (b) When a peace officer has so stopped a person and reasonably suspects that his own life or limb are in danger, he may search the person.
- (c) If the peace officer finds a weapon or any other thing on such person, the possession of which may constitute a crime, he may take it and keep it until completion of the questioning, at which time he shall return it, if lawfully possessed, or arrest the person.

(Ord. No. 76, § 3, 1-18-89)

Secs. 46-6-46-31. Reserved.

Article II. Offenses Against Property

Division 1. Generally

Sec. 46-32. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of rubbish and litter, provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. The term person in control shall include owner, tenant, lessee or agent.

(Ord. No. 33, § 1, 2-6-69)

Sec. 46-33. Rubbish and litter defined.

The general term rubbish or litter shall also include the following:

- (1) Scrap building materials including, but not limited to, lumber, brick, cement or cinder blocks, plumbing material or fixtures, heating ducts or fixtures, shingles, nails, mortar, concrete, cement, screws and bolts, or any other materials used in constructing any structure, including electrical wiring and fixtures.
- (2) Junk items including, but not limited to, parts of machinery, broken or unusable furniture, stoves, refrigerators, or other household appliances, remnants of wood, metal, or other cast-off materials, whether or not the same could be put to any reasonable use.

(Ord. No. 33, § 2, 2-6-69; Ord. No. 86, 7-12-95)

Sec. 46-34. Accumulation of litter, scrap materials, etc., on private property.

- (a) No person shall store or permit the storage or unreasonable accumulation of litter or rubbish as herein defined on any private property within the Village except within a completely enclosed building or upon the premises of a properly zoned, licensed, or approved junk dealer, junk buyer, secondhand store or dealer, or dealer in used auto parts.
- (b) No person shall store or permit the storage or accumulation of scrap building materials on any private property, except within a completely enclosed building; or where such materials are a part of the stock in trade or business located on such property; or except when such materials are being used or discarded in connection with construction of a structure on such property in accordance with a valid building permit, or a structure is being razed, renovated or remodeled, providing the scrap materials are removed within a reasonable time after the completion of such construction, razing, renovation or remodeling.
- (c) The Village Council may, on proper application, grant an extension of time based on a reasonable request, for violations of this section.

(Ord. No. 33, §§ 3, 4, 2-6-69; Ord. No. 06-125, § IY, 12-6-2006)

Sec. 46-35. Penalty.

- (a) All penalties relative to violation of this article shall be civil infractions only, except where other penalties are specified, and shall carry fines as follows:
 - (1) \$25.00 for a first offense;
 - (2) \$50.00 for a second offense within a 12-month period;
 - (3) \$100.00 for a third or subsequent offense within a 12-month period.
- (b) Each day for which an offense is committed or is ongoing shall constitute a separate and distinct offense.

(Ord. No. 85, 7-12-95; Ord. No. 99, 2-18-98)

Sec. 46-36. Malicious destruction of property.

It shall be unlawful for any person in the Village to willfully destroy, remove, damage, alter or in any manner deface any property not his own, or any public school building, or any public building, bridge,

fire hydrant, alarm box, street light, street sign, traffic control device, railroad sign or signal, parking meter or shade tree belonging to the Village or located in the public places of the Village, or make or post handbills on, or in any manner mar the walls of, any building, or fence, tree or pole within the Village or damage, destroy, take or meddle with any property belonging to the Village or remove the same from the building or place where it may be kept, placed, or store, without property authority.

(Ord. No. 76, § 2(31), 1-18-89)

Sec. 46-37. Trespassing.

It shall be unlawful for any person in the Village to enter willfully upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner or occupant, agent or servant of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, the agent or servant of either, without lawful authority, neglects or refuses to do depart therefrom.

(Ord. No. 76, § 2(32), 1-18-89)

Secs. 46-38-46-45. Reserved.

Division 2. Graffiti

Sec. 46-46. Purpose and intent.

The purpose of this division is to help prevent the spread of graffiti and to establish a program for its removal from Village-owned property and nonvillage-owned property within the boundaries of the Village. The Village Council finds and determines that graffiti is obnoxious and a public nuisance and unless the Village causes it to be removed from Village-owned and nonvillage-owned property within the boundaries of the Village, it tends to remain.

Sec. 46-47. Definitions.

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

Aerosol paint container means any aerosol container which is adapted or made for the purpose of applying spray painting, or other substance capable of defacing property.

Felt tip marker means any indelible marker or similar implement with a tip which, at its broadest width, is greater than one-eighth of an inch, containing ink or other pigmented liquid which is not water soluble.

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to or on any surface of Village-owned property or nonvillage-owned property within the boundaries of the Village by or with, but not limited to, any of the following: felt tip marker, paint stick or graffiti stick, or graffiti implement.

Graffiti implement means an aerosol paint container, a felt tip marker, gum label, paint stick or graffiti stick, etching, tool, or any other device capable of scarring or leaving a visible mark on glass, metal, concrete or wood or any other surface.

Paint stick or graffiti stick means any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure, and upon application, of leaving a mark at least one-eighth of an inch in width.

Structure includes, but is not limited to, buildings, walls, fences, poles and signs.

Cross Reference-Definitions generally, § 1-2.

Sec. 46-48. Graffiti declared public nuisance.

- (a) The existence of graffiti on any Village-owned property or on any nonvillage-owned property within the boundaries of the Village is expressly declared to be a public nuisance.
- (b) The Village Council hereby declares and finds graffiti to be a nuisance subject to removal according to the provisions and procedures herein contained, in the Village's Charter, Code of Ordinances and as may otherwise be provided by law.
- (c) It is the duty of both the owner of the property to which the graffiti has been applied, and any person who may be in possession or who has the right to possess such property, to at all times keep such property clear and free of graffiti.

Sec. 46-49. Graffiti prohibited.

It is unlawful for any person to apply graffiti to any trees or structures including, but not limited to, buildings, walls, fences, poles and signs on any Village-owned property or on any nonvillage-owned property within the boundaries of the Village.

Sec. 46-50. Possession of graffiti implements by minors prohibited.

It is unlawful for any person under the age of 18 years to have in his possession any graffiti implement while on any school property, grounds, facilities, buildings or structures, on in areas immediately adjacent to these specific locations upon public property, or upon private property. The provisions of this section shall not apply to the possession of felt tip markers by minors attending or travelling to or from school at which the minor is enrolled, if the minor is participating in a class at the school which formally requires the possession of felt tip markers. The provisions of this subsection do not apply to persons under the age of 18 years who require any graffiti implements in the course of lawful employment or for other lawful uses with written proof of the same from an employer, parent or guardian.

Sec. 46-51. Limits on minors' access to graffiti implements.

It is unlawful for any person or entity, other than a parent or legal guardian, to sell, exchange, give, loan or otherwise furnish or cause or permit to be exchanged, given, loaned, or otherwise furnished any graffiti implement to any minor without the consent of the parent or other lawfully designated guardian, which consent shall be given in advance in writing.

Sec. 46-52. Responsibility of person applying graffiti for removal.

Any person applying graffiti within the boundaries of the Village shall have the duty to remove the graffiti forthwith. Any person applying graffiti shall be responsible for such removal or for the payment therefor. Failure of any person to so remove graffiti or pay for its removal shall constitute an additional violation of this section. Where graffiti is applied by an unemancipated minor, the parent or legal guardian shall also be responsible for such removal or for the payment therefor, pursuant to MCL 600.2913, MSA 27A.2913, and as otherwise provided herein and by law.

Sec. 46-53. Graffiti removal.

- (a) *Responsible party to remove.*
 - (1) It is unlawful for any person who is the owner or who has primary responsibility for control of property or who has primary responsibility for repair or maintenance of property in the boundaries of the Village, hereinafter referred to in this section as the responsible party, to permit property which is defaced with graffiti to remain so defaced for a period in excess of

five days after mailing by first class mail of notice to remove the same, except as otherwise provided in this division.

- (2) Any responsible party, who is not a perpetrator as described in section 46-52 and who has removed graffiti from his property in the Village pursuant to this division, may be entitled to restitution in an amount determined by a court for the cost of removing such graffiti, such restitution to be paid by any person determined under this division as responsible for applying the graffiti to the responsible party's property.

(b) *Failure of responsible party to remove.* If a responsible party fails to remove the offending graffiti within the time herein specified, the Village may remove such graffiti and recover the costs of the removal of the graffiti pursuant to the provisions of this division, which procedures authorize the recovery of all costs incurred by the Village in removing graffiti, including the recordation of a lien as to the affected property.

(c) *Notice to responsible party and opportunity for hearing.*

- (1) Whenever the Village President or his designee determines that graffiti is being maintained upon any nonvillage-owned property within the boundaries of the Village in violation of this section, the Village President, or his designee, may issue a written notice and order to remove the graffiti. The notice shall be issued to the owner of the property and shall inform the owner that the owner is maintaining graffiti which constitutes a public nuisance and that maintenance of the graffiti is a violation of the Village Code. The notice shall state that the graffiti must be removed within five days from the date of the notice and that, if the graffiti is not removed within that time, then the Village proposes to remove the graffiti and the cost of such removal, if not paid by the owner, shall be made a lien upon the property.

The notice shall also state that the addressee may contact the Village President, or his designee, within five days from the date of the notice and request a hearing to show cause why the notice is incorrect. A hearing shall be scheduled before a hearing officer. The hearing officer will provide the addressee of the notice with an opportunity to be heard regarding the dispute concerning the graffiti which is the subject matter of the notice, and will hear such evidence as the addressee of the notice may have regarding the dispute. The hearing officer shall review the notice, perform such additional investigation of the matter as may be determined to be warranted under the circumstances, and correct any errors. Such hearings shall be informal and the decision of the hearing officer shall be final.

- (2) The Village President, or his designee, or any additional Village department head as authorized by the Village Council, may extend the time period allotted for removal of the graffiti if the Village President or his designee, determines that compliance within the time specified in the notice would place an undue burden on the property owner.
- (3) The notice issued pursuant to this section shall be addressed to the owner of the property as shown on the latest tax assessment roll at the owner's last known address and shall be delivered by depositing a copy of the notice in the United States mail, postage paid, or personally delivering a copy of the notice to the owner. Notice shall also be posted in a conspicuous place on the subject property.
- (4) The failure of any person to receive notice shall not affect the validity of any proceeding under this division.

(d) *Abatement costs.*

- (1) The Village President, or his designee, shall keep an account of the costs, including incidental expenses, of abating such graffiti on each separate property where the work is done and shall render an itemized report in writing to the Village Council showing the cost of abatement of the graffiti. The term "incidental expenses" shall include, but is not limited to, the actual expenses and costs of the Village in the preparation of notices, title searches, specifications and contracts, inspection of the work, the cost of posting and mailing required under this section and any attorneys' fees expended in connection with the matter and in the abatement of the nuisance. Costs and expenses for which the Village may be reimbursed begin to accrue at the time the Village first receives a complaint regarding the graffiti. Costs and expenses may be recovered once it has become necessary for the Village to conduct an abatement hearing.
- (2) The Village President, or his designee, shall notify, in writing, the owner or possessor of the property upon which graffiti has been removed by the Village of such removal and the cost of the removal.

(e) *Lien.*

- (1) If the total cost of the removal of the graffiti by the Village (the "cost") is not paid to the Village within seven days after the date of the notice of the cost of the removal, the Village shall record, in the office of the county register of deeds, a statement of the total balance due to the Village, a legal description of the property, and the name of the owner concerned. From the date of such recording, the balance due will constitute a lien on the property. The lien will continue in full force and effect until the entire cost due, together with interest at the maximum legal rate accruing from the date of the completion of the abatement, is paid in full.
- (2) The Village treasurer shall charge and bill the owner in whose name the property appears upon the last local tax assessment records for such costs by first class mail at the address shown on the assessment records. If the costs remain unpaid, they shall be billed against the property and thereafter collected as provided in state law.

Sec. 46-54. Penalties; civil liability of parents.

Any parent or legal guardian having custody and control of a minor who violates any provision of this division shall be personally liable for any and all costs to the Village or any person or business incurred in connection with the removal of graffiti caused by the conduct of the minor, and for all attorneys' fees and court costs incurred in connection with any action on any claim for such damages or reimbursement not to exceed the amount for each such claim, which is stated in MCL 600.2913, MSA 27 A.2913, and as otherwise provided herein and by law.

Sec. 46-55. Violations; civil remedies available.

A violation of any of the provisions of this division shall be a civil infraction and shall also constitute a nuisance which may be removed and abated by the Village through civil process by means of a restraining order, preliminary or permanent injunction, or in any manner provided herein and by law for the abatement of such nuisance.

Secs. 46-56-46-60. Reserved.

Article III. Offenses Against the Person

Sec. 46-61. Assault breach of peace.

(a) *Definitions.*

- (1) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectionate involvement. This term does not include a causal relationship or an ordinary fraternization between two individuals in a business or social context.

Assault, assault and battery—Non-domestic. A person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

Assault, assault and battery—Domestic. An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

Ordinance inapplicability. This section does not apply to an individual using necessary reasonable physical force in compliance with Section 1312 of the Revised School Code, 1976 PA 451, MCL 380.1312, as amended.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 46-62. Accosting, insulting others.

It shall be unlawful for any person in the Village to improperly, lewdly or wrongfully accost, ogle, insult, annoy, follow, pursue, lay hands on, or by any gesture, movement of body or otherwise wrongfully molest any person in any public place or public vehicle.

Secs. 46-63-46-85. Reserved.

Article IV. Offenses Against Public Morals

Division 1. Generally

Sec. 46-86. Peeping through windows.

It shall be unlawful for any person to look, peer, or peep into, or be found loitering around, or within view of any window not on his own property, with the intent of looking through such window in such a manner as would be likely to interfere with the occupant's reasonable expectation of privacy without the occupant's express or implied consent.

(Ord. No. 76, § 2(5), 1-18-89)

Sec. 46-87. Obscene, indecent materials.

It shall be unlawful for any person in the Village to print, engrave, sell, offer for sale, give away, exhibit or publish or have in his possession for any such purpose, any obscene text book, pamphlet, paper, picture, cast statuary, image or representation or other article of an indecent or immoral nature, or any book, paper, print, circular or writing made up principally of pictures or stories of immodest deeds, lust or crime, or exhibit any such article within the view of any passerby.

(Ord. No. 76, § 2(12), 1-18-89)

Sec. 46-88. Illegal exposure of human body.

It shall be unlawful for any person in the Village to swim or bathe in any public place without wearing proper apparel or to make any illegal exposure of his or her body as defined in section 46-103, as amended.

(Ord. No. 76, § 2(7), (11), 1-18-89; Ord. No. 06-125, §VI, 12-6-2006)

Sec. 46-89. Marijuana.

(a) *Definitions.* The following words, as used in this section, shall have the following meanings, unless the context otherwise requires:

(1) *Deliver or delivery* means the actual, constructive or attempted transfer from one person to another of marijuana, whether or not there is an agency relationship.

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

(3) *Sale* includes barter, exchange or gift, or offer therefor.

(b) *Unlawful Acts.* It shall be unlawful for any person to:

(1) Deliver, possess with intent to deliver, sell, possess or use marijuana.

(2) Manufacture, deliver or possess with intent to deliver, possess, use or have under his control any instrument or paraphernalia adapted for use with marijuana, such paraphernalia to include, but not be limited to, any device commonly referred to as a "hash pipe" or "hashish pipe" which, because of its shape, size, appearance or other physical characteristics is primarily used or adapted for use with *Cannabis sativa*, or any of its derivatives, notwithstanding the fact that such instruments may also be used for other purposes.

(3) Willfully and knowingly loiter in any place within the Village where marijuana or paraphernalia used or adapted for use with marijuana are used, sold, dispensed, furnished, given away, or stored or otherwise illegally kept.

(c) *Arrest without Warrant, Powers of Certain Inspection or Investigatory Agents.* Any police officer or any sheriff, deputy sheriff, local or state police officer, if he has reasonable cause to believe that a violation of this section has taken place, or is taking place, and has reasonable cause to believe that a person has committed or is committing such violation, may arrest that person without a warrant for that violation, irrespective of whether the violation was committed in his presence. This does not apply to the activities defined as the medical use of marihuana in the Michigan Medical Marihuana Act.

(d) *Instruction, Rehabilitation Program.* If a person is convicted of a violation of this section, the court, as part of his sentence, during either the period of his confinement or the period of his probation, or both, may require him to attend a course of instruction or rehabilitation program approved by the department of mental health on the medical, psychological and social effects of the misuse of drugs. The court may order him to pay a fee for the instruction or the program.

Failure to complete the instruction or program shall be considered a violation of the terms of his probation

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 46-90. Prostitution.

It shall be unlawful for any person in the Village to engage in any act of prostitution.

(Ord. No. 76, § 2(19), 1-18-89)

Sec. 46-91. Illegal activity.

It shall be unlawful for any person in the Village to attend, frequent, operate or be an occupant or inuante of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or where any other illegal business or occupation is permitted or conducted.

(Ord. No. 76, § 2(20), 1-18-89)

Sec. 46-92. Gambling, illegal sale of alcoholic beverages, prostitution.

It shall be unlawful for any person in the Village to engage in prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation. Proof of recent reputation for engaging in prostitution, gambling, illegal sale of intoxicating liquor or other illegal occupation or business shall be prima-facie evidence of being engaged or occupied therein.

(Ord. No. 76, § 2(21), 1-18-89)

Sec. 46-93. Soliciting.

It shall be unlawful for any person in the Village to solicit or accost any person for the purpose of inducing the commission of any illegal act.

(Ord. No. 76, § 2(22), 1-18-89)

Sec. 46-94. Transport for illegal purposes.

It shall be unlawful for any person in the Village to knowingly transport any person to a place where prostitution or gambling is practiced, encouraged or allowed for the purpose of enabling such person to engage in gambling or in any illegal act.

(Ord. No. 76, § 2(23), 1-18-89)

Sec. 46-95. Gaming rooms.

It shall be unlawful for any person in the Village to keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming; or knowingly suffer a gaming room, gaming tables, or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him.

(Ord. No. 76, § 2(24), 1-18-89)

Secs. 46-96-46-100. Reserved.

Division 2. Public Nudity¹³

¹³ Editor's Note-Ordinance No. 101, adopted May 20, 1998, did not specifically amend the Code; hence, codification of §§ 1-5, 7 of said ordinance as §§ 46-101-46-106 was at the discretion of the editor.

Sec. 46-101. Title.

This division shall be known and cited as the Village of Vernon Public Nudity Ordinance.
(Ord. No. 101, § 1, 5-20-98)

Sec. 46-102. Purpose.

The purpose of this division is to prohibit public nudity within the Village in order to protect and secure the public health, safety, and general welfare of its citizens.
(Ord. No. 101, § 2, 5-20-98)

Sec. 46-103. Definition.

As used in this section, "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 MCL 752.362.
- (3) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being MCL 722.673.

(Ord. No. 101, § 3, 5-20-98)

Sec. 46-104. Prohibited.

Public nudity, as defined in section 46-103 above, within the Village by any person is hereby prohibited.
(Ord. No. 101, § 4, 5-20-98)

Sec. 46-105. Violation a nuisance; additional remedy.

Any violation of this division is hereby declared to be a nuisance. In addition to any other relief or penalties provided by this division, the Village attorney may apply to a court of competent jurisdiction, upon direction of the Village Council, for an injunction to prohibit the continuation of any violation of this division. Such application for relief may include the seeking of a temporary restraining order, temporary injunction, or permanent injunction, in the discretion of the court having jurisdiction.
(Ord. No. 101, § 5, 5-20-98)

Sec. 46-106. Penalty.

Any person who shall violate any provisions of this division shall, upon conviction of such violation, be punished by a fine of not to exceed \$100.00, or by imprisonment for a period of not to exceed 90 days, or both such fine and imprisonment in the discretion of the court.
(Ord. No. 101, § 7, 5-20-98)

Secs. 46-107-46-115. Reserved.

Article V. Offenses Against Public Safety

Sec. 46-116. Intoxication, under influence of narcotic drug.

It shall be unlawful for any person in the Village to be intoxicated or under the influence of any narcotic drug in a public place and:

- (1) Endanger directly the safety of another person or of property; or
- (2) Act in a manner that causes a public disturbance.

(Ord. No. 76, § 2(2), 1-18-89)

Sec. 46-117. Firearms, bow and arrow, etc.

It shall be unlawful for any person in the Village to discharge any firearm, air rifle, air pistol or bow and arrow in the Village, except in connection with a regularly scheduled educational or training program under adequate supervision.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 46-118. Fireworks.

(a) **Definitions.** As used in this section, the following terms shall be defined as follows:

APA standard 87-1 means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

Display fireworks means large fireworks devices that are explosive materials intended for use in firework displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Consumer fireworks means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR part 1500 and 1507, and that are listed in APA standard 87-1.3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Novelties means that term as defined under APA standard 87-1, 3.2 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (1) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (3) Flitter sparklers in paper tubes not exceeding 1/8-inch in diameter.

- (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation to include "display", "consumer" and "low-impact" as defined under Act 256 of 2011.

Minor means an individual who is less than 18 years of age.

National Holiday means the following legal public holidays:

- (1) New Years' Day, January 1
- (2) Birthday of Martin Luther King, Jr., the third Monday in January.
- (3) Washington's Birthday, the third Monday in February.
- (4) Memorial Day, the last Monday in May.
- (5) Independence Day, July 4.
- (6) Labor Day, the first Monday in September.
- (7) Columbus Day, the second Monday in October.
- (8) Veteran's Day, November 11.
- (9) Thanksgiving Day, the fourth Thursday in November.
- (10) Christmas Day, December 25.

(b) Ignition, discharge and use of fireworks.

- (1) *Display fireworks—Public and private lands.* No person(s) shall ignite, discharge or use "display fireworks" on any lands within the Village without authorization and or approval by the Village Council and subject to any fees, licenses, forms, or applications they deem fit.
- (2) *Consumer fireworks—Public lands.* No person(s) shall ignite, discharge or use "consumer fireworks" on public lands within the Village limits without proper authorization by the governing body of such public lands and subject to any fees, licenses, form, or applications deemed necessary by the governing body.

Consumer fireworks—Private property. No person(s) shall ignite, discharge or use "consumer fireworks" on private property in the Village except on the day preceding, the day of, or the day after a national holiday as so defined under (c) 8 of this section and subject to the approval of property owner.

- (3) *Low-impact fireworks—Private.* Under Public Act 256 of 2011, all person(s) shall have the right to ignite, discharge or use "low-impact" fireworks subject to approval by the property owner any other ordinances in the Village such as nuisance, or noise restrictions.

Low-impact fireworks—Public. All person(s) shall have the right to ignite, discharge or use "low-impact" fireworks on public lands within the Village upon approval of the governing body of such lands and subject to any other ordinances in the Village such as nuisance, or noise restrictions.

- (4) *Novelties.* Under Public Act 256, subsection 28.453, the local unit of government has no authority to enact or enforce an ordinance, code, or regulation pertaining to, or in any manner regulating, the sale, storage, display for sale, transportation, use, or distribution of novelties.
- (5) *Fire safety.*

- (c) Possession of Consumer or Display Fireworks by Minor. A minor shall not possess consumer or display fireworks.
- (d) Determination of Violation; Seizure. If a police officer determines that a violation of this section has occurred, the officer may seize the fireworks as evidence of the violation.
- (e) Penalty. All ignition, discharge or use of fireworks shall occur a sufficient distance away from a possible fire danger including building on adjacent properties.
 - (1) A violation of this section shall constitute a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
 - (2) Following final disposition of a finding of responsibility for violating this section, the Village may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.
 - (3) In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the Village for the costs of storing, disposing of, or destroying fireworks that were confiscated for a violation of this section.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 46-119. Obscene language and abusive conduct.

No person who is intoxicated within the Village in a public place, shall, with the purpose of causing public danger, alarm, disorder or nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, willfully use unreasonably abusive or obscene language or make an unreasonably obscene or abusive gesture to any other person when such words, by their very utterance, or such act, by its very performance, inflict injury or tend to incite an immediate breach of the peace.

(Ord. No. 76, § 2(8), (9), 1-18-89; Ord. No. 06-125, §VI, 12-6-2006)

Secs. 46-120--46-155. Reserved.

Article VI. Offenses Involving Minors

Sec. 46-156. Curfew for Minors-Generally.

- (a) The Village ordains that it shall be unlawful for any minor of the age of 16 years or under, to be upon the streets, avenues, alleys, parks or other public places, or in any show, theatre, tavern or other places of public amusement or recreation in the Village between the hour of 9:00 p.m. and 5:00 a.m. from September 1 to May 31 and 10:00 p.m. to 5:00 a.m. from June 1 to August 31, unless accompanied by the parent, guardian, or other adult person having the care, custody or control of such child.
- (b) Anyone violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$25.00.

(Ord. No. 26, §§ 1, 2, 10-5-64)

Sec. 46-157. Same-Parent or guardian.

- (a) It shall be unlawful for the parent, guardian, or any other person having the care, custody, or control of any minor of the age of 16 years or under to permit such minor to loiter upon or in any of the places mentioned in section 46-156(a) at any time during the night after the hour of 9:00 p.m. from September 1 to May 31 and after the hour of 10:00 p.m. from June 1 to August 31, unless accompanied by such parent, guardian or other person having the care, custody or control of such minor.

- (b) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$50.00 or imprisoned in the county jail for not more than 30 days, or both such fine and imprisonment at the discretion of the court.

(Ord. No. 26, §§ 3, 4, 10-5-64)

Secs. 46-158--46-185. Reserved.

Article VII. Confiscated, Abandoned, Lost Property

Sec. 46-186. Disposition of property acquired by Village.

- (a) *Disposition alternatives.* The police department shall be authorized to dispose of property which comes into its possession in accordance with procedures established pursuant to applicable state law, including the following:
- (1) The police department shall provide for the disposition and sale of recovered stolen property or abandoned personal property in accordance with state law, Act No. 214 of the Public Acts of Michigan of 1979 (MCL 434.181 et seq., MSA 18. 734(1) et seq.), as amended.
 - (2) The police department shall provide for the sale and disposition of lost property, which includes all property found in an abandoned vehicle, in accordance with state law, Act No. 273 of the Public Acts of Michigan of 1987 (MCL 434.21 et seq., MSA 18. 718(1) et seq.), as amended.
 - (3) The police department shall maintain and dispose of impounded or abandoned vehicles in accordance with section 58-33.
 - (4) All pistols, weapons or devices which are seized by the police department and determined to have been carried, possessed or used in violation of state law shall be turned over to the commissioner of the Michigan State Police pursuant to MCL 750.239, MSA 28.436.
 - (5) Property seized by the police department and which is subject to forfeiture pursuant to part 75 of article 7 of the Michigan Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7501 et seq., MSA 14.15(7501) et seq.), as amended, shall be disposed of in accordance with article 7.
 - (6) Property seized by the police department and which is subject to forfeiture pursuant to Act No. 104 of the Public Acts of Michigan of 1988 (MCL 600.470 et seq., MSA 27A.4701), as amended, shall be disposed of in accordance with the act.
- (b) *Sale of property.*
- (1) In all cases where property is to be sold by the department, sale shall be in accordance with the procedures set forth by the Village Council. Alternatively, the Village Council may authorize sale by means of public auction.
 - (2) Except as otherwise required by law or by any other express provision of this Code, every public auction held pursuant to this section shall be preceded by notice describing the property to be sold to the highest bidder and setting forth the date, place and time of the sale. Such notice shall be posted in a public place for at least 15 days prior to the sale, and published in a newspaper of general circulation in the Village at least ten days, and no more than three weeks, prior to the sale.
 - (3) Any property that is inherently dangerous to the public is not to be sold at public auction, and may not otherwise be sold or transferred to any person failing to provide evidence of responsibility determined by the police chief to be adequate.

- (c) *Disposition of proceeds.* Proceeds of any sale described herein, less necessary expenses incident thereto, shall be deposited with the Village treasurer. Proceeds from property seized, forfeited and sold pursuant to article 7 of the Michigan Public Health Code shall be used to enhance law enforcement efforts pertaining to such article 7. Proceeds from property seized, forfeited and sold pursuant to Act No. 104 of the Public Acts of 1988 shall be utilized as set forth in that act.

State Law Reference-Codification of property used to create nuisance, MCL 600.3801, MSA 27A.3801.

Secs. 46-187-46-200. Reserved.

Article VIII. Property Used for Illegal Activity

Sec. 46-201. Findings of fact with respect to drug use.

The Village determines that whenever illegal activity occurs on any property increased criminal activity occurs in the neighborhood surrounding the property, increased pedestrian and/or vehicular traffic occurs in the neighborhood surrounding the property, and the peace and quiet of residents living in the neighborhood surrounding the property are disturbed. The presence of such activity thereby constitutes a public nuisance.

Sec. 46-202. Definitions.

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

Illegal activity means lewdness, prostitution, gambling, or using or keeping a property for the use of prostitutes or other disorderly persons, or using a property for the unlawful manufacture, storage, possession, transportation, sale, keeping for sale, bartering, furnishing or otherwise disposing of any controlled substance, drug and/or drug paraphernalia, as defined by law, or for the illegal manufacture, possession, sale, or use of alcoholic beverages.

Owner means any person who possesses or has any legal and/or equitable interest in the property in question.

Property means any structure, house, premises, building, vehicle, boat, aircraft or parcel of land.

Cross Reference-Definitions generally, § 1-2.

Sec. 46-203. Penalty for violation of section 46-207, 46-208, 46-209 or 46-210.

Upon conviction of a violation of section 46-207, 46-208, 46-209 or 46-210, a person shall be penalized as follows:

- (1) For the first violation, a fine of not less than \$175.00 nor more than \$500.00 and/or imprisonment for not less than seven days nor more than 90 days;
- (2) For a second violation, a fine of not less than \$300.00 nor more than \$500.00 and/or imprisonment for not less than 30 days nor more than 90 days; and
- (3) For the third or subsequent violation, a fine of not less than \$400.00 nor more than \$500.00 and/or imprisonment for not less than 60 days nor more than 90 days, plus costs of prosecution.

Sec. 46-204. Public Nuisance-Declared; maintained.

- (a) A property where illegal activity occurs is hereby declared a nuisance and the furniture, fixtures and contents of any such building, vehicle, boat, aircraft or premises and all such alcoholic beverages therein are also declared nuisances. All such narcotic and/or hypnotic drugs and nuisances shall be enjoined and abated as provided in this article.
- (b) Any person or his agent or employee who shall knowingly own, lease, conduct or maintain any building, vehicle or premises used for illegal activity or where any illegal activity is conducted, permitted or carried on, is guilty of maintaining a nuisance.

Sec. 46-205. Same--Declaration procedures.

Whenever the Village Council shall find that there has been repeated illegal activity occurring on any property, it may declare by resolution after notice to the owner and the holding of a public hearing, and after recommendation by the chief of police or his designee, that the property is a public nuisance.

- (1) *Public hearing.* A public hearing before the Village Council shall be held after publication of notice of such hearing wherein all interested parties may present opinions, evidence or other information bearing on whether the property should or should not be declared a public nuisance.
- (2) *Notice of public hearing.* A notice of public hearing setting forth the date, time and location of such hearing shall be given in the manner provided in this section to the owner of the property at least seven, but not more than 15 days, prior to the public hearing.
 - a. In the case of real property, the notice shall be personally served or sent by certified mail, restricted delivery. Alternate service, as defined under the state court rules, shall be utilized if service by mail or personal service is unsuccessful after three diligent attempts to the grantee or vendee of the last recorded conveyancing instrument, or memorandum thereof, at the county register of deeds office and, if different, to the taxpayer of record as indicated in the building division, in case of a rental unit, or the Village assessor's office, in the case of a owner-occupied dwelling, and, if different, to the occupants of the premises and to any mortgagee or lienholder of record.
 - b. In the case of personal property, the notice shall be given to the person shown to be the owner by certified record of the state or federal agency where titles to such property are required to be filed and, if different, to such other person as may be known to be in possession or control of the property and to any lienholder of record. Such notice shall be personally served or sent by certified mail, restricted delivery. Alternate service, as defined in the state court rules, shall be utilized if service by mail or personal service is unsuccessful after three diligent attempts.

Sec. 46-206. Same--Abatement; costs.

If the Village Council determines, by a preponderance of the evidence, that a property is a public nuisance, it may, by resolution, in addition to any other remedies available to the Village at law or in equity, order abatement of the nuisance as follows:

- (1) Order the property vacated and declare that occupancy of all or a portion of the property is prohibited and authorize the building department to prohibit the occupancy of the property by boarding or otherwise securing all or a portion of the property, as is appropriate, for a period of up to one year, as the Village Council shall determine based upon the evidence;

- (2) Determine that the owner shall be liable for the full costs of any materials and personnel, including police and any other Village employees or contractors, involved in the padlocking, boarding or securing of the property in the first instance and the full cost of any personnel and materials involved in any subsequent or remedial padlocking, boarding or securing of the property;
- (3) Determine that the owner shall be liable for the full cost of any personnel, including police and code compliance officers, involved in each incident subsequent to the first incident; and
- (4) Determine that the costs set out in this section shall be a personal debt of the owner and/or assess those costs against the property as a lien.

Sec. 46-207. Same--Conclusive presumption.

It shall be a conclusive presumption that a property is a public nuisance if:

- (1) The property has been searched by police and controlled substances and/or drug paraphernalia or any other illegal activities have been found by the police.
- (2) A letter informing the addressee that controlled substances, illegal drugs, and/or drug paraphernalia or any other illegal activity have been found by the police at the property, and providing information as to the potential consequences if similar activity recurs at the property, has been:
 - a. Personally served on an owner of the property;
 - b. Sent by certified mail to such owner, as provided for in this article, and a return receipt card has been received by the Village; and
- (3) The same property is searched by the police again within six months from the date of the first incident and evidence of illegal activity is found in the subsequent incident by the police.

Sec. 46-208. Same--Posting and listing.

- (a) Whenever the Village Council shall have ordered a property to be vacated and ordered that further occupancy is prohibited, the building department shall post a notice so stating at each entrance to any building on the property and shall replace any notices that are missing or unreadable. No person, other than an authorized Village employee, shall tamper with, damage, alter, destroy or remove any such notice posted by the Village.
- (b) The Village Clerk shall maintain a list of those properties that have been declared to be public nuisances and of the remedy ordered by the Village Council. Immediately upon a declaration of public nuisance the Village Clerk shall add the property to the list. Any citizen requesting a list of such properties shall be supplied one at no charge. The list shall be available for public inspection at the Village Clerk's office.

Sec. 46-209. Entry into or use of any property declared nuisance, occupancy prohibited.

No person shall enter upon any property that has been declared by the Village Council to be a nuisance and which the Village Council has ordered to be vacated and for which occupancy has been prohibited.

Sec. 46-210. Receiving or admitting persons.

No person shall receive or admit, or offer to receive or admit, any person into any place, structure, house, or vehicle or any property for the purpose of illegal activity, or knowingly permit any person to remain in such place for any such purpose.

Sec. 46-211. Loitering.

No person shall knowingly loiter about any vacant lot, street, curb, lawn, alley, yard, apartment, store, boat, house, or other premises where illegal activity is occurring.

Sec. 46-212. Frequenting.

No person shall knowingly attend, frequent, operate or be an occupant of any property where illegal activity is occurring.

Sec. 46-213. Appeal.

An owner aggrieved by any final determination by the Village Council under this article may appeal the determination to the circuit court within ten days from the date of the decision.

Secs. 46-214-46-250. Reserved.

Article IX. Offenses Against Public Peace

Sec. 46-251. Fighting.

It shall be unlawful for any person in the Village to engage in any disturbance, fight, or quarrel in a public place.

(Ord. No. 76, § 2(14), 1-18-89)

Sec. 46-252. Public disturbances.

It shall be unlawful for any person in the Village to unreasonably collect or stand in crowds, or arrange, encourage or abet the unreasonable collection of persons in crowds for illegal or mischievous purposes in any public place.

(Ord. No. 76, § 2(15), 1-18-89; Ord. No. 06-125, §VII, 12-6-2006)

Sec. 46-253. Jostling.

It shall be unlawful for any person to unreasonably jostle or roughly crowd persons in any street, alley, park or public building.

(Ord. No. 76, § 2(16), 1-18-89; Ord. No. 06-125, §VIII, 12-6-2006)

Sec. 46-254. Breach of peace.

It shall be unlawful for any person in the Village with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned, commit any of the following acts:

- (1) Act in such a manner as to unreasonably annoy, disturb, interfere with, obstruct or be offensive to others.
- (2) Congregate with others on a public street, place or walk and so engage in such conduct as to unreasonably disturb or assist in any breach of the peace.

(Ord. No. 76, § 2(17), 1-18-89; Ord. No. 06-125, §IX, 12-6-2006)

Sec. 46-255. Ball game playing.

Play any ball game in any public street or sidewalk or otherwise unreasonably obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.

(Ord. No. 76, § 2(18), 1-18-89; Ord. No. 06-125, §X, 12-6-2006)

Sec. 46-256. Disturbing the peace.

It shall be unlawful for any person in the Village to disturb the public peace and quiet by unreasonably loud, boisterous or vulgar conduct.

(Ord. No. 76, § 2(25), 1-18-89; Ord. No. 06-125, §XI, 12-6-2006)

Sec. 46-257. Boisterous places.

It shall be unlawful for any person in the Village to permit or suffer any place occupied or controlled by him to be a resort of unreasonably noisy, boisterous or disorderly persons.

(Ord. No. 76, § 2(26), 1-18-89; Ord. No. 06-125, §XII, 12-6-2006)

Reserved
Chapters 47-49

Solid Waste¹⁴

Chapter 50

Sec. 50-1. Definitions.

Sec. 50-2. Collection regulations; containers.

Sec. 50-3. Rates; billing; payment; delinquency.

Sec. 50-4. Receptacles; use and specifications.

Sec. 50-5. Burning, incineration and burial.

Sec. 50-6. Penalty.

¹⁴ **Cross Reference-** Fire prevention and protection, ch. 34.

Sec. 50-1. Definitions.

As used in this chapter:

Contractor means the person who has the contract with the Village for the removal of garbage and refuse.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Noxious waste means any rubbish or other matter, except garbage, which, because of deterioration, decay, burning, incineration or otherwise, is likely to produce dangerous noxious or unpleasant odors or fumes or attract flies, insects, vermin, rodents or disease-carrying animals, except leaves.

Person means the property owner and/or occupant requiring garbage and rubbish curbside pick-up services.

Premises means single-family dwelling unit.

Rubbish means all ashes, magazines, newspapers, tin cans, glassware, bottles, small automobile parts and other like substances ordinarily discarded by householders.

Unit means a single-family dwelling unit and includes each condominium unit and multi-family unit desiring curbside garbage and rubbish pickup.

Sec. 50-2. Collection regulations; containers.

Persons who use the Village refuse collection service are subject to the following regulations:

- (1) The property owner and/or occupant of any single-family dwelling unit in the Village in which garbage and/or rubbish is accumulated shall maintain all garbage and/or rubbish in watertight containers or garbage bags and shall be located as determined by the refuse hauler provided it is either on the subject property or at the curb or at the edge of the nearest public street abutting the dwelling unit, immediately in front of the residence, not sooner than 24 hours prior to the prescribed day for pickup of such garbage and/or rubbish.
- (2) Any such container shall be removed from in front of the residence or on the edge of a public street within 24 hours of trash pick-up.

(Ord. No. 12-155)

Sec. 50-3. Rates; billing; payment; delinquency.

The charges for garbage and/or rubbish collection shall be billed annually on the Village summer tax roll.

Sec. 50-4. Receptacles; use and specifications.

Except as otherwise provided in this chapter for single-family dwelling units, no person shall deposit or place or permit the accumulation of any garbage or noxious wastes in any street, alley or public place, or upon any private property, regardless of whether or not such property is owned by such person, in the Village, unless the same is contained in metal containers or equivalent containers equipped with a cover and equipped with handles so that they may be lifted and carried by one man. Additional garbage and rubbish may be placed at the curb in plastic bags securely tied. All cardboard boxes or containers having any dimension greater than four feet shall be broken down and dismantled. All magazines and newspapers not in containers shall be securely tied in bundles weighing not more than 50 pounds each.

Sec. 50-5. Burning, incineration and burial.

No person shall burn, incinerate or bury garbage or noxious wastes in the Village.

Sec. 50-6. Penalty.

(a) All penalties relative to violation of this chapter shall be civil infractions as outlined in Chapter 42, Sec 42-7 of the Village Code of Ordinances.

(Ord. No. 12-155)

Reserved
Chapters 51-53

Streets, Sidewalks, and Other Public Places¹⁵

Chapter 54

Article I. In General

Secs. 54-1-54-30. Reserved.

Article II. Sidewalks

Sec. 54-31. Definitions.
Sec. 54-32. DPW Director responsibility
Sec. 54-33. Resolution for construction of sidewalk; contents.
Sec. 54-33.5. Determination of hazardous condition.
Sec. 54-34. New sidewalks; construction.
Sec. 54-35. Presently existing sidewalks.
Sec. 54-35.5. Construction or repair of sidewalks by property owner.
Sec. 54-36. Specifications.
Sec. 54-37. Sidewalk repair or construction chargeable to owners of adjacent property.
Sec. 54-37.5. Sidewalk repair or construction for which property owner is liable.
Sec. 54-38. Construction or repair of sidewalks in violation of article.
Sec. 54-39. Clearing sidewalks of snow and ice.
Secs. 54-40-54-65. Reserved.

Article III. Streets

Sec. 54-66. Parking or standing motor vehicles on major streets.
Sec. 54-67. Approaches to driveways.
Secs. 54-68-54-95. Reserved.

Article IV. House Numbering

Sec. 54-96. Definitions.
Sec. 54-97. Display of assigned number.
Sec. 54-98. Street and road numbering system.
Sec. 54-99. Enforcement.
Secs. 54-100-54-150. Reserved.

Article V. Metropolitan Extension Telecommunications Rights-of-Way Act

Sec. 54-151. Purpose.
Sec. 54-152. Conflict.
Sec. 54-153. Terms defined.
Sec. 54-154. Permit required.
Sec. 54-155. Issuance of permit.
Sec. 54-156. Construction/engineering permit.
Sec. 54-157. Conduit or utility poles.
Sec. 54-158. Route maps.
Sec. 54-159. Repair of damage.
Sec. 54-160. Establishment and payment of maintenance fee.
Sec. 54-161. Modification of existing fees.
Sec. 54-162. Savings clause.
Sec. 54-163. Use of funds.

¹⁵ Cross References-Buildings and building regulations, ch. 14; businesses, ch. 18; floods, ch. 38; traffic and vehicles, ch. 58.

Sec. 54-164. Annual report.
Sec. 54-165. Cable television operators.
Sec. 54-166. Existing rights.
Sec. 54-167. Compliance.
Sec. 54-168. Reservation of police powers.
Sec. 54-169. Severability.
Sec. 54-170. Authorized Village officials.
Sec. 54-171. Municipal civil infraction.

Article I. In General

Secs. 54-1-54-30. Reserved.

Article II. Sidewalks

Sec. 54-31. Definitions.

When used in this article, the words defined in this section shall have the following meanings:

Committee shall mean the sidewalk committee as appointed by the Village President.

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

Sec. 54-32. DPW Director responsibility

All sidewalks hereafter constructed in the Village shall be constructed under the direction of the DPW Director in the absence of a sidewalk committee.

(Ord. No. 12-155)

Sec. 54-33. Resolution for construction of sidewalk; contents.

Whenever, by resolution, the Village Council shall determine it necessary to construct a sidewalk in the Village, such resolution shall specify the width, thickness and quality of the sidewalk, material of which it is to be constructed and the general manner in which it is to be constructed, together with a description of the abutting property.

Sec. 54-33.5. Determination of hazardous condition.

The DPW Director shall determine a sidewalk hazard exists when one or more of the following conditions exists:

- (1) Vertical cracks, upheaval or settlement greater than one-half inch.
- (2) Horizontal cracks or joint separation greater than one-half inch.
- (3) Tilted sections, if tilted greater than one-half inch in any direction of a four-foot by four-foot section.
- (4) Spalled or pitted sections of greater than 25 percent of the surface or holes that are greater than three-inch diameter.

(Ord. No. 12-155)

Sec. 54-34. New sidewalks; construction.

All new sidewalks constructed in the Village shall be constructed of cement of good quality, and shall be built at the expense of the Village and of the owner of the adjacent property, each paying 50 percent of said cost. For purposes of this article a new sidewalk shall be considered new only if a previous sidewalk has never existed before at that location.

Sec. 54-35. Presently existing sidewalks.

- (a) *Maintenance and reconstruction costs.* All maintenance and reconstruction costs of sidewalks presently existing, whether or not such sidewalk is presently being used, at the time of the passage of this article, shall be paid by the Village and the owner of the adjacent property, each paying 50 percent of said cost.
- (b) *Quality of cement.* All maintenance and reconstruction of sidewalks shall utilize cement of good quality.

Sec. 54-35.5. Construction or repair of sidewalks by property owner.

- (a) *Generally.* Property owners may contract for the building of their own sidewalks, for the repair and maintenance of the sidewalks, of the material aforesaid, but the same shall be built, maintained and repaired according to the directions of the DPW Director. Property owners who desire to contract for the building of their own sidewalks or for the repair and maintenance of the sidewalks must first signify his/her intention to do so to the Village Council of the Village in writing, within 30 days of the date of notice of sidewalk repair or construction sent by the Village. All such work shall be required to be completed within 30 days of the date of the council meeting at which the intention is made. All costs will be paid by the owner of the adjacent property.
- (b) *Recourse for noncompliance.* If any property owner fails to construct or repair the sidewalk in accordance with the directions of the DPW Director within the 30-day period, the Village President shall have the sidewalk constructed or repaired. If the Village President determines that an emergency exists and that immediate repair is necessary to protect the public, the president may dispense with the notice and institute the repairs immediately. The costs shall be paid as prescribed in sections 54-34 and 54-35.

(Ord. No. 12-155)

Sec. 54-36. Specifications.

- (a) *Generally.* Sidewalks shall not be less than four inches in thickness. All concrete used in sidewalk construction shall, 28 days after placement, be capable of resisting a pressure of 3,500 pounds per square inch without failure. The DPW Director may establish additional detailed specifications in addition hereto and not inconsistent herewith. In any event overall standards shall not be less than that required by the State Building Code in effect at the time of construction/reconstruction or maintenance.
- (b) *Vehicular traffic over sidewalks, thickness.* Any portion of sidewalk over which vehicular traffic will be allowed to pass, shall be of a minimum thickness of six inches.

(Ord. No. 12-155)

Sec. 54-37. Sidewalk repair or construction chargeable to owners of adjacent property.

- (a) *Service of notice to adjacent property owners.* Before any sidewalk shall be repaired or constructed by the Village, to be thereafter charged to the owners of the adjacent property, or when any existing sidewalk in the Village shall be determined to be in need of repair by the DPW Director, and which repair shall be chargeable to the owner of the adjacent property, the Village shall cause to be served a notice upon the owner of the adjacent property, or upon the occupant of the property, or, in case the owner is a nonresident of the Village and the adjacent property is vacated and unoccupied, by posting such notice and mailing a copy thereof to the owner at his last known place of residence, that the Village intends to build or repair the sidewalk at the

expense of the owner of the adjacent property. The notice shall be served or posted and mailed at least five days before the commencement of the work of the building or the repairing of the sidewalk by the Village.

- (b) *Cost and expense, when due.* The cost and expense of such sidewalk is due not 30 days after work is completed and billed by the Village office. Property owners wishing to establish a payment plan may do so by contacting the Village office upon receipt of the bill. Failure to comply with the above ruling will result in the cost and expense together with a penalty of not more than ten percent in addition thereto to be made a special assessment upon the adjacent property, or the same may be collected by an action of assumpsit against the owner of the adjacent property.

(Ord. No. 12-155)

Sec. 54-37.5. Sidewalk repair or construction for which property owner is liable.

Under no circumstance shall the Village pay for any portion of the cost of sidewalk construction, repair or reconstruction where a sidewalk has been damaged by willful misuse or carelessness as could perceivably occur with heavy construction equipment, moving vans or similar items. For such costs, the owner of the adjacent property shall be 100 percent liable and responsible.

Sec. 54-38. Construction or repair of sidewalks in violation of article.

- (a) All penalties relative to violation of this chapter shall be civil infractions as outlined in Chapter 42, Sec 42-7 of the Village Code of Vernon.

(Ord. No. 12-155)

Sec. 54-39. Clearing sidewalks of snow and ice.

- (a) *Generally.* The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within 24 hours after cessation. Sidewalks fronting on Main Street between Duane and Church Streets that are zoned B-1 under the Village Zoning Ordinance shall be cleared of snow or ice by 10 am and shall be maintained free of snow or ice until 5 pm.
- (b) *Violation; penalty.* If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalk, he shall be guilty of a violation of this article and, in addition, the Village President may cause the same to be cleared and the expense of removal shall become a debt to the Village from the occupant or owner of such premises, and shall be collected as any other debt to the Village.

(Ord. No. 12-155)

Secs. 54-40-54-65. Reserved.

Article III. Streets

Sec. 54-66. Parking or standing motor vehicles on major streets.

- (a) *Definition.* Major streets shall mean:

- (1) Main Street, from west Village limits to east Village limits;

(2) Maple Street, from north Village limits to south Village limits;

(3) Elm Street, from Walnut Street to Maple Street;

(4) Washington Avenue, from Walnut Street to Maple Street;

(5) Walnut Street, from Elm Street to Washington Avenue.

(b) *Prohibited conduct.* No person shall park or leave standing any motor vehicle upon any major street in the Village from December 1 through the following March 31 between the hours of 3:00 a.m. and 6:00 a.m.

(c) *Permits.* The Village Council may authorize parking permits within the prohibited areas set forth herein, when no alternate off-street parking is available to a property owner or occupant, or for good cause shown.

(d) *Penalty.* Any person who shall violate this section shall be fined a sum of money daily as set by schedule propounded by Village Council Resolution as amended from time to time, or, if the services of the 66th District Court are availed of by either the Village of Vernon or any aggrieved/accused person concerning a violation of this section, by whatever sum of money as set by the 66th District Court as provided pursuant to the Michigan Motor Vehicle Code as amended from time to time.

(Ord. No. 68, §§ 1-4, 1-14-87; Ord. No. 06-121, § II, 5-3-2006)

Sec. 54-67. Approaches to driveways.

(a) *Specifications to ensure drainage.* The Village ordains that no person shall construct an approach to any driveway in the Village that does not comply with specifications prescribed by the village board of trustees to ensure adequate drainage.

(b) *Permission from board of trustees required.* Any person desirous of constructing an approach to a driveway in the Village must first make application to the village board of trustees for permission.

(c) *Violation; penalty.* Any person who shall violate any section of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with section 1-12.

(Ord. No. 13, §§ 1-3, 6-5-47)

Secs. 54-68-54-95. Reserved.

Article IV. House Numbering

Sec. 54-96. Definitions.

As used in this article:

Baseline. The baselines are established as:

East-west baseline Main St. (Bennington Road). Starting at the center of Michigan State Highway 71 and proceeding westward to the Village limits.

North-south baseline Maple St. (Vernon Road). Starting at the north Village limits and proceeding south to the south Village limits.

Diagonal streets are streets whose course does not run in either an approximate north-south or east-west direction.

Display is the manner the house number is affixed to a structure or otherwise displayed when affixing to a structure is not adequate visually so that it is readily identifiable pursuant to provisions of this article.

House number shall mean the number assigned to consecutive intervals along a street or road pursuant to the number assignment formula contained herein.

Interval means a distance along a roadway covered by this article of a fraction a part of number (.19) for each foot of the mile (5,280 feet). The fractional constant can be found by dividing the number 1,000 by the length of the street in feet. This number is then added to the prefix number for that section of the street and adjusting the last digit for odd or even depending on whether it is on the right or left side of the street. The prefix number is that number from 000 thru 14,000 which corresponds to that section. This section shall not be construed to mean an exact accurate number to the foot, but as a means to provide a number that can readily be found using as much as possible by using the existing number in the Village.

Number assignment formula is defined as follows: Beginning from the points of origin along the north-south baseline and the east-west baseline a number shall be assigned for each interval along the street or road with each interval on the right-hand side of the street or roadway as one leaves a point of origin being assigned an even number, and each interval on the left-hand side as one leaves a point of origin being assigned an odd number. The numbers assigned shall increase consecutively by an increment of two for each interval. Intervals shall run north, south, east and west.

Point of origin means any point along the east-west baseline or any point along the north-south baseline from where all intervals begin.

Primary structure shall include, but not be limited to, residential building, mobile home park, commercial building, industrial building, office building, public building, well, field pump, utility, lighted billboard, and lighted outdoor display/storage facility.

(Ord. No. 12-155)

Sec. 54-97. Display of assigned number.

- (a) *Visibility; specifications for numbers.* Each primary structure shall display a street or road number. An assigned number shall not be displayed containing numbers less than four inches (10.12 centimeters) in height. It shall be visible from the roadway named in the address, and all assigned numbers shall be in Arabic numbers.
- (b) *Promulgation of rules by building and zoning department.* The Village buildings and zoning department is hereby empowered to promulgate rules for assigned number display. The rules shall be effective upon approval of the Village Council.

(Ord. No. 12-155)

Sec. 54-98. Street and road numbering system.

- (a) *Creation; rules and regulations.* There is hereby created for the Village a street and road numbering system. The Village buildings and zoning department shall draft rules and regulations for the operation of the system and the assignment and placing of street and road numbers for all intervals along streets and roadways emanating from a point of origin, including diagonal roads, pursuant to this article. Such rules and regulations shall be approved by the Village Council before they take effect.
- (b) *Map of village streets.* The Village buildings and zoning department shall cause to be created and maintained an accurate map of all streets within the Village and shall make assigned numbers available for each interval along the roadway. The map shall be the official repository of such street and street number assignments. The map shall be added to this Code of Ordinances as an appendix.

- (c) *Assignment of street and road numbers.* Street and road numbers shall not be assigned along any public street until a name for said street has been approved by the Village Council. Street and road numbers shall not be assigned along any un-platted private street or access easement of record where the name of the un-platted private street or access easement has not been registered with, and approved by, the Village Council.
- (d) *Street and road numbers not in compliance.* Existing street and road numbers which do not comply with the village street and numbering system may be changed either at the request of the property owner or his agent upon approval of the village buildings and zoning department, or such change may be initiated by the Village. When a change is initiated by the Village, the property owner shall be notified, in writing, 30 days prior to the time the new number shall become the official number for the interval(s) of the property in question.
- (e) *Approval of Number Display by Village and Zoning Department.* The Village department of public works shall, upon application by a landowner, assign a number and approve the display as contained herein.

(Ord. No. 12-155)

Sec. 54-99. Enforcement.

- (a) All penalties relative to violation of this chapter shall be civil infractions as outlined in Chapter 42, Sec 42-7 of the Village Code of Ordinances.

(Ord. No. 12-155)

Secs. 54-100-54-150. Reserved.

Article V. Metropolitan Extension Telecommunications Rights-of-Way Act

Sec. 54-151. Purpose.

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

(Ord. No. 115, § 1, 12-4-2002)

Sec. 54-152. Conflict.

Nothing in this article shall be construed in such a manner as to conflict with the act or other applicable law.

(Ord. No. 115, § 2, 12-4-2002)

Sec. 54-153. Terms defined.

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

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

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

Village means the Village of Vernon.

Village Council means the Village Council of the Village of Vernon 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.

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

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

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to section 3 of the act.

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.

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

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.

Telecommunication 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 I 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.

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 I 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 communication device. For the purpose of the act and this article only, a provider also includes all of the following:

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

(Ord. No. 115, § 3, 12-4-2002)

Sec. 54-154. 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 article.
- (b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with section 6(1) of the act. 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 engineer. 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 part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to section 6(5) of the act, the telecommunications provider shall prominently so indicate on the face of each map.
- (d) *Application fee.* Except as otherwise provided by the act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.
- (e) *Additional information.* The Village President may request an applicant to submit such additional information which the Village President deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village President. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or the applicant shall notify the MPSC as provided in section 6(2) of the act.
- (f) *Previously issued permits.* Pursuant to section 5(1) of the act, authorizations or permits previously issued by the Village under section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this article.
- (g) *Existing providers.* Pursuant to section 5(3) of the act, within 180 days from November 1, 2002, the effective date of the act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this article. Pursuant to section 5(3) of the act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the authority, as provided in section 5(4) of the act.

(Ord. No. 115, § 4, 12-4-2002)

Sec. 54-155. 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 45 days from the date a telecommunications provider files an application for a permit under section 4(b) of this article 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 right-of-way.
- (d) *Bond requirement.* Pursuant to section 15(3) of the act, and without limitation on subsection (c) above, the Village President may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

(Ord. No. 115, § 5, 12-4-2002)

Sec. 54-156. Construction/engineering permit.

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

(Ord. No. 115, § 6, 12-4-2002)

Sec. 54-157. 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 article does not give a telecommunications provider a right to use conduit or utility poles.

(Ord. No. 115, § 7, 12-4-2002)

Sec. 54-158. Route maps.

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

(Ord. No. 115, § 8, 12-4-2002)

Sec. 54-159. Repair of damage.

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

(Ord. No. 115, § 9, 12-4-2002)

Sec. 54-160. Establishment and payment of maintenance fee.

In addition to the non-refundable application fee paid to the Village set forth in subsection 54-154(d), a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the authority pursuant to section 8 of the act.

(Ord. No. 115, § 10, 12-4-2002)

Sec. 54-161. 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 the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the act, which shall be paid to the authority. In compliance with the requirements of section 13(4) of the act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under section 8 of the act. The Village shall provide each telecommunications provider affected by the fee with a copy of this article, 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.

(Ord. No. 115, § 11, 12-4-2002)

Sec. 54-162. 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 54-161 shall be void from the date the modification was made.

(Ord. No. 115, § 12, 12-4-2002)

Sec. 54-163. Use of funds.

Pursuant to section 10(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.

(Ord. No. 115, § 13, 12-4-2002)

Sec. 54-164. 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.

(Ord. No. 115, § 14, 12-4-2002)

Sec. 54-165. 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.

(Ord. No. 115, § 15, 12-4-2002)

Sec. 54-166. Existing rights.

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

(Ord. No. 115, § 16, 12-4-2002)

Sec. 54-167. Compliance.

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

- (1) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in subsection 54-154(c);
- (2) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with subsection 54-154(f);
- (3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500.00 application fee, in accordance with subsection 54-154(g);
- (4) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with subsection 54-155(a);
- (5) Notifying the MPSC when the Village has granted or denied a permit, in accordance with subsection 54-155(a);
- (6) Not unreasonably denying an application for a permit, in accordance with subsection 54-155(a);
- (7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in subsection 54-155(b);
- (8) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with subsection 54-155(c);
- (9) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with subsection 54-155(d);
- (10) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with section 54-156;
- (11) Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this article, in accordance with section 54-161;
- (12) Submitting an annual report to the authority, in accordance with section 54-164; and

- (13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with section 54-165.

(Ord. No. 115, § 17, 12-4-2002)

Sec. 54-168. Reservation of police powers.

Pursuant to section 15(2) of the act, this chapter 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.

(Ord. No. 115, § 18, 12-4-2002)

Sec. 54-169. Severability.

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

(Ord. No. 115, § 19, 12-4-2002)

Sec. 54-170. 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 article as provided by the Village Code.

(Ord. No. 115, § 20, 12-4-2002)

Sec. 54-171. Municipal civil infraction.

- (a) A person who violates any provision of this article or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to the following fines:

(1) \$25.00 for a first offense;

(2) \$50.00 for a second offense within a 12-month period;

(3) \$100.00 for a third or subsequent offense within a 12-month period.

- (b) Each day for which an offense is committed or ongoing shall constitute a separate and ongoing offense.

- (c) Nothing in this section shall be construed to limit the remedies available to the Village in the event of a violation by a person of this article or a permit.

(Ord. No. 115, § 21, 12-4-2002)

Subdivisions

Chapter 55

Article I. In General

Secs. 55-1-55-30. Reserved.

Article II. Subdivision Control Ordinance

Sec. 55-31. Short Title.

Sec. 55-32. Definitions.

Sec. 55-33. Exemptions to Platting Requirements

Sec. 55-34. Procedures for Review of Subdivision Plots.

Sec. 55-35. Condominiums.

Sec. 55-36. Development Design Standards Reserved.

Sec. 55-37. Fees and Penalties.

.

Article I. In General

Secs. 55-1-55-30. Reserved.

Article II. Subdivision Control Ordinance

Sec. 55-31. Short Title

- (a) *Purpose.* The purpose of this Ordinance is to regulate and control the subdivision of land within the Village of Vernon, in an effort to insure proper legal description, identification, monumentation, and recordation of real estate boundaries; to promote public health, safety, and welfare by:
- (1) Promoting the orderly layout and appropriate use of land by discouraging haphazard, premature, uneconomical, and scattered land development.
 - (2) Providing safe, convenient, and economical circulation of vehicular traffic.
 - (3) Providing adequate building sites which are readily accessible by emergency vehicles.
 - (4) Assuring the proper installation of streets and utilities.
 - (5) Preventing unsafe or unsanitary conditions because of undue concentrations of population.
 - (6) Protecting the environment and conserving the natural and cultural resources of the Village of Vernon.
 - (7) Preventing excessive and untimely consumption of land resources.
 - (8) Providing an efficient process for the review of proposed subdivisions.
 - (9) Assuring that new development in the Village meets the goals and conforms to the policies of the Village Master Plan.
 - (10) Minimizing the impacts of new subdivisions on neighboring properties and on the Village.
 - (11) Planning for the provision of adequate recreational areas, school sites, and other public facilities.
 - (12) Providing for installation of necessary improvements by the proprietor which ought not to become a charge on the citizens and taxpayers of the Village overall.
- (b) *Legal basis.* This Ordinance is enacted pursuant to the statutory authority granted by the Land Division Act; 288 of 1967, and Public Act 3 of 1895, as amended, authorizing Village Councils to adopt ordinances and regulations to secure the public health, safety and general welfare.
- (c) *Scope.* This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except for the further dividing of lots. Nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Village is a party.

Where this Ordinance imposes a greater restriction upon land than is imposed or required by existing provisions of any other ordinance of this Village, the provisions of this Ordinance shall control.

- (1) These regulations shall govern all new and expanding subdivisions of land within the limits of the Village of Vernon, Shiawassee County, Michigan.
- (2) No proprietor shall clear or disturb land before obtaining approval of the preliminary plat from the Village of Vernon.
- (3) No proprietor shall grade, scrape, or otherwise open or extend a street in a proposed subdivision, or stake out, or lay out lots in such subdivision, or in any other manner cause construction to begin, before obtaining approval of the preliminary plat from the Village of Vernon Council.
- (4) No proprietor shall transfer or sell with reference to a plat or any lot contained within a subdivision lying within Village of Vernon nor shall a building permit be issued until such subdivision and plat have been granted final approval by the Village of Vernon Council, in accordance with the procedures set forth in these regulations. The plat shall first be duly recorded by the Register of Deeds of Shiawassee County.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 55-32. Definitions

- (a) *Accessible* – A parcel which has an area where a driveway or public easement provides vehicular access to an existing road or street and meets all applicable location standards of the State, County and Village or has an area where a driveway or proposed public easement can provide vehicular access to an existing road or street and meet all applicable location standards.
- (b) *Alley* – A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.
- (c) *Development Design Standards* – Standards and specifications for construction and installation of improvements as established and administered by the Village.
- (d) *Development Site* – Any parcel or lot on which exists or which is intended for building development.
- (e) *Division* – The partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.
- (f) *Engineer* – A civil engineer who is a professional engineer licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of 1980, being Sections 339.2001 to 339.2014 of the Michigan Compiled Laws.
- (g) *Floodplain* – That area of land adjoining the channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

- (h) *Health Department* – The State’s Department of Environmental Quality or the Shiawassee County Environmental Health Department.
- (i) *Improvements* – Street construction and surfacing, curb and gutter, water mains, storm and sanitary sewers, sidewalks, walkways, graded outlaws and bridges or culverts.
- (j) *Land Division Act* – Act 288 of the Public Acts of 1967, as amended; the Act that regulates the division of land in the State of Michigan.
- (k) *Master Plan* – The plan adopted by the Village of Vernon Planning Commission under the authority of the Michigan Planning Enabling Act PA 33 of 2008, as amended.
- (l) *Lot* – A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
- (m) *Outlot* – A lot within the boundary of a recorded plat set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.
- (n) *Parcel* – A continuous area or acreage of land.
- (o) *Parent Parcel or Parent Tract* – A parcel or tract lawfully in existence on March 31, 1997.
- (p) *Planning Commission* – The body appointed by the Village of Vernon Council under the authority of the Michigan Planning Enabling Act with responsibilities for the development of regulations governing the subdivision of land and review of proposed plats as outlined in Section 71 of that act.
- (q) *Plat* – A map or chart of a subdivision of land.
- (r) *Preliminary Plat* – A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- (s) *Proprietor* – A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- (t) *Public Sewer* – A sewerage system as defined in Section 4101 of Part 41 (Sewerage Systems) of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, being Section 324.4101 of the Michigan Compiled Laws.
- (u) *Public Utility* – All persons, firms, corporations, copartnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.
- (v) *Public Water* – A system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

- (w) *Replat* – The process of changing, or the map or plat that changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.
 - (x) *Subdivide or Subdivision* – The partitioning or splitting of a parcel or tract of land by the proprietor or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act.
 - (y) *Surveyor* – A professional surveyor licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of 1980, being Sections 339.2001 to 339.2014 of the Michigan Compiled Laws.
 - (z) *Topographical Map* – A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
 - (aa) *Tract* – Two (2) or more parcels that share a common property line and are under the same ownership.
 - (bb) *Village* – Village of Vernon, Shiawassee County.
 - (cc) *Village Council* – The elected legislative body of the Village of Vernon.
 - (dd) *Village of Vernon Zoning Ordinance* – The zoning ordinance adopted by the Village of Vernon Council and in effect in Village of Vernon at the time that a plat is reviewed.
 - (ee) *Village President* – The person elected to the office of Vernon Village Council President and as such is the chief elected official of the Village
- (Ord. No. 12-133 Eff. 1-17-17)

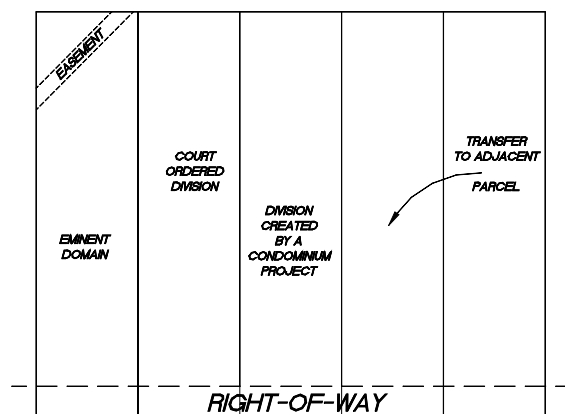
Sec. 55-33. Exemptions to Platting Requirements

There are three (3) categories of procedures for making changes in property boundaries that do not deal with platting; exempt splits, land divisions and parcel combinations. This Section identifies each of these categories.

- (a) *Exempt splits*. The following are splits of property that are exceptions to the platting requirements as outlined in the Land Division Act, or by other acts or court decisions (see illustration). The provisions of this ordinance shall not circumvent the platting requirements of the Act.

- (1) Easements.
- (2) A splitting of property created as a result of acquisition of a portion of a parcel through eminent domain or a voluntary

LAND DIVISIONS NOT SUBJECT TO PLATTING REQUIREMENTS



conveyance to an entity with eminent domain powers.

- (3) A splitting of property created as a result of a court order.
- (4) A splitting of property created by a condominium project.
- (5) Transfers between adjacent unplatted parcels so long as the resulting parcels are accessible.
- (6) Lease of residential apartments or commercial space in a shopping center, provided the lease does not include land.
- (7) Leases of less than one (1) year.
- (8) Options to buy property.
- (9) Mortgage or mortgage foreclosures.
- (10) Condemnations.
- (11) Sheriff sales.
- (12) A splitting of property that creates a parcel 40 acres or greater, referred to in the Land Division Act as an “exempt split”.

(b) *Land divisions.* A “land division” is a process for local municipalities to review the dividing of property into two (2) or more parcels when that division is not exempt from the Land Division Act as identified in Section 3.A. above and the number of divisions proposed do not require the more extensive subdivision plat review process. The right to make divisions exempt from the platting requirements of the Land Division Act can be transferred but only from a parent parcel or parent tract to a parcel created from that parent parcel or parent tract. Land divisions are reviewed and approved by the Shiawassee County Community Development Department

(c) *Parcel combinations.* Any combination of existing parcels into a single parcel that does not involve a land division or lot split as defined in this ordinance, upon the written request of the proprietor, shall be approved by the Village assessor or designee, provided the proposed new parcel complies with the minimum parcel area and parcel width requirements of the Village of Vernon Zoning Ordinance. Absent a written request, the Village assessor shall send a notice of intent to combine parcels to the proprietor. Permission shall be considered obtained if there is no negative response within 30 days following the notice of intent.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 55-34. Procedure for Review of Subdivision Plats

The purpose of this section is to outline the procedures to be followed for review of a subdivision plat, the information required, the standards for approval and the responsibilities of the various Village departments and boards in the review and approval process.

(a) Pre-Preliminary Plat Review (Proprietor’s Option)

- (1) *Purposed.* The purpose of the Pre-Preliminary Plat review is to allow the proprietor, at their option, to present a conceptual representation of the entire proposed subdivision to the

Village for information and feedback. The Village is not required to vote to approve or reject, but can give the proprietor their preliminary recommendations on the proposed subdivision. Recommendations at this stage shall not infer approval at later stages of the subdivision process.

(2) *Information required on the Pre-Preliminary Plat.* The proprietor shall include the following:

- a. Proprietor's name address and phone number and that of the surveyor or engineer that prepared the pre-preliminary plat if applicable.
- b. Parcel number of the property
- c. Location and position map, including Section, Town and Range
- d. Property boundary
- e. Existing contours
- f. Existing natural features (wooded areas, drainage, floodplain, wetlands, open water, streams, etc.)
- g. Street layout
- h. Lot area and lot dimensions (each lot and outlot shall be accessible as defined in this ordinance)
- i. Existing easements
- j. General proposed utility information
- k. Zoning of the property within the enclosed plat
- l. Adjacent property and land use
- m. Proposed phases

(3) *Submission and Review Process.*

- a. The proprietor shall submit 10 copies of a complete pre-preliminary plat, a completed application and the required fee to the Village Clerk.
- b. Upon receipt, the Village Clerk or designee shall submit copies of the pre-preliminary plat to members of the Village Planning Commission and shall make one (1) copy available to each of applicable staff person or Village consultant, who shall review the pre-preliminary plat and provide written comments to the Planning Commission at least fourteen (14) days prior to the meeting where the pre-preliminary plat will be reviewed.
- c. The Planning Commission shall review the pre-preliminary plat and the comments from staff and shall provide comments on the plat back to the proprietor within 45 days of the filing of the complete pre-preliminary plat with the Village Clerk

(b) Preliminary Plat for Tentative Approval.

- (1) *Purpose.* The purpose of the Preliminary Plat tentative approval is to provide the proprietor with tentative Village approval prior to seeking additional jurisdictional agency approvals. All items required for final approval of the preliminary plat shall be provided at this step, with the exception of the approvals from other jurisdictional agencies
- (2) *Information required on the Preliminary Plat for Tentative Approval.* The proprietor shall, in compliance with the requirements of the Land Division Act and this ordinance, include but is not limited to the following:
 - a. All items required for pre-preliminary plat review as outlined in subsection (a) above.
 - b. Name, address, and phone number of the proprietor and surveyor or engineer that prepared the plat.
 - c. Name of the proposed development.
 - d. Names of abutting subdivisions.
 - e. Survey of the property and legal description.
 - f. Street names, rights-of-way, right-of-way widths and typical road cross-sections.
 - g. Bridges and culverts as determined necessary.
 - h. Required zoning setbacks. On corner lots, the front of the lots shall be clearly identified. Minimum frontage requirements shall be verified at the setback line.
 - i. Utility layout including connections to existing systems, pipe sizes (storm sewer size can be estimated), fire hydrant locations, and sufficient sanitary and storm sewer inverts to ensure adequate depth, storm detention/retention areas, storm sewer outlets and any proposed utility easements. Drainage calculations are not required at this stage.
 - j. Proposed drainage should be indicated either by proposed contours or by drainage arrows. Drainage arrows should be sufficient to show preliminary drainage direction of the entire development.
 - k. All floodplain areas regulated by the Michigan Department of Environmental Quality (MDEQ).
 - l. All wetland areas regulated by the Michigan Department of Environmental Quality (MDEQ).
 - m. All parcels of land proposed to be dedicated to public use and conditions of such dedication.
 - n. Date and north arrow.
 - o. Complete language for any and all deed restrictions, or statement that none are proposed.
 - p. Other related data as the Village Council deems necessary

(3) Submission and Review Process.

- a. The proprietor shall submit 10 copies of a complete preliminary plat, a completed application and the required fee to the Village Clerk.
- b. Upon receipt, the Village Clerk or designee shall submit copies of the preliminary plat to members of the Village of Vernon Planning Commission and shall make one (1) copy available to each applicable staff person or Village consultant, who shall review the preliminary plat and provide written comments to the Planning Commission at least fourteen (14) days prior to the meeting where the preliminary plat will be considered.
- c. The Planning Commission shall consider the preliminary plat at the first meeting of the board held at least 20 days after the filing of the complete preliminary plat with the Village Clerk.

(4) Planning Commission Review of the Preliminary Plat for Tentative Approval.

- a. Prior to making a recommendation on the preliminary plat, the Planning Commission shall hold a public hearing. Notice of the hearing shall contain the date, time and place of the hearing, and shall be sent by mail, at least 15 days prior to the hearing date, to the proprietor and owners of land immediately adjoining the proposed platted land.
- b. The preliminary plat and all required accompanying data shall be reviewed, in accordance with sound engineering practices, by the Planning Commission for the purpose of determining its compliance with the Land Division Act, the specifications of this ordinance, the Village's master plan, The Village of Vernon Zoning Ordinance, and other applicable Village ordinances.
- c. The Planning Commission shall submit to the Village Clerk a written recommendation concerning the preliminary plat within 63 days of the filing of the complete preliminary plat with the Village Clerk. The Planning Commission shall either:
 1. Recommend tentative approval of the preliminary plat; or,
 2. Set forth reasons for not recommending tentative approval of the preliminary plat and the requirements for tentative approval.
- d. If the Planning Commission fails to act within the required period, the plat shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Planning Commission upon request of the proprietor. However, the proprietor may waive this requirement and consent to an extension of the 63-day period

(5) Village Council Review of the Preliminary Plat for Tentative Approval.

- a. The Village Council, prior to making a determination, shall consider all pertinent information, including not only the preliminary plat and accompanying data submitted by the proprietor, but also the written comments of Village staff and the recommendation of the Village Planning Commission.

- b. The Village Council shall make a determination regarding the preliminary plat within 90 days of the filing of the complete preliminary plat with the Village Clerk, unless the proprietor has had a preliminary review with the plat board as outlined in Section 111 (3) of the Land Division Act, in which case the board shall have a maximum of 60 days. This time limit includes the period for county and Village Planning Commission review. The Village Council shall either:
 1. Tentatively approve the preliminary plat and note its approval on the copy of the preliminary plat to be returned to the proprietor, with or without conditions; or,
 2. Reject the preliminary plat, setting forth in writing its reasons for rejection and the requirements for tentative approval.
 - c. The Village Council's tentative approval shall be valid for one (1) year from the date of the meeting where such approval was granted. Upon application by the proprietor to the Village Council, prior to the tentative approval expiration date, the Village Council may extend such approval for an additional one (1) year. The tentative approval of a preliminary plat, once expired, shall require the proprietor to resubmit a preliminary plat
- (c) Preliminary Plat for Final Approval.
- (1) *Purpose.* The purpose of the Preliminary Plat tentative approval is to provide the proprietor with tentative Village approval prior to seeking additional jurisdictional agency approvals. All items required for final approval of the preliminary plat shall be provided at this step, with the exception of the approvals from other jurisdictional agencies.
 - (2) *Information required on the Preliminary Plat for Final Approval.* All items required on the preliminary plat for tentative approval as outlined in subsection (b) (2) above are required on the preliminary plat for final approval.
 - (3) *Submission and Review Process.*
 - a. The Village Clerk shall schedule for Village Council consideration, final approval of the preliminary plat upon receipt from the proprietor of a complete preliminary plat, as well as approved copies of the preliminary plat from the following agencies as applicable:
 1. Vernon Village Council (if the proposed subdivision includes or abuts roads under the Village's jurisdiction).
 2. Shiawassee County Drain Commissioner (if the proposed subdivision drains into a County Drain or the Drain Commission otherwise has jurisdiction).
 3. Michigan Department of Transportation (if any of the proposed subdivision includes or abuts a state trunk line highway, or includes streets or roads that connect with or lie within the right-of-way of state trunk line highways).
 4. Michigan Department of Natural Resources (if the land proposed to be subdivided abuts a lake or stream, or abuts an existing or proposed channel or lagoon affording access to a lake or stream where public rights may be affected).

5. Michigan Department of Environmental Quality (if any of the subdivision lies wholly or in part within the floodplain of a river, stream, creek, or lake or contains wetlands that may potentially fall under state regulation).
 6. Shiawassee County Environmental Health Department (if public water or public sewers are not available and accessible to the land proposed to be subdivided).
- b. In addition, the proprietor shall provide copies of cover letters showing that two (2) copies of the preliminary plat were sent to the Shiawassee County Plat Board, to all public utilities serving the Village, and to any school boards with schools located within the Village for informational purposes.

(4) Village Council Review of the Preliminary Plat for Final Approval.

- a. The Village Council shall make a determination regarding the preliminary plat at its next regularly scheduled meeting or within 20 days of the submission of the complete preliminary plat to the Village Clerk. The Village Council shall either:
 1. Approve the preliminary plat, with or without conditions; or,
 2. Reject the preliminary plat, setting forth in writing its reasons for rejection and the requirements for final approval.
 - b. The Village Council shall instruct the Village Clerk to notify the proprietor of approval or rejection in writing, and if rejected to give the reasons.
 - c. The Village Clerk shall note all proceedings in the minutes of the meeting and the minutes shall be open for inspection.
 - d. The Village Council's final approval shall be valid for two (2) years from the date of the meeting where such approval was granted. Upon application by the proprietor to the Village Council, prior to the final approval expiration date, the Village Council may extend such approval for an additional one (1) year. The final approval of a preliminary plat, once expired, shall require the proprietor to resubmit a preliminary plat.
- (d) *Survey and Monumentation.* For every subdivision of land there shall be a survey complying with the requirements of Sections 125 and 126 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

Prior to submission of a final plat to the Village, the proprietor shall have a surveyor place survey monuments in the plat as required by Section 125 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended. As provided by Section 125, the Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the Village Clerk cash, certified check, or irrevocable bank letter of credit running to the Village, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total, except that lot corner markers shall be at the rate of not less than \$10.00 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the Village Council shall promptly require a surveyor to

locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

(e) Improvements Construction Plans Approval.

- (1) *Construction Plans Approval.* It shall be the responsibility of the proprietor of every proposed subdivision prior to Final Plat approval to have prepared by a Professional Engineer registered in the State of Michigan, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required streets, utilities and other improvements. Such construction plans shall be based on preliminary plans that have been approved with the preliminary plat. Construction plans are subject to approval by the responsible public agencies, including the Village's in the case of improvements they require. All construction plans shall be prepared in accordance with the standards or specifications contained or referenced in this ordinance, and with standards adopted by the responsible public agency.
- (2) *Inspection.* A qualified inspector with applicable certification as determined by the Village Council shall inspect the installation of all improvements. The Village Council shall select the inspector. The proprietor shall be responsible for all inspection costs.
- (3) *As-Built Drawings.* Upon completion of the construction of all required streets, utilities and other improvements, the as-built drawings shall be verified by a Professional Engineer registered in the State of Michigan.

(f) Final Plat Approval.

- (1) *Purpose.* The purpose of the Final Plat approval is to ensure that the site and its related improvements were developed in accordance with the final approved preliminary plat, approved construction plans and any conditions required by the Village Council. No person shall enter into any contract for the sale of, or shall offer to sell said subdivision or any part thereof until final plat approval has been obtained and the proprietor has completed construction of all improvements or has bonded with the Village for the cost of the improvements.
- (2) *Information required on the Final Plat.* The proprietor shall, in compliance with the requirements of the Land Division Act and this ordinance, submit the following:
 - a. Five (5) mylar copies, a digital copy, and 10 blueprint copies of a complete final plat with all of the certificates required in Section 142 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.
 - b. Abstract of Title, Policy of Title Insurance or Attorney's Opinion of Title.
 - c. A complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for the required streets, utilities, and other improvements with applicable agency approvals.
 - d. As-built profile and cross-section notes of each street with grades; as-built profile of sanitary and storm sewer with sizes and grades; and a plan of the water lines with sizes and appurtenances in accordance with the Village's Development Design Standards and this ordinance.

- e. An agreement with the Village containing a restriction upon the plat whereby the building inspector will not be permitted to issue a building permit for any structure upon any lot within said subdivision until the improvements as specified herein have been completed, or satisfactory arrangements have been made with the Village for the completion of said improvements. These plat restrictions shall be made a part of all deeds or contracts for any lot within the subdivision.
- f. Plat restrictions, if the proprietor proposes such restrictions, shall be submitted, with the final plat. Such restrictions shall not be in contradiction to the Village of Vernon Zoning Ordinance or any other ordinance of the Village. These restrictions shall become a part of the final plat and shall be recorded along with the plat in the Office of the Shiawassee County Register of Deeds.

(3) Submission and Review Process.

- a. The proprietor shall submit all items as outlined in Section 4.F.2 above, with the required fees to the Village Clerk.
- b. Upon receipt, the Village Clerk shall submit copies of the final plat to members of the Village Council and shall make one (1) copy available to each of applicable departments or offices. In addition, the Village engineer shall receive as-built drawings for all streets, utilities and other required improvements, or a complete set of construction plans for those improvements not yet in place. All departments shall review the final plat and provide written comments to the Village Council at least one (1) week prior to the meeting where the final plat will be considered.

(4) Village Council Review of the Final Plat.

- a. Upon receipt of the final plat and all required accompanying materials, the Village Council shall make a determination regarding the final plat at its next regularly scheduled meeting or within 20 days of the submission of the complete final plat to the Village Clerk. The Village Council shall either approve or reject the final plat.
- b. If the final plat is rejected, the Village Council shall instruct the Village Clerk to give the reasons for the rejection in writing and return the plat to the proprietor. The proprietor shall, within a reasonable time, resubmit to the Village Council any changes or alterations stipulated by the commission.
- c. Final plat approval shall be granted by the Village Council provided the following:
 - 1. The proprietor has submitted the necessary construction plans, as required by this ordinance, and the plans have been checked and approved by the Village or other agencies with authority to approve the subdivision improvements.
 - 2. The proprietor has installed all improvements including survey monuments and the Village Council has accepted such improvements. The proprietor, at the sole discretion of the Village, may post a bond of a type and amount acceptable by the Village for the cost of installation of the improvements or for the cost of completing construction of the specific public improvement, including contingencies. The term length in which the bond is in force shall be for a period to be specified by the Village Council. The bond shall be:

- a. A non-revocable letter of credit issued by a bank or such other agency acceptable to the Village Council; or,
 - b. A cash bond issued by a surety company authorized to do business in the State of Michigan and acceptable to the Village Council. The escrow agreement shall be drawn and furnished by the Village.
 - 3. The proprietor has submitted as-built drawings for all of the completed improvements and the Village has determined that such drawings are consistent with the improvements proposed for the final plat.
 - d. Upon approval of the final plat, the Village Clerk shall, in accordance with the Land Division Act, certify on the plat the Village's approval, and forward the plat (five copies), agreements, restrictions and fees to the Shiawassee County Plat Board.
 - e. The Village Clerk shall note all proceedings in the minutes of the meeting and the minutes shall be open for inspection.
- (g) *Variance from the Provisions of this Ordinance.* Variances from the provisions contained in this Ordinance, not including standards imposed by other jurisdictions and referenced in this Ordinance, may be granted by the Village Council subject to the following:
- (1) An application for any such variance shall be submitted in writing by the proprietor to the Village Council at the time the Village Council reviews the preliminary plat for tentative approval. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
 - (2) If the proprietor can clearly demonstrate that literal enforcement of this section will impose practical difficulties because of unique circumstances pertaining to his land, the Village Council may permit such variance or variances as, in its sound discretion, it believes to be reasonable and within the general purpose and policy of this ordinance.
 - (3) In making the findings required in subsection (4) below, the Village Council shall consider the location and condition of the proposed subdivision, the nature of the proposed variance as compared with the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed variance as compared with the existing use of land in the vicinity.
 - (4) No variance shall be granted unless the Village Council finds:
 - a. There are special circumstances or conditions affecting the property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
 - b. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - c. The granting of the variance will not be detrimental to the public welfare or be injurious to property in the vicinity of the proposed subdivision.

(h) *Corrections or Changes to an Approved Plat.* Corrections or changes to an approved plat shall be made only when in accordance with the Land Division Act and this ordinance. The process required shall be dependent upon the type of correction or change proposed and achieved by means of the following:

(1) An affidavit from the surveyor who certified the plat.

(2) By order of the circuit court.

(3) By action of the Village Council.

(i) *Replats.* A replat of all or a portion of a recorded subdivision plat may occur using the conventional platting process only after a plat or portion of a plat to be replatted has been vacated by court action, with the following exceptions:

(1) All owners of the lots involved in the replat:

a. Agree to the replat in writing and record the agreement with the Shiawassee County Register of Deeds.

b. Provide notice of their intention to replat to abutting property owners by certified mail.

c. Request the Village Council adopt an ordinance vacating any areas dedicated to public use.

(2) Assessor's Plats.

(3) Urban Renewal Plats.

(j) *Lot Splits.* A "lot split" is any division of an existing platted lot. These divisions of lots may be recombined to create lots of various sizes and configurations as an alternative to replatting. The purpose of this section is to identify when a proposed splitting of a lot requires review and approval through the lot split process, outline the approval process, detail criteria necessary for approval, review building permit requirements, and provide for an appeals process.

(1) *When Lot Split Approval is Required.* Lot split approval is required for any alteration of an existing platted lot or when dividing any platted property into two (2) or more lots and the number of splits proposed, together with any previous splits, does not exceed those permitted by Section 263 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

(2) Approval Process

a. *Information required.* Information required by the applicant for lot split approval shall include:

1. A completed "Lot Split Application" provided by the Village.

2. An adequate and accurate legal description of all lots resulting from the proposed split, including the remainder of the original lot.

3. A survey, map or drawing of the proposed split.

4. The fee established by the Village Council for review of lot splits.
- b. Submission and Review.
1. Application and fee shall be submitted to the Village Clerk or designee.
 2. The Village assessor or designee shall review for compliance with the Land Division Act and this ordinance. The Village assessor or designee shall be responsible for determining if the applicant has provided an adequate and accurate legal description and an adequate survey, map, or drawing.
 3. The Village engineer shall review for compliance with adopted departmental standards and ordinances. The Village engineer shall be responsible to determine if the lot is accessible and has adequate easements for public utilities.
 4. The Shiawassee County Zoning Administrator shall review for compliance with the Village of Vernon Zoning Ordinance and compliance with lot width and lot area requirements as well as setbacks from existing structures.
 5. Within 45 days of receipt of a complete application for lot split approval, the Village assessor or designee shall approve or deny the lot split request. In the case of denial, the Village assessor or designee shall identify in writing the basis for denial of the request. The basis for denial shall be non-compliance with one (1) of the standards for approval outlined in Section 4.J.3 below.
- (3) *Criteria for Approval.* All proposed lot splits must comply with all of the following criteria in order to be approved. The following shall be the basis for approval of a lot split request.
- a. Each lot (including the remainder of the original lot) shall have an adequate and accurate legal description and shall be shown on a survey, map or drawing, drawn to scale, which shows the area of each lot, lot lines, dimensions, setbacks, public utility easements, rights-of-way, accessibility and any other information that is necessary to determine compliance with the criteria for approval.
 - b. Each lot shall comply with the minimum lot width, minimum lot area and the minimum setback requirements for the zoning district in which it is located unless a variance is granted by the Village of Vernon ZBA.
 - c. Each lot is accessible as defined in this Ordinance.
 - d. The request complies with the limitation on the maximum number of splits permitted as outlined in Section 4.J.1 of this ordinance and Section 263 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.
 - e. Each resulting lot that is a development site has adequate easements for public utilities from the lot to existing public utility facilities.
- (4) *Building Permit Requirements.* Approval of a lot split neither implies the resulting lots are buildable, nor a determination that the resulting lots comply with other Village ordinances or regulations. In order to build on a lot, the property must also comply with the State's Building Code, the Village of Vernon Zoning Ordinance, and all other applicable Village Ordinances.

(5) *Appeals*. Any applicant aggrieved by a decision of the Village assessor or designee on a lot split request may appeal the decision to the Village Council by submitting the required application and fee to the Village Clerk. If an appeal is filed, the Village assessor or designee shall transmit the file on the request being appealed to the Village Council.

(k) *Parcel Splits*. A parcel split is the division of a parcel consisting of two (2) or more platted lots along a platted lot line in order to create two (2) or more parcels. Approval of a parcel split is not required; however, the split shall not result in the creation of nonconforming parcels under the terms of the Village of Vernon Zoning Ordinance unless a variance is first granted by the Village of Vernon ZBA. This would include issues of lot width, lot area and setback requirements.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 55-35. Condominiums

Conventional and site condominium projects are approved following the process outlined in the Village of Vernon Zoning Ordinance.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 55-36. Development Design Standards. Reserved

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 55-37. Fees and Penalties

(a) *Fees*. Fees for all work associated with the review and approval of applications for all forms of division of land covered by this ordinance shall be established by the Village Council by resolution, and may be amended by the Village Council by resolution at their discretion.

(b) *Penalties*

(1) The penalty for a violation of this chapter shall be a civil infraction as outlined in Chapter 42, Sec 42-7 of the Village Code of Ordinances

(2) Any person, firm or corporation who violates any of the provisions of the Land Division Act shall be subject to prosecution by the Shiawassee County Prosecutor.

(Ord. No. 12-133 Eff. 1-17-17)

Parks
Chapter 56

ARTICLE I. In General

Secs. 56-1-56-30. Reserved

ARTICLE II. Park Rules

Section 56-31 Purpose and Intent

Section 56-32. Definitions

Section 56-33. Public Use, Hours, and Penalties

Section 56-34. Protection of Park Property

Section 56-35. Wildlife and Pets in Parks

Section 56-36. Traffic Control within Village Park

Section 56-37. Prohibited Uses

Section 56-38. Liability Insurance and Hold Harmless Requirements

Section 56-39. Fees or Charges

Article I. In General

Secs. 56-1-56-30. Reserved

Article II. Park Rules

Section 56-31 Purpose and Intent

The purpose and intent of these rules and regulations governing the use of park land and facilities is to provide reasonable controls over the use of public property for recreational purposes and to protect the health, welfare and safety of park visitors and property.

Section 56.32. Definitions

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

1. "Authorized Agent" or "Agent" means the Village Director of the Parks and Recreation Department.
2. "Camping" means the overnight lodging or sleeping of a person or persons on the ground or in any other manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed on Village property.
3. "Person or Persons" means individuals, male or female, singular or plural, firms, corporations, unincorporated associations or any group or gathering of individuals.
4. "Provided or Designated" means those rules and policies for such use as are duly adopted from time to time by the Village Council and posted in a manner to give public notice of such use.
5. "Rules" mean the rules and regulations adopted by the Village Council and all amendments thereto, applicable to all Village property.
6. "Village Council" means the Village of Vernon, Michigan, Village Council.
7. "Village property" means all parks and recreation lands and property administered by or under the jurisdiction of the Village Council, namely Crawford Park and Sexton Park.

Section 56-33. Public Use, Hours, and Penalties

It shall be the policy of the Village to provide its Parks for the general public to use in a reasonable and orderly manner, without exclusion of anyone from the parks during the hours the parks are open, but in order to protect the parks and park equipment from vandalism, to exclude all unauthorized persons therefrom during the time the parks are closed.

1. Time of Parks Opening and Closing. The Parks shall be opened each day, including Sunday and holidays, at 6:00 each morning and shall remain open until 10:00 the evening of that day, and from that time until 6:00 the following morning the parks shall be closed.
2. Permits Required. Any club, association or organization desiring to use the parks shall file an application with the Village Clerk on forms to be furnished by the Village Clerk, and shall not use the parks until the permit is granted.

- (a) No permit shall be issued for the exclusive use of the parks and no permittee shall exclude the public from the parks, charge any admittance fee, sell tickets or otherwise require anyone to pay any fee for entering the parks except as provided hereafter, for special permits.
 - (b) Special permits for a club, organization or association desiring to use a portion of the park for a money raising affair, whether to cover costs of operation or for permit, shall file an application therefor with the Village Clerk on forms to be furnished by the Village Clerk and pay to the Village Clerk a fee as provided in Section 56-17. The application, among other information, must designate the portion of the parks desired, where ticket sales will be set up or money is to be collected, and how much per person or other unit of measurement, the location of which shall be under the control of the Village Council. The fee for the permit may be waived or refunded at the discretion of the Village Council.
 - (c) All applications for Special Permits to use a portion of the parks shall be presented to the Village Council by the Village Clerk at the next regular meeting thereof.
 - (d) All park permits shall require the permittee to clean up the parks after the affair is over, and all applications for permit must give the name, address and phone number of the person, or the permittee, responsible for the cleanup.
 - (e) Should the affair of the parks permittee extend overnight, the overnight occupants shall stay within the area allotted in the permit during the time the park is closed, and shall use the other necessary part of the parks only for entrance to or exit from the permitted area, and the permittee shall be responsible for necessary policing thereof.
3. Violation of Closing Hours. No person other than police officers on official duty, or other Village officers or employees on park duty, shall enter the parks or remain therein during the time the parks are closed, except as provided above, in the case of over-night permits.
 4. Penalties and Liability. Any person violating any provision of this Chapter shall be punished by a fine as provided in Section 1-12 (a.). The Village shall not be responsible for any property losses suffered by any person in the use of the Village Parks. All persons violating any provisions of this Chapter shall be jointly and severally liable for all damage done to the parks while the person is so in violation. Any damage found in the parks after apprehending a violator, which was unknown prior thereto, is presumed to have been done while the offender was so violating this Chapter.

Section 56-34. Protection of Park Property

Destruction or damage to park properties and plant/tree life.

1. No person shall destroy, deface, alter, change or remove any table, wall, bridge, equipment, building, fountain, lamp-post, fence, gate or other structure within the Village Parks.
2. No person shall cut, climb on, remove or destroy any tree, sapling, seedling, flower, plant, grass, bush or shrub whether dead or alive, or chip, blaze, girdle, trim or otherwise deface the same without permission of the Village Council or its agent.
3. Persons igniting fires within Village Parks shall not:
 - (a) Willfully set or cause to be set on fire any tree, woodland, brush land, grassland, or meadow.

- (b) Build any fire except within fireplaces, picnic grills, receptacles or open spaces approved and designated for such purpose without prior written permission of the Village Council or its Agent. No person shall maintain a fire in a place approved or designated for such purposes in a careless or negligent manner likely to endanger any person or property.
- (c) Drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable material within or upon Village park property in a careless or negligent manner to endanger any person or property.

Section 56-35. Wildlife and Pets in Parks

Abuse, mistreatment of wildlife and conduct with pets in parks.

1. No person shall abuse, mistreat, injure or kill any wildlife, animal or bird, within the Village parks.
2. All pets on the premises of any Village Park are the responsibility of their owner. All pets that are on the premises of any Village Park must be confined in an appropriate cage, or on a leash. Persons with pets shall dispose of their pet's feces in appropriate containers as provided by pet owner.

Section 56-36. Traffic Control within Village Park

All motor-driven vehicles in the parks and on any park road or designated area are subject to the following rules:

1. No "Off-Road Vehicles" (ORV' s), golf-carts or snowmobiles are allowed in the parks.
2. "Off-Road Vehicles" (ORV' s) registered as motor-vehicles and license-plated by the State of Michigan (or some other state) shall be allowed in designated parks parking areas and park roads.
3. The use of motorcycles of all sizes, motor-vehicles, mopeds, go-carts, or other motor-driven utility vehicles are prohibited from all park areas except for park roads, roadways, drives or designated park areas for parking. Excepted herefrom are individuals with physical impairments.
4. Parking is restricted to designated areas only.
5. It shall be unlawful for any person to operate a motor-driven vehicle on any park road at a speed exceeding 5 miles per hour or any speed greater than that posted by the Village.

Section 56-37. Prohibited Uses

Alcoholic beverages, personal conduct, use of loudspeakers, use of radios and electronic audio, fireworks, littering and pollution, hunting and firearms.

1. Alcoholic Beverages. No alcoholic beverage shall be consumed in Village parks except with the written approval of the Village Council specifying the limits and conditions of such activity.
2. Personal Conduct. No person shall interfere with, or in any manner hinder, any employee or agent of the Village Council while performing official duties.
3. Use of Loudspeakers. It shall be unlawful, unless written permission has been obtained from the Village Council or its Agent, to use a loudspeaker, public address system or amplifier in any Village parks.

4. Use of Radios and Electronic Audio Players. It shall be unlawful to use a radio or electronic audio player of any kind in such manner as to interfere with the use and enjoyment of any park by the public.
5. Fireworks. No person shall fire, discharge or have in their possession any rocket, flare, firecracker, sparkler or other fireworks, or any substance of an explosive or incendiary nature on Village park property unless the Village Council has authorized the same by the issuance of a permit therefore.
6. Littering and Pollution. No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park except in park refuse containers provided for that purpose. Such waste shall only be that which is generated in the parks, and miscellaneous waste deposited in the parks receptacles shall be prohibited. It shall be unlawful to throw, cast, deposit or discharge any substance, matter or item, liquid or solid, which may result in the pollution or littering of waters or property in the parks of the Village.
7. Hunting. No person on Village park property shall hunt, trap, catch, wound, or kill or attempt to hunt, trap, catch, wound, or kill any bird or animal or molest or rob any nest of any bird or any lair, den, or burrow of any animal.
8. *Firearms and Other Weapons.*
 - (a) Except as otherwise authorized by law, no person shall, at any time, bring upon the Village park property, nor possess or discharge anywhere upon such property, any firearm of any description, or air-rifle, spring gun, bow and arrow, sling, soft air gun, facsimile firearm, or any other form of weapon potentially dangerous to wild life and human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park property from beyond park boundaries is prohibited.
 - (b) This section shall not prohibit any individual with a concealed weapons permit (CCW) from carrying a concealed weapon as permitted under State of Michigan Law.
 - (c) This section shall not apply to any duly appointed law enforcement officer while carrying out the duties and responsibilities of their position.

Section 56-38. Liability Insurance and Hold Harmless Requirements

Hold harmless requirements.

1. All persons and organizations shall hold the Village harmless from liability for incidents arising out of their respective use of Village Parks.
2. Liability insurance may be required by the Village Council and/or its Agent for such events as weddings, receptions, graduation parties, birthday celebrations and other like functions and when required, shall provide a copy of a homeowner's policy or like insurance coverage for general public liability with limits satisfactory to the Village or its Agent.

Section 56-39. Fees or Charges

Schedule of Fees. Fees for use of the parks by individuals and organizations shall be as established from time to time by Village Council resolution.

Reserved
Chapters 57

Traffic and Vehicles¹⁶

Chapter 58

Article I. In General

Secs. 58-1-58-30. Reserved.

Article II. Uniform Traffic Code

Sec. 58-31. Adoption.

Sec. 58-32. References in code.

Sec. 58-33. Amendments.

Secs. 58-34-58-84. Reserved.

Article III. Bicycles

Sec. 58-85. Rules of operation on pedestrian sidewalks.

Sec. 58-86. On sidewalks of Main Street, between Walnut Street and Church Street.

Sec. 58-87. Penalty.

Secs. 58-88-58-115. Reserved.

Article IV. Stopping, Standing and Parking

Division 1. Generally

Secs. 58-116-58-130. Reserved.

Division 2. Parking Violations Bureau

Sec. 58-131. Bureau established.

Sec. 58-132. Clerk.

Sec. 58-133. Procedure.

Sec. 58-134. Time to appear.

Sec. 58-135. Contested matters.

Secs. 58-136-58-160. Reserved.

Article V. Vehicle Code

Sec. 58-161. Code adopted.

Sec. 58-162. References in Code.

Sec. 58-163. Penalties.

¹⁶ Cross References-Environment, ch. 30; streets, sidewalks and other public places, ch. 54.

State Law Reference-Michigan Vehicle Code, MCL 257.1 et seq., MSA 9.1801 et seq.

Article I. In General

Secs. 58-1-58-30. Reserved.

Article II. Uniform Traffic Code

Sec. 58-31. Adoption.

The uniform traffic code for cities, townships, and villages promulgated by the commissioner of state police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 edition of the Michigan Administrative Code, in accordance with Act No. 62 of the Public Acts of Michigan of 1956 (MCL 257.951 et seq., MSA 9.2651 et seq.), as amended, is hereby adopted by reference as modified in this article.

State Law Reference-Authority to adopt uniform traffic code by reference, MCL 257.951, MSA 9.2651.

Sec. 58-32. References in code.

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

Sec. 58-33. Amendments.

The following sections and subsections of the Uniform Traffic Code adopted in this article are hereby amended as set forth, and additional sections and subsections are added as indicated. Section numbers shall refer to the like-numbered sections in the Uniform Traffic Code.

Sec. 1.007a. Controlled substance.

Controlled substance means a controlled substance or controlled substance analogue as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7104, MSA 14.15(7104)), as amended.

State Law Reference-Similar provisions, MCL 257.8b, MSA 9.1808(2).

Sec. 1.012b. Handicapper.

Handicapper means a person who is determined by a physician licensed under part 170 or 175 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.17001 et seq., 333.17501 et seq., MSA 14.15(17001) et seq., 14.15(17501) et seq.), as amended, to have one or more of the following physical characteristics:

- (a) Blindness.
- (b) Inability to walk more than 200 feet without having to stop and rest.
- (c) Inability to do both of the following:
 - (i) Use one or both legs or feet.
 - (ii) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person.
- (d) A lung disease from which the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or from which the person's arterial oxygen tension is less than 60 mmHg of room air at rest.
- (e) A cardiovascular condition that causes the person to measure between three and four on the New York heart classification scale, or that renders the person incapable of meeting a minimum

standard for cardiovascular health that is established by the American heart association and approved by the department of public health.

(f) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk.

(g) The persistent reliance upon an oxygen source other than ordinary air.

State Law Reference-Similar provisions, MCL 257.19a, MSA 9.1819(1).

Sec. 2.5a. Abandoned vehicle procedures.

(1) As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or private property for a period of 48 hours after a police agency or other governmental agency designated by the police agency has affixed a written notice to the vehicle.

(2) If a vehicle has remained on public or private property for a period of time so that it appears to the police agency to be abandoned, the police agency shall do all of the following:

(a) Determine if the vehicle has been reported stolen.

(b) Affix a written notice to the vehicle. The written notice shall contain the following information:

(i) The date and time the notice was affixed. I

(ii) The name and address of the police agency taking the action.

(iii) The name and badge number of the police officer affixing the notice.

(iv) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.

(v) The year, make, and vehicle identification number of the vehicle, if available.

(3) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the police agency may have the vehicle taken into custody.

(4) A police agency which has a vehicle taken into custody shall do all of the following:

(a) Recheck to determine if the vehicle has been reported stolen.

(b) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network.

(c) Within seven days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:

(i) The year, make, and vehicle identification number of the vehicle if available.

(ii) The location from which the vehicle was taken into custody.

(iii) The date on which the vehicle was taken into custody.

(iv) The name and address of the police agency which had the vehicle taken into custody.

(v) The business address of the custodian of the vehicle.

(vi) The procedure to redeem the vehicle.

(vii) The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.

- (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.
- (5) The registered owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
- (6) If the owner does not request a hearing; he may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (7) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle and the police agency for its accrued costs.
- (8) Not less than 20 days after the disposition of the hearing described in subsection (5) of this section or, if a hearing is not requested, not less than 20 days after the date of the notice, the police agency shall offer the vehicle for a sale at a public sale pursuant to section 2.5g.
- (9) If the ownership of a vehicle which has been deemed abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

State Law Reference~ Similar provisions, MCL 257.252a, MSA 9.1952(1).

Sec. 2.5b. Abandoned scrap vehicle procedures.

- (1) As used in this section:
- (a) *Registered abandoned scrap vehicle* means a vehicle which meets all of the following requirements:
 - (i) Is on public or private property.
 - (ii) Is seven or more years old.
 - (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 5.71 would exceed the fair market value of that vehicle.
 - (iv) Is currently registered in the State of Michigan or displays current year registration plates from another state.
 - (v) Is not removed within 48 hours after a written notice, as described in section 2.5a(2)(b), is affixed to the vehicle.

- (b) *Unregistered abandoned scrap vehicle* means a vehicle which meets all of the following requirements:
- (i) Is on public or private property.
 - (ii) Is seven or more years old.
 - (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 5.71 would exceed the fair market value of that vehicle.
 - (iv) Is not currently registered in this state and does not display current year registration plates from another state.
 - (v) Is not removed within 48 hours after a written notice, as described in section 2.5a(2)(b), is affixed to the vehicle.
- (2) A police agency may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
- (a) Determine if the vehicle has been reported stolen.
 - (b) Take two photographs of the vehicle.
 - (c) Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle.
- The report shall contain the following information:
- (i) The year, make, and vehicle identification number if available.
 - (ii) The date of abandonment.
 - (iii) The location of abandonment.
 - (iv) A detailed listing of the damage or the missing equipment.
 - (v) The reporting officer's name and title.
 - (vi) The location where the vehicle is being held.
- (d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
- (3) Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of title or a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or a certificate of scrapping.
- (4) The release form described -in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c).
- (5) The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than two years. The two photographs taken pursuant to subsection (2Xb) of this section shall be retained by the police agency for not less than two years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.
- (6) A police agency may have a registered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:

- (a) Determine if the vehicle has been stolen.
- (b) Take two photographs of the vehicle.
- (c) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle.

The report shall contain the following information:

- (i) The year, make, and vehicle identification number if available.
 - (ii) The date of abandonment.
 - (iii) The location of abandonment.
 - (iv) A detailed listing of the damage or the missing equipment.
 - (v) The reporting officer's name and title.
 - (vi) The location where the vehicle is being held.
- (d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
- (e) Within seven days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:
 - (i) The year, make, and vehicle identification number of the vehicle if available.
 - (ii) The location from which the vehicle was taken into custody.
 - (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The business address of the custodian of the vehicle.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
 - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.
- (7) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount as determined by the court. The owner of the vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

- (8) If the owner does not request a hearing, he may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (9) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (10) Not less than 20 days after the disposition of the hearing described in subsection (7), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (6)(e), the police agency shall follow the procedures established in subsections (3) to (5).

State Law Reference-Similar provisions, MCL 257.252b, MSA 9.1952(2).

Sec. 2.5c. Vehicle removed from private property.

- (1) When a vehicle is removed from private property at the direction of a person other than the registered owner of the vehicle or a police agency, the custodian of the vehicle immediately shall notify the police agency from whose jurisdiction the vehicle was towed. The custodian shall supply that information which is necessary for the police agency to enter the vehicle into the law enforcement information network.
- (2) Upon receipt of the notification described in subsection (1), the police agency immediately shall do all of the following:
 - (a) Determine if the vehicle has been reported stolen.
 - (b) Enter the vehicle into the law enforcement information network.
- (3) The owner of the vehicle removed as described in subsection (1) may obtain release of the vehicle by paying the accrued towing and storage fees to the custodian of the vehicle. Upon release of the vehicle, the custodian shall notify the police agency of the disposition of the vehicle.
- (4) If the vehicle described in subsection (1) is not claimed by the owner within seven days after the police agency has been notified by the custodian that it has been taken into custody, the vehicle is deemed abandoned and the procedures prescribed in section 2.5a(4)(c) to (9) shall apply.

State Law Reference-Similar provisions, MCL 257.252c, MSA 9.1952(3).

Sec. 2.5d. Vehicle removed by police.

- (1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:
 - (a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
 - (b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
 - (c) If a vehicle is parked in a posted tow-away zone.
 - (d) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
 - (e) If the vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.
 - (f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or manmade disaster, or other emergency.
 - (g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.

- (h) If the vehicle is stopped, standing or parked in a space designated for handicapper parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapper parking.
- (2) A police agency which authorizes the removal of a vehicle under subsection (1) of this section shall do all of the following:
- (a) Check to determine if the vehicle has been reported stolen.
 - (b) Within 24 hours after removing the vehicle, enter the vehicle into the law enforcement information network if the vehicle has not been redeemed. This subdivision does not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident.
 - (c) If the vehicle has not been redeemed within ten days after moving the vehicle, send to the registered owner and the secured party as shown by the records of the secretary of state, by first class mail or personal service a notice that the vehicle has been removed; however, if the police agency informs the owner or operator of the vehicle of the removal and the location of the vehicle within 24 hours after the removal, and if the vehicle has not been redeemed within 30 days and upon complaint from the towing service, the police agency shall send the notice within 30 days after the removal. The notice shall be by a form furnished by the secretary of state. The notice form shall contain the following information:
 - (i) The year, make, and vehicle identification number of the vehicle.
 - (ii) The location from which the vehicle was taken into custody.
 - (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The location where the vehicle is being held.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle was properly removed or the reasonableness of the towing and daily storage fees.
 - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.
- (3) The registered owner may contest the fact that the vehicle was properly removed or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount equal to the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly removed, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
- (4) If the owner does not request a hearing, he may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

- (5) If the owner does not redeem the vehicle or request a hearing within 20 days, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle prior to the date of the sale.
- (6) Not less than 20 days after the disposition of the hearing described in subsection (3), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (2)(c), the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed. The public sale shall be held pursuant to section 2.5g.
- (7) If the ownership of the vehicle which has been removed under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

State Law Reference-Similar provisions, MCL 257.252d, MSA 9.1952(4).

Sec. 2.5e. Abandoned vehicle; jurisdiction. of court.

- (1) The following courts shall have jurisdiction to determine if a police agency has acted properly in processing a vehicle under section 2.5a, 2.5b (6) to (10), 2.5c, or 2.5d:
 - (a) The district court.
 - (b) A municipal court.
 - (c) The common pleas court of the City of Detroit.
- (2) The court specified in the notice prescribed in section 2.5a(4Xc), 2.5b (6), 2.5c(4), or 2.5d(2)(c) shall be the court which has territorial jurisdiction at the location from where the vehicle was removed or deemed abandoned. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.8312, MSA 27 A.8312), as amended.
- (3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 2.5a, 2.5b, 2.5c, or 2.5d shall be used to pay the towing and storage fees.

State Law Reference-Similar provisions, MCL 257.252e, MSA 9.1952(5).

Sec. 2.5f. Abandoned vehicle; duties of court.

- (1) Upon receipt of a petition prescribed in section 2.5a, 2.5b, 2.5c, or 2.5d, signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:
 - (a) Schedule a hearing within 30 days for the purpose of determining whether the police agency acted properly.
 - (b) Notify the owner and the police agency of the time and place of the hearing.
- (2) At the hearing specified in subsection (1) the police agency shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in processing the abandoned vehicle or vehicle removed pursuant to section 2.5d.
- (3) After the hearing the court shall make a decision which shall include one or more of the following:
 - (a) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 2.5d, and an order providing a period of 20 days after the decision for the owner to redeem the vehicle. If the owner does not

redeem the vehicle within 20 days, the police agency shall dispose of the vehicle pursuant to section 2.5b or 2.5g.

- (b) A finding that the police agency did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed pursuant to section 2.5d. After making such a finding, the court shall issue an order directing that the vehicle immediately be released to the owner, and that the police agency is responsible for the accrued towing and storage charges.
- (c) A finding that the towing and daily storage fees were reasonable.
- (d) A finding that the towing and daily storage fees were unreasonable and issue an order directing an appropriate reduction.

State Law Reference-Similar provisions, MCL 257.252f, MSA 9.1952(6).

Sec. 2.5g. Abandoned vehicle; public sale.

- (1) A public sale for a vehicle which has been deemed abandoned under section 2.5a or 2.5c or removed under section 2.5d shall be conducted in the following manner:
 - (a) It shall be under the control of the police agency or agent of the police agency.
 - (b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.
 - (c) Except as provided by sections 2.5a (9) and 2.5d(7), it shall be held not less than five days after public notice of the sale has been published.
 - (d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.
- (2) The money received from the public sale of the vehicle shall be applied in the following order of priority:
 - (a) Towing and storage charges.
 - (b) Expenses incurred by the police agency.
 - (c) To the secured party, if any, in the amount of the debt outstanding on the vehicle.
 - (d) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.
- (3) If there are no bidders on the vehicle, the police agency may do one of the following:
 - (a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
 - (b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:
 - (i) Paying the towing and storage charges.
 - (ii) Applying for title to the vehicle.
 - (c) Hold another public sale pursuant to subsection (1).

- (4) A person who acquires ownership of a vehicle under subsection (1) or (3), which vehicle has been designated as a distressed vehicle, shall make application for a salvage certificate of title within 15 days after obtaining the vehicle.
- (5) Upon disposition of the vehicle, the police agency shall cancel the entry into the law enforcement information network.

State Law Reference-Similar provisions, MCL 257.252g, MSA 9.1952(7).

Sec. 5.14c. Exhibition driving.

No person shall operate a vehicle upon any highway or a frozen public lake, stream or pond or other place open to the general public, including any areas designated for the parking of vehicles in an exhibition of speed or acceleration, whether or not the authorized speed limit is exceeded and whether or not conditions of competition exist.

State Law References-Reckless driving, MCL 257.626, MSA 9.2326; drag racing, prohibited, MCL 257.626a, MSA 9.2326(1).

Sec. 5.15. Driving while under influence of intoxicating liquor or controlled substance or with certain blood alcohol percentage; accident; arrest without warrant.

1. A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this Village if either of the following applies:
 - a. The person is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.
 - b. The person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
2. The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this Village by a person who is under the influence of intoxicating liquor, a controlled substance or a combination of intoxicating liquor and a controlled substance, who has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or whose ability to operate the motor vehicle is visibly impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.
3. A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this Village when, due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection 1, a finding of guilty under this subsection may be rendered.
4. A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this Village if the person has any bodily alcohol content. As used in this subsection "any bodily alcohol content" means either of the following:
 - a. An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

- b. Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.
- 5. A person, whether licensed or not, shall not operate a vehicle in violation of subsection 4 while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:
 - a. Community service for not more than 60 days.
 - b. A fine of not more than \$500.00.
 - c. Imprisonment for not more than 93 days.

In the judgment of sentence under this section, the court may, unless the vehicle is ordered forfeited under section MCL 257.625(b) order vehicle immobilization as provided in section MCL 257.904(d).
- 6. If a person is convicted for violating subsection 1 the person is guilty of a misdemeanor punishable by one or more of the following:
 - a. Community service for not more than 45 days.
 - b. Imprisonment for not more than 93 days.
 - c. A fine of not less than \$100.00 or more than \$500.00.
- 7. A person who is convicted of violating subsection 2 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.
- 8. A person who is convicted of violating subsection 3, is guilty of a misdemeanor punishable by one or more of the following:
 - a. Community service for not more than 45 days,
 - b. Imprisonment for not more than 93 days.
 - c. A fine of not more than \$300.00.
- 9. If a person is convicted of violating subsection 4, all of the following apply:
 - a. Except as otherwise provided in subsection b, the person is guilty of a misdemeanor punishable by one or more of the following:
 - i. Community service for not more than 45 days.
 - ii. A fine of not more than \$250.00.
 - b. If the violation occurs within seven years of one or more prior convictions, the person may be sentenced to one or more of the following:
 - i. Community service for not more than 60 days.
 - ii. A fine of not more than \$500.00.
 - iii. Imprisonment for not more than 93 days.
- 10. In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the Code of Criminal Procedure, 1927 PA 175, MCL 760.1 to 776.22.

11. A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.
12. If a person is charged with a violation of subsection 1, 3 or 5, or section MCL 275.625(m), the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection 4 in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.
13. Except as otherwise provided in subsection 15, if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection 1, the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.
14. Except as otherwise provided in subsection 15, if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection 3, the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.
15. A special verdict described in subsection 13 and 14 is not required if a jury is instructed to make a finding solely as to either of the following:
 - a. Whether the defendant was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.
 - b. Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.
16. If a jury or court finds under subsection 13, 14 or 15 that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:
 - a. Report the finding to the secretary of state.
 - b. On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under sections MCL 257.625(n) or MCL 257.904(d).
17. Except as otherwise provided by law, a record described in subsection 16(b) is a public record and the department of state police shall retain the information contained on that record for not less than seven years.
18. In a prosecution for a violation of subsection 4, the defendant bears the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

19. If a person refuses a chemical test offered pursuant to section MCL 257.625(a)(6) or submits to a chemical test or a chemical test is performed pursuant to a court order and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:
- a. On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the secretary of state.
 - b. Except as provided in subsection 2, immediately do all of the following:
 - i. Forward a copy of the written report of the person's refusal to submit to a chemical test required under section MCL 257.625 (d) to the secretary of state.
 - ii. Notify the Secretary of State by means of the law enforcement information network that a temporary license or permit was issued to the person.
 - iii. Destroy the person's driver's license or permit.
20. If a person submits to a chemical test offered pursuant to section MCL 257.625(a)(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (19)(a) pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (19)(b). If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.
21. A temporary license or permit issued under this section is valid for one of the following time periods:
- a. If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended pursuant to section MCL 257 .625(f), whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.
 - b. If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted, or revoked.
22. As used in this section, "unlawful alcohol content" means any of the following, as applicable:
- a. If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - b. If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or 67 milliliters of urine.
 - c. If the person tested is not a person described in subsection an orb, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(Ord. No. 02-112, § I, 8-21-2002)

State Law Reference-Similar provisions, MCL 257.625, MSA 9.2325.

Sec. 5.15a. Arrest; preliminary chemical breath analysis; chemical test.

- (1) *Arrest without warrant of intoxicated driver involved in accident.* A peace officer may arrest a person without a warrant when the peace officer has reasonable cause to believe the person was, at the time of an accident, in the Village, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 5.15(1), (3) or (4).
- (2) *Requiring submission to preliminary chemical breath analysis; consequences.* A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the Village, and that the person by the consumption of intoxicating liquor may have affected his ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the Village while the person's blood, breath or urine contained any measurable amount of alcohol or while the person had any detectable presence of intoxicating liquor, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this Village, while the person had any bodily alcohol content as that term is defined in section 5.15(4), may require the person to submit to a preliminary chemical breath analysis. The following provisions shall apply with respect to a preliminary chemical breath analysis administered pursuant to this subsection:
 - (a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.
 - (b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 5.15c(l) or in an administrative hearing for one or more of the following purposes:
 - (i) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.
 - (ii) As evidence of the defendant's breath alcohol content, if offered by the defendant.
 - (iii) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony or other evidence, including but not limited to testimony elicited on cross-examination of a prosecution witness, that is offered or elicited to prove that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered pursuant to subsection (6).
 - (c) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of sections 5.15c, 5.15d, 5.15e and 5.15f for purposes of chemical tests described in those sections.
 - (d) Except as provided in subsection (5), a person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.
- (3) *Out-of-service.* A peace officer shall use the results of a preliminary chemical breath analysis conducted pursuant to this section to determine whether to order a person out-of-service under section 319d of the act (MCL 257.319d, MSA 9.2019(4)). A police officer shall order out-of-service as required under section 319d of the act (MCL 257.319d, MSA 9.2019(4)) a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis as provided in this section. This section does not limit use of other competent

evidence by the peace officer to determine whether to order a person out-of-service under section 319d of the act (MCL 257.319d, MSA 9.2019(4)).

- (4) *Refusal of request for chemical breath analysis.* A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary chemical breath analysis under this section shall be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both, and will result in the issuance of a 24-hour out-of-service order.
- (5) *Refusal of preliminary chemical breath analysis.* A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis upon a peace officer's lawful request is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.
- (6) *Tests of presence of alcohol or controlled substance in blood; admissibility into evidence; advisement of rights; collection of urine or breath samples; blood withdrawn for post-accident medical treatment; admissibility of test results; withdrawal of blood from deceased driver, results of test to law enforcement agency.* The following provisions apply with respect to chemical tests and analysis of a person's blood, urine or breath, other than preliminary chemical breath analysis:
 - (a) The amount of alcohol or presence of a controlled substance or both in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine or breath is admissible into evidence in any civil or criminal proceeding.
 - (b) A person arrested for a crime described in section 5.15c(1) shall be advised of all of the following:
 - (i) If he takes a chemical test of his blood, urine or breath administered at the request of a peace officer, he has the right to demand that a person of his own choosing administer one of the chemical tests.
 - (ii) The results of the test are admissible in a judicial proceeding as provided under the act and shall be considered with other competent evidence in determining the defendant's innocence or guilt.
 - (iii) He is responsible for obtaining a chemical analysis of a test sample obtained pursuant to his own request.
 - (iv) If he refuses the request of a peace officer to take a test described in subparagraph (i), a test shall not be given without a court order, but the peace officer may seek to obtain such a court order.
 - (v) Refusing a peace officer's request to take a test described in subparagraph (i) shall result in the suspension of his operator's or chauffeur's license and vehicle group designation or operating privilege and in the addition of six points to his driver record.
 - (c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician or an individual operating under the delegation of a licensed physician under section 16215 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.16215, MSA 14.15(16215)), as amended, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach to a licensed physician or individual operating under the delegation of a licensed

physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this subsection, unless the withdrawal or analysis is performed in a negligent manner.

- (d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 5.15c(1). A person who takes a chemical test administered at a peace officer's request, as provided in this section, shall be given a reasonable opportunity to have a person of his own choosing administer one of the chemical tests described in this subsection within a reasonable time after his detention. The test results are admissible and shall be considered with other competent evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.
 - (e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance, or both, in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to the prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.
 - (f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance or both in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident, and that agency shall forward the results to the department of state police.
 - (g) The department of state police shall promulgate uniform rules under the administrative procedures act, Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq., MSA 3.560(10 1) et seq.), as amended, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary chemical breath analysis may be used for a chemical test described in this subsection if approved pursuant to rules promulgated by the department of state police.
- (7) *Introduction of other competent evidence on issue of intoxication not precluded.* The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether or not a person was impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance or whether the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 milliliters of breath, or per 67 milliliters of urine, or if the person is less than 21 years of age whether the person had any bodily alcohol content within his body. As used in this section, the expression "any bodily alcohol content" means either of the following:
- (a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 milliliters of breath, or per 67 milliliters of urine.

- (b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.
- (8) *Offender entitled to copy of test results upon written request; failure of prosecution to furnish as bar to admissibility into evidence.* If a chemical test described in subsection (6) is administered, the test results shall be made available to the person charged or the person's attorney, upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least two days before the day of the trial. The prosecution shall offer test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.
- (9) *Presumptions.* Except in a prosecution relating solely to a violation of section 5.15(1)(b) or (4) the amount of alcohol in the driver's blood, breath or urine at the time alleged as shown by chemical analysis of the person's blood, breath or urine gives rise to the following presumptions:
 - (a) If there were at the time 0.07 grams or less of alcohol per 100 milliliters of the defendant's blood, per 210 milliliters of the defendant's breath or per 67 milliliters of the defendant's urine, it is presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor and that the defendant was not under the influence of intoxicating liquor.
 - (b) If there were at the time more than 0.07 grams but less than 0.10 grams of alcohol per 100 milliliters of the defendant's blood, per 210 milliliters of the defendant's breath or per 67 milliliters of the defendant's urine, it is presumed that the defendant's ability to operate a vehicle was impaired within the provisions of section 5.15(3) due to the consumption of intoxicating liquor.
 - (c) If there were at the time 0.10 grams or more of alcohol per 100 milliliters of the defendant's blood, per 210 milliliters of the defendant's breath or per 67 milliliters of the defendant's urine, it is presumed that the defendant was under the influence of intoxicating liquor.
- (10) *Jury instruction as to effect of refusal to take test.* A person's refusal to submit to a chemical test as provided in subsection (6) is admissible in a criminal prosecution for a crime described in section 5.15c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury shall be instructed accordingly.

State Law Reference-Similar provisions, MCL 257.625a, MSA 9.2325(1).

Sec. 5.15b. Arraignment; pretrial conference advising accused; licensing sanction.

- (1) *Arraignment.* A person arrested for a misdemeanor violation of section 5.15(1), (3) or (4) or 5.15m shall be arraigned on the citation, complaint or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of section 5.15(1), (3) or (4) or section 5.15m joined with a felony charge.
- (2) *Scheduling of pretrial conference; mandatory attendance by defendant; acceptance of plea; not more than one adjournment; final adjudication time limit.* The court shall schedule a pretrial conference between the prosecuting attorney, the defendant and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 5.15(1), (3) or (4) or 5.15m. The pretrial conference shall be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only one judge who sits in more than one location in that district, the pretrial conference shall be held not more than 42 days

after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 35- and 42-day time limits do not apply to a violation of section 5.15(1), (3) or (4) or 5.15m joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than one adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days.

- (3) *Delays; adjudication.* Except for delay attributable to the unavailability of the defendant, a witness or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate by a plea of guilty or nolo contendere, entry of a verdict or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 5.15(1), (3), or (4), or 5.15m, within 77 days after the person is arrested for the violation or, if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 77-day time limit does not apply to a violation of section 5.15(1), (3), or (4) or section 5.15m joined with a felony charge.
- (4) *Advisement of maximum penalty prior to acceptance of plea.* Before accepting a plea of guilty or nolo contendere under section 5.15, the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state pursuant to section 204a of the act (MCL 257.204a, MSA 9.1904(1)), as amended.
- (5) *Screening and assessment as to alcohol or drug abuse; rehabilitative services.* Before imposing sentence, other than court-ordered license sanctions, for a violation of section 5.15(1), (3), or (4), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete one or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment and rehabilitative services.
- (6) *Consideration of prior convictions; imposition of licensing sanctions; restricted license.* Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 5.15(1), (3), or (4), whether or not the person is eligible to be sentenced as a multiple offender, the court shall consider all prior convictions currently entered upon the person's state driving record, except convictions the court determines, upon the defendant's motion, to be constitutionally invalid, and shall impose the following licensing sanctions:
 - (a) For a conviction under section 5.15(1):
 - (i) If the court finds that the person has no prior convictions within seven years for a violation of section 625(1), (3), (4) or (5) of the act (MCL 257.625(1), (3), (4), or (5), MSA 9.2325(1), (3), (4), or (5)), or former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2)), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1) or (3) (MCL 257.625(1) or (3), MSA 9.2325, (1) or (3)), former section 625(1) or (2) of the act or former section 625b of the act, or a law of another state substantially corresponding to

section 625(1), (3), (4) or (5), former section 625(1) or (2) of the act, or former section 625b of the act, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license for not less than six months or more than two years if the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the suspension, except that a restricted license shall not be issued during the first 30 days of the suspension.

- (ii) If the court finds that the person has one prior conviction within seven years for a violation of section 625(3) of the act (MCL 257.625(3), MSA 9.2325, (3)), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(3) of the act, or former section 625b of the act, or a law of another state substantially corresponding to section 625(3) of the act, or former section 625b of the act, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license for not less than six months or more than two years. If the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension, except that a restricted license shall not be issued during the first 60 days of the suspension.
- (iii) If the court finds that the person has one or more prior convictions within seven years for a violation of section 625(1), (4) or (5) of the act (MCL 257.625(1), (4) or (5), MSA 9.2325, (1), (4), or (5)), or former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1), or (2)), a local ordinance substantially corresponding to section 625(1) of the act (MCL 257.625(1), MSA 9.2325(1)), or former section 625(1) or (2) of the act, or a law of another state substantially corresponding to section 625(1), (4) or (5) of the act, or former section 625(1) or (2) of the act, or that the person has two or more prior convictions within ten years for a violation of section 625(1), (3), (4) or (5) of the act (MCL 257.625(1), (3), (4) or (5), MSA 9.2325, (1), (3), (4), or (5)), former section 625(1) or (2) of the act, or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1) or (3) of the act (MCL 257.625(1) or (3), MSA 9.2325, (1), or (3)), former section 625(1) or (2) of the act, or former section 625b of the act, or a law of another state substantially corresponding to section 625(1), (3), (4) or (5) of the act, former section 625(1) or (2) of the act, or former section 625b of the act, the court shall order the secretary of state to revoke the person's operator's or chauffeur's license and shall not order the secretary of state to issue a restricted license to the person.

(b) For a conviction under section 5.15(3):

- (i) If the court finds that the convicted person has no prior conviction within seven years for a violation of section 625(1), (3), (4), or (5) of the act (MCL 257.625(1), (3), (4) or (5), MSA 9.2325(1), (3), (4) or (5)), former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1) or (3) of the act (MCL 257.625(1) or (3), MSA 9.2325, (1) or (3)), former section 625(1) or (2) of the act, or former section 625b of the act, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5) of the act, former section 625(1) or (2) of the act, or former section 625b of the act, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license for not less than 90 days or more than one year. However, if the person is convicted of a violation of section 5.15(3) for operating a vehicle when, due to the consumption of a controlled substance or a

combination of intoxicating liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than six months or more than one year. If the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the suspension.

- (ii) If the court finds that the person has one prior conviction within seven years for a violation of section 625(1), (3), (4), or (5) of the act (MCL 257.625(1), (3), (4), or (5), MSA 9.2325(1), (3), (4) or (5)), former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2)) of the act or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1) or (3) of the act (MCL 257.625(1) or (3), MSA 9.2325, (1) or (3)) of the act or former section 625(1) or (2) of the act, or former section 625b of the act, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5) of the act, former section 625(1) or (2) of the act, or former section 625b of the act, the court shall order the secretary of state to suspend the person's operator's or chauffeur's license for not less than six months or more than two years. If the court finds compelling circumstances under subsection (10) sufficient to warrant the issuance of a restricted license to a person, the court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension, except that a restricted license shall not be issued during the first 60 days of the suspension.
 - (iii) If the court finds that the person has two or more prior convictions within ten years for a violation of section 625(1), (3), (4), or (5) of the act (MCL 257.625(1), (3), (4) or (5), MSA 9.2325(1), (3), (4) or (5)), or former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2)), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1) or (3) of the act (MCL 257.625(1) or (3), MSA 9.2325, (1) or (3)), or former section 625(1) or (2) of the act, or former section 625b of the act, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5) of the act, or former section 625(1) or (2) of the act, or former section 625b of the act, the court shall order the secretary of state to revoke the person's operator's or chauffeur's license and shall not order the secretary of state to issue a restricted license to the person.
- (c) For a conviction under section 5.15(4):
- (i) If the court finds that the convicted person has no prior conviction within seven years for a violation of section 625(1), (3), (4), (5), or (6) of the act (MCL 257.625(1), (3), (4), (5), or (6), MSA 9.2325(1), (3), (4), (5) or (6)), former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2)), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1), (3), or (6) of the act (MCL 257.625(1), (3) or (6), MSA 9.2325, (1), (3) or (6)), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 30 days or more than 90 days. The court may order the secretary of state to issue to the person a restricted license during all or a specified portion of the suspension.
 - (ii) If the court finds that the person has one or more prior convictions within seven years for a violation of section 625(1), (3), (4), (5), or (6) of the act (MCL 257.625(1), (3), (4), (5)

or (6), MSA 9.2325(1), (3), (4), (5) or (6)), former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2)), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1), (3), or (6) of the act (MCL 257.625(1), (3) or (6), MSA 9.2325, (1), (3) or (6)), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), (5), or (6), former section 625(1) or (2), or former section 625b, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for not less than 90 days or more than one year. The court may order the secretary of state to issue to the person a restricted license during all or any portion of the suspension, except that a restricted license shall not be issued during the first 90 days of the suspension.

- (7) *Permitted uses under restricted license.* A restricted license issued pursuant to an order under subsection (6) shall permit the person to whom it is issued to drive under one or more of the following circumstances:
- (a) To and from the person's residence and work location.
 - (b) In the course of the person's employment or occupation.
 - (c) To and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.
 - (d) To and from the person's residence and the court probation department or a court-ordered community service program, or both.
 - (e) To and from the person's residence and an educational institution at which the person is enrolled as a student.
 - (f) To and from the person's residence or work location and a place of regularly occurring medical treatment for a serious condition for the person or a member of the person's household or immediate family.
- (8) *Ignition interlock device requirement.* The court may order that the restricted license issued pursuant to subsection (6) include the requirement that the person shall not operate a motor vehicle unless the vehicle is equipped with a functioning ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects an alcohol content of 0.02 grams or more per 210 liters of breath the person who offers a breath sample. The court may order installation of an ignition interlock device on any motor vehicle that the person owns or operates, the costs of which the person whose license is restricted shall bear.
- (9) *Hauling of hazardous materials under restricted license prohibited.* The court shall not order the Secretary of State under subsection (6) to issue a restricted license that would permit a person to operate a commercial motor vehicle that hauls hazardous materials.
- (10) *Transportation need requirement.* The court shall not order the secretary of state to issue a restricted license unless the person states under oath, and the court finds pursuant to testimony taken in open court or pursuant to statements contained in a sworn affidavit on a form prescribed by the state court administrator, that both of the following are true:
- (a) The person needs vehicular transportation to and from his work location, place of alcohol or drug education treatment, court probation department, court-ordered community service program, or educational institution, or a place of regularly occurring medical treatment for a serious condition, or in the course of the person's employment or occupation.

- (b) The person is unable to take public transportation and does not have any family members or other individuals able to provide transportation to a destination or for a purpose described in subdivision (a).
- (11) *Restricted license to indicate travel destination, route and time.* The court order issued under subsection (6) and the restricted license shall indicate the permitted destination of the person or the permitted purposes for which the person may operate a vehicle, the approved route if specified by the court, and permitted times of travel.
- (12) *Surrender of license on conviction; abstract forwarded to secretary; suspension or revocation; issuance of restricted license; stay pending appeal.* Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 5.15(1), (3) or (4) the person shall surrender to the court his operator's or chauffeur's license or permit. The court shall immediately destroy the license or permit and forward an abstract of conviction with court-ordered license sanctions to the secretary of state. Upon receipt of, and pursuant to, the abstract of conviction with court-ordered license sanctions, the secretary of state shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the judgment and sentence is appealed to the circuit court, the court may, ex parte, order the secretary of state to stay the suspension, revocation, or restricted license issued pursuant to this section pending the outcome of the appeal.
- (13) *Vehicle group designation suspension; restricted license permitting commercial vehicle operation prohibited.* In addition to any other suspension or revocation ordered under this section and as part of the sentence imposed upon a person who violates section 5.15(1) or (3), while operating a commercial motor vehicle, the court shall order the secretary of state to suspend the vehicle group designations on the person's operator's or chauffeur's license in accordance with section 319b(1)(c) of the act (MCL 257.319b(1)(c), MSA 9.2019(2), (1)(c)), as amended. If the vehicle was transporting hazardous material required to have a placard pursuant to 49 CFR 100 to 199, the court shall order the secretary of state to suspend the -vehicle group designations on the person's operator's or chauffeur's license in accordance with section 319b(1)(d) of the act (MCL 257.319b(1)(d), MSA 9.2019(2), (1)(d)), as amended. The court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle.
- (14) *Vehicle group designation revocation; restricted license permitting commercial vehicle operation prohibited.* In addition to any other suspension or revocation ordered under this section and as part of the sentence imposed upon a person who is convicted of a violation of section 5.15(1) or (3), while operating a commercial motor vehicle within ten years of a prior conviction, the court shall order the secretary of state to revoke the vehicle group designations on the person's operator's or chauffeur's license in accordance with section 319b(1)(e) of the act (MCL 257.319b(1)(e), MSA 9.2019(2), (1)(e)), as amended. The court shall not order the Secretary of State to issue a restricted license that would permit the person to operate a commercial motor vehicle. As used in this subsection, the term "prior conviction" means a conviction under section 625(1), (3), (4), or (5) of the act (MCL 257.625(1), (3), (4), or (5), MSA 9.2325(1), (3), (4), or (5)), or former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2)), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)), a local ordinance substantially corresponding to section 625(1) or (3) of the act (MCL 257.625(1) or (3), MSA 9.2325, (1) or (3)), former section 625(1) or (2), or former section 625b, or a law of another state substantially corresponding to section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b involving the operation of a commercial motor vehicle, or a conviction under section 625m of the act (MCL 257.625m, MSA 9.2325(13)), a local ordinance substantially

corresponding to section 625m, or a law of another state substantially corresponding to section 625m.

- (15) *Work location.* As used in this section, the term "work location" means, as applicable, the specific place or places of employment or the territory or territories regularly visited by the person in pursuance of the person's occupation, or both.

State Law Reference-Similar provisions, MCL 257.625b, MSA 9.2325(2).

Sec. 5.15c. Preliminary chemical breath analysis.

- (1) *Consent to chemical test.* A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles within the Village, is considered to have given consent to chemical tests of his blood, breath or urine for the purpose of determining the amount of alcohol or presence of a controlled substance, or both, in his blood, or urine or the amount of alcohol in his breath in all of the following circumstances:

- (a) If the person is arrested for a violation of section 5.15(1), (3), (4), 5.15a or 5.15m.
- (b) If the person is arrested for felonious driving, negligent homicide, manslaughter or murder resulting from the operation of a motor vehicle and the peace officer had reasonable grounds to believe the person was operating the vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance or while having an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or if the person is less than 21 years of age while having any bodily alcohol content. As used in this subdivision, the expression "any bodily alcohol content" means either of the following:
- (i) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (ii) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

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

- (3) *Administration.* The tests shall be administered as provided in section 5.15a(6).

State Law Reference-Similar provisions, MCL 257.625c, MSA 9.2325(3).

Sec. 5.15d. Refusal to submit to chemical test.

- (1) *Necessity of court order upon refusal of accused to submit to chemical test.* If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 5.15a(6), a test shall not be given without a court order, but the officer may seek to obtain the court order.
- (2) *Advisement of consequences of refusal; report to secretary of state.* A written report shall immediately be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 5.15c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state.

State Law Reference-Similar provisions, MCL 257.625d, MSA 9.2325(4).

Sec. 5.15e. Notice of receipt of report, request for hearing.

- (1) *Generally.* If a person refuses to submit to a chemical test pursuant to section 5.15d, the peace officer shall immediately notify the person in writing that within 14 days of the date of the notice the person may request a hearing as provided in section 5.15f. The form of the notice shall be prescribed and furnished by the secretary of state.
- (2) *Notice; contents; failure to request hearing, consequences; counsel.* The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

State Law Reference-Similar provisions, MCL 257 .625e, MSA 9.2325(5).

Sec. 5.15f. Failure to request hearing;, effect.

- (1) *Generally.* If the person who refuses to submit to a chemical test pursuant to section 5.15d does not request a hearing within 14 days after the date of notice pursuant to section 5.15e, the secretary of state shall impose the following license sanctions:
 - (a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for six months, or for a second or subsequent refusal within seven years, for one year. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for six months, or for a second or subsequent refusal within seven years, for one year.
 - (b) If the person was operating a commercial motor vehicle, for the first refusal, suspend all vehicle group designations on the person's operator's or chauffeur's license or permit, or nonresident privilege to operate a commercial motor vehicle, or if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for one year.
 - (c) If the person was operating a commercial motor vehicle, for a second or subsequent refusal that occurred in a separate incident from, and within ten years of, a prior refusal, revoke all vehicle group designations on the person's operator's or chauffeur's license or permit, or nonresident privilege to operate a commercial motor vehicle, or if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for not less than ten years and until the person is approved for the issuance of a vehicle group designation.
 - (d) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 5.15c other than a violation of section 5.15a(5) or 5.15m, impose the license sanction described in subdivision (a) and the license sanction described in subdivision (b) or (c), as applicable.
- (2) *Hearing; time for holding; scope of inquiry.* If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in section 322 of the act (MCL 257.322, MSA 9.2022). Not less than five days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under section 5.15d and, if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer may administer oaths, issue subpoenas for the attendance of necessary witnesses, and grant a reasonable request for an adjournment. Not more than one adjournment shall be granted to a party and the length of an adjournment shall not exceed 14 days. A hearing under this subsection shall be scheduled to be held within 45 days after

the date of arrest for the violation. The hearing officer shall not impose any sanction for a failure to comply with these time limits.

- (3) *Adjudication.* Except for delay attributable to the unavailability of the defendant, a witness or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, a hearing shall be finally adjudicated within 77 days after the date of arrest. The hearing officer shall not impose any sanction for failure to comply with this time limit.
- (4) *Issues covered by hearing.* The hearing shall cover only the following issues:
 - (a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in section 5.15c(1).
 - (b) Whether the person was placed under arrest for a crime described in section 5.15c(1).
 - (c) If the person refused to submit to the test upon the request of the officer, whether the refusal was reasonable.
 - (d) Whether the person was advised of the rights under section 5.15a(6).
- (5) *Particular findings.* A person shall not order a hearing officer to make a particular finding on any issue enumerated in subsection (4Xa) to (d).
- (6) *Record of proceedings, preparation, transcription; transmittal to reviewing court; stipulation; corrections.* The hearing officer shall make a record of a hearing held pursuant to this section. The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq., MSA 3.560(101) et seq.), as amended. Upon notification of the filing of a petition for judicial review pursuant to section 323 of the Michigan Motor Vehicle Code (MCL 257.323, MSA 9.2023) and not less than ten days before the matter is set for review, the hearing officer shall transmit to the court in which the petition was filed, the original or a certified copy of the official record of the proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to determine whether the court will order issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.
- (7) *Failure of defendant to prevail; imposition of licensing sanctions.* If the person who requested a hearing does not prevail, the secretary of state shall impose the following license sanctions after the hearing:
 - (a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the person for six months, or for a second or subsequent refusal within seven years, for one year. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for six months, or for a second or subsequent refusal within seven years, for one year. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial, as provided in section 323 of the act (MCL 257.323, MSA 9.2023), as amended.
 - (b) If the person was operating a commercial motor vehicle, impose the sanction prescribed under subsection (1)(b) or (1)(c), as applicable. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323 of the act (MCL 257.323, MSA 9.2023), as amended.

(c) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 5.15c, other than a violation of section 5.15a(5) or 5.15m, impose the license sanctions described in subdivisions (a) and (b).

(8) *Petition to review determination.* If the person who requested the hearing prevails, the peace officer who filed the report under section 5.15d may, with the consent of the prosecuting attorney, file a petition in the circuit court of the county in which the arrest was made to review the determination of the hearing officer as provided in section 323 of the act (MCL 257.323, MSA 9.2023), as amended.

(9) *Suspension or revocation of nonresident's license; procedure.* When it has been finally determined that a nonresident's privilege to operate a vehicle in the state has been suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of each state in which he has a license to operate a motor vehicle.

State Law Reference-Similar provisions, MCL 257.625f, MSA 9.2325(6).

Sec. 5.15g. Duty of officer upon refusal.

(1) *Confiscation by peace officer of accused's license upon refusal to take test or if test reveals impermissible blood alcohol content; issuance of temporary license; report to secretary of state; destruction of accused's license.* If a person refuses a chemical test offered pursuant to section 5.15a(6) or submits to the chemical test or a chemical test is performed pursuant to a court order and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the secretary of state.

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

(i) Forward a copy of the written report of the person's refusal to submit to a chemical test required under section 625d to the secretary of state.

(ii) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.

(iii) Destroy the person's driver's license or permit.

(2) *Duty of peace officer when report of test results are not immediately available.* If a person submits to a chemical test offered pursuant to section 5.15a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b). If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first class mail to the address given at the time of arrest.

(3) *Temporary license or permit; period of validity.* A temporary license or permit issued under this section is valid for one of the following time periods:

(a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended pursuant to section 5.15f, whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted.

The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.

- (b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person pleads guilty or nolo contendere to or is found guilty of or acquitted of those charges, or the person's license or permit is suspended pursuant to section 5.15f, whichever occurs earlier.

- (4) *Unlawful blood content; defined.* As used in this section, "unlawful alcohol content" means any of the following, as applicable:

- (a) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

- (b) If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

- (c) If the person tested is not a person described in subdivision (a) or (b), 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

State Law Reference-Similar provisions, MCL 257.625g, MSA 9.2325(7).

Sec. 5.15m. Prohibition of operation of commercial motor vehicle with certain percentage of alcohol in blood.

- (1) *Operator restrictions.* A person, whether licensed or not, who has an alcohol content of 0.04 grams or more but not more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine shall not operate a commercial motor vehicle within this state.
- (2) *Arrest for violation.* A peace officer may arrest a person without a warrant if the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section.
- (3) *Violation as misdemeanor; penalty for conviction; suspension of vehicle group designations on license or hazardous material placard; prohibition against issuance of restricted license.* A person who is convicted of a violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$300.00, or both, together with costs of the prosecution. As part of the sentence, the court shall order the secretary of state to suspend the vehicle group designations on the person's operator's or chauffeur's license pursuant to section 319b(1)(c) of the act (MCL 257.319b(1)(c), MSA 9.2019(2), (1)(c)), as amended, or, if the vehicle was carrying hazardous material required to have a placard pursuant to 49 CFR 100 to 199, in accordance with section 319b(1)(d) of the act (MCL 257.319b(1Xd), MSA 9.2019(2), (1)(d)), as amended. The court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle.
- (4) *Enhancement of punishment for violation within ten years of prior conviction; revocation of vehicle group designations on license; issuance of restricted license.* A person who violates this section within ten years of a prior conviction may be sentenced to imprisonment for not more than 90 days or a fine of not more than \$500.00, or both. As part of the sentence, the court shall order the secretary of state to revoke the vehicle group designations on the person's operator's or chauffeur's license pursuant to section 319b(1Xe) of the act (MCL 257.319b(1)(e), MSA 9.2019(2), (1)(e)), as amended. The court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle. As used in this subsection, "prior conviction" means a conviction for a violation of this section, section 625(1), (3), (4), or (5) of the act (MCL 257.625(1), (3), (4), or (5), MSA 9.2325(1), (3), (4), or (5)),

former section 625(1) or (2) of the act (MCL 257.625(1) or (2), MSA 9.2325, (1) or (2)), or former section 625b of the act (MCL 257.625b, MSA 9.2325(2)); a local ordinance substantially corresponding to this section, section 625(1) or (3) of the act (MCL 257.625(1) or (3), MSA 9.2325, (1) or (3)), former section 625(1) or (2), or former section 625b; or a law of another state substantially corresponding to this section, section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b, while operating a commercial motor vehicle.

- (5) *Points for conviction.* When assessing points and taking license actions under the act, the secretary of state and the court shall treat a conviction for an attempted violation of subsection (1) the same as if the offense had been completed.

State Law Reference-Similar provisions, MCL 257.625m, MSA 9.2325(13).

Sec. 5.16b. Transporting or possessing liquor within passenger compartment.

- (1) *Possession of alcoholic liquor in passenger compartment.* Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.
- (2) *Exception.* A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased and the container is not readily accessible to the occupants of the vehicle.
- (3) *Violation as misdemeanor.* A person who violates this section is guilty of a misdemeanor. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 5.15(4).
- (4) *Chartered vehicle exception.* This section does not apply to a passenger in a chartered vehicle authorized to operate by the state department of transportation.

State Law Reference-Similar provisions, MCL 257.624a, MSA 9.2324(1).

Sec. 5.16c. Consumption of liquor on highways or property open to public; violation as a misdemeanor.

- (1) Alcoholic liquor shall not be consumed on a highway, street, or alley, or on any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises.
- (2) A person who violates this section is guilty of a misdemeanor.

State Law References-Consumption of liquor prohibited; public highways; exception, MCL 436.34, MSA 18.1005.

Sec. 5.62a. Penalties.

- (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section MCL 257.212 of the suspension or revocation, whose application for license has been denied or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the Village.
- (2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles,

including an area designated for the parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license had been denied, or who has never applied for a license, except as permitted under this act.

- (3) Except as otherwise provided in this section, a person who violates subsection 1 or 2 is guilty of a misdemeanor punishable as follows: For the first violation, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.
- (4) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.
- (5) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.
- (6) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section MCL 257.212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist, is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than three days or more than 93 days or a fine of not more than \$100.00, or both.
- (7) For the purpose of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.
- (8) When a police officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:
 - a. Immediately confiscate the vehicle's registration plate and destroy it.
 - b. Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the Secretary of State for temporary registration plates issued under section MCL 257.226(a) or .226(b).
 - c. Place the temporary vehicle registration plate on the vehicle in the manner required by the Secretary of State.
 - d. Notify the Secretary of State through the law enforcement network in a form prescribed by the secretary of state that the registration plate was confiscated and destroyed, and a temporary plate was issued.
- (9) A temporary vehicle registration plate, issued under subsection 8 above, is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.
- (10) A court shall order a vehicle immobilized under section MCL 257.904(d) by the use of any available technology approved by the court that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court.

The court may order the person convicted of violating section MCL 257.625 or a suspension, revocation, or denial under section MCL 257.904 to pay the cost of immobilizing and storing the vehicle.

- (11) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3 (3)(a) of the Use Tax Act, 1937 PA 94, MCL 205.93 without a court order.
- (12) A defendant, who is prohibited from operating a motor vehicle by vehicle immobilization, shall not purchase, lease, or otherwise obtain a motor vehicle during this immobilization period.
13. A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order by vehicle immobilization or operate or attempt to operate a vehicle that he or she knows or has reason to know has been ordered immobilized.
14. A person who violates any of subsection 11, 12, or 13 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.
15. To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.
16. If a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction.
17. The court shall require the defendant or a person, who provides immobilization services to the court under this section, to certify that a vehicle ordered immobilized by the court is immobilized as required.

(Ord. No. 02-113, § I, 8-21-2002)

State Law Reference-Similar provisions, MCL 257.904, MSA 9.2604.

Sec. 5.82. Mandatory child restraints.

- (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq., MSA 3.560(101) et seq.), as amended, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:
 - (a) Any child less than one year of age in a child restraint system which meets the standards prescribed in 49 CFR 571.213, except as provided in subsection (6).
 - (b) Any child one year of age or more but less than four years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 CFR 571.213, except as provided in subsection (6).
 - (c) Any child one year of age or more but less than four years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 CFR 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in subsection (6).
- (2) This section does not apply to any child being nursed.
- (3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.
- (4) A person who violates this section is responsible for a civil infraction.

(5) Points shall not be assessed under section 320a of the act (MCL 257.320a, MSA 9.2020(1)), as amended, for a violation of this section. An abstract required under section 732 of the act (MCL 257.732, MSA 9.2432), as amended, shall not be submitted to the Secretary of State regarding a violation of this section.

(6) The secretary of state may exempt by rules promulgated pursuant to Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq., MSA 3.560(101) et seq.), as amended, a class of children from the requirements of this section, if the Secretary of State determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

State Law Reference-Similar provisions, MCL 257.710d, MSA 9.2410(4).

Sec. 5.83. Safety belt required; enforcement.

(1) This section shall not apply to 11 driver or passenger of:

- (a) A motor vehicle manufactured before January 1, 1965.
- (b) A bus.
- (c) A motorcycle.
- (d) A moped.
- (e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons.
- (f) A motor vehicle which is not required to be equipped with safety belts under federal law.
- (g) A commercial or United States postal service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services.
- (h) A motor vehicle operated by a rural carrier of the United States postal service while serving his rural postal route.

(2) This section shall not apply to a passenger of a school bus.

(3) Each driver and front seat passenger of a motor vehicle operated on a street or highway within the Village shall wear a properly adjusted and fastened safety belt, except that a child less than four years of age shall be protected as required in section 5.82.

(4) Each driver of a motor vehicle transporting a child four years of age or more but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the driver and all front seat passengers comply with subsection (3) of this section, then the driver of a motor vehicle transporting a child four years of age or more but less than 16 years of age for which there is not an available seat belt is in compliance with this subsection if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the driver may transport such a child in the front seat without a safety belt.

(5) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this act.

(6) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance or operation

of a motor vehicle. However, such negligence shall not reduce the recovery for damages by more than five percent.

(7) A person who violates this section is responsible for a civil infraction punishable by a civil fine of not more than \$25.00.

(8) Points shall not be assessed under section 320a of the act (MCL 257.320a, MSA 9.2020(1)), as amended, for a violation of this section.

State Law Reference-Similar provisions, MCL 257. 710e, MSA 9.2410(5).

Sec. 5.97. School bus; signs; overtaking, meeting and passing; mirror; evidence of violation; violation as civil infraction.

- (1) The driver of a vehicle overtaking or meeting a school bus which has stopped and is displaying two alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper but not greater than ten miles an hour and with due caution for the safety of passengers being received or discharged from the school bus. The driver of a vehicle who fails to stop for a school bus, as required by this subsection, who passes a school bus in violation of this subsection is responsible for a civil infraction.
- (2) The driver of a vehicle upon a highway which has been divided into two roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections, so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier or section.
- (3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.
- (4) In addition to the civil fine and costs provided for a civil infraction under section 907, the judge, district court referee or district court magistrate may order a person who violates this section to perform not to exceed 100 hours of community service at a school.

State Law Reference-Similar provisions, MCL 257.682, MSA 9.2382.

Sec. 8.10. Parking prohibited in specified places.

- (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, in any of the following places:
 - (a) On a sidewalk.
 - (b) In front of a public or private driveway.
 - (c) Within an intersection.
 - (d) Within 15 feet of fire hydrant, unless the fire hydrant is located in front of residential property and the road frontage of the property does not allow for space of 15 feet between the fire hydrant and a vehicle parking as near as possible to a property line. In such a case the owner of the residential property, and those authorized by the owner, shall be permitted to park within 15 feet of the fire hydrant, provided the vehicle is parked as near as possible to a

property line. In no event shall any person park his vehicle in such a way that any portion of the vehicle is directly in front of the fire hydrant.

- (e) On a crosswalk.
- (f) Within 20 feet of a crosswalk or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.
- (g) Within 30 feet of the approach to a flashing beacon, stop sign or traffic control signal located at the side of a highway.
- (h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.
- (i) Within 50 feet of the nearest rail of a railroad crossing.
- (j) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if properly marked by an official sign.
- (k) Alongside or opposite a street excavation or obstruction, if the stopping, standing or parking would obstruct traffic.
- (l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
- (m) Upon a bridge or other elevated highway structure or within a highway tunnel.
- (n) At a place where an official sign prohibits stopping or parking.
- (o) Within 200 feet of an accident at which a police officer is in attendance.
- (p) In front of a theater.
- (q) In a place or in a manner which blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
- (r) In a place or in a manner which blocks or hampers the immediate use of an immediate egress from a fire escape, conspicuously marked as a fire escape, providing an emergency means of egress from a building.
- (s) In a parking space clearly identified by an official sign as being reserved for use by handicappers which is on public property or private property available for public use, unless the person is a handicapper as described in section 1.012b of this code or unless the person is parking the vehicle for the benefit of a handicapper. In order for the vehicle to be parked in the parking space the vehicle shall display one of the following:
 - (i) A certificate of identification or windshield placard issued under section 675 of the act (MCL 257.675, MSA 9.2375) to a handicapper.
 - (ii) A special registration plate issued under section 803d of the act (MCL 257 .803d, MSA 9.2503(4)) to a handicapper.
 - (iii) A similar certificate of identification or windshield placard issued by another state to a handicapper.
 - (iv) A similar special registration plate issued by another state to a handicapper.
 - (v) A special registration plate to which a handicapper tab is attached issued under the act.
- (t) Within 500 feet of a fire at which fire apparatus is in attendance when the scene of the fire lies outside a city or Village. However, volunteer firefighters responding to the fire may park

within 500 feet in a manner that does not interfere with fire apparatus at the scene. Vehicles legally parked before the fire shall be exempt from this subdivision.

- (u) In violation of an official sign restricting the period of time for or manner of parking.
 - (v) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired.
 - (w) On a street in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States Postal Service.
 - (x) In a place or manner which blocks the use of an alley.
 - (y) In the space or area between a public sidewalk and the curb of a public street.
- (2) A person who violates this section is responsible for a civil infraction.

State Law Reference-Similar provisions, MCL 257.674, MSA 9.2374.

Secs. 58-34-58-84. Reserved.

Article III. Bicycles

Sec. 58-85. Rules of operation on pedestrian sidewalks.

A person operating a bicycle on a sidewalk constructed for the use of pedestrians, other than that noted in section 58-86, shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

(Ord. No. 70, § 2, 9-16-87)

Sec. 58-86. On sidewalks of Main Street, between Walnut Street and Church Street.

- (a) *Operation prohibited.* No person shall operate a bicycle on the sidewalks of Main Street, between Walnut Street and Church Street.
- (b) *Parking in designated racks.* A person may walk a bicycle on the sidewalks of Main Street, between Walnut Street and Church Street, for the sole purpose of parking same in a designated parking rack.

(Ord. No. 70, §§ 1, 3, 9-16-87)

Sec. 58-87. Penalty.

- (a) All penalties relative to violation of this article shall be civil infractions only and shall carry fines as follows:
 - (1) \$25.00 for a first offense;
 - (2) \$50.00 for a second offense within a 12-month period;
 - (3) \$100.00 for a third or subsequent offense within a 12-month period.
- (b) Each day for which an offense is committed or is ongoing shall constitute a separate and distinct offense.

(Ord. No. 85, 7-12-95; Ord. No. 99, 2-18-98)

Secs. 58-88-58-115. Reserved.

Article IV. Stopping, Standing and Parking

Division 1. Generally

Secs. 58-116-58-130. Reserved.

Division 2. Parking Violations Bureau

Sec. 58-131. Bureau established.

A parking violations bureau is hereby established in and for the Village. Such bureau shall be located at the Village hall.

(Ord. No. 58, § 1, 3-2-83)

Sec. 58-132. Clerk.

The Village Clerk is hereby appointed clerk of the parking violations bureau. The clerk is authorized to collect and account for all fines paid to the parking violations bureau as set forth in the Village ordinance regulating the parking of motor vehicles in the Village. The clerk shall make regular accountings of such collections and deposit all such deposits with the Village treasurer to the credit of the general fund.

(Ord. No. 58, § 2, 3-2-83)

Sec. 58-133. Procedure.

Whenever any motor vehicle is found parked or stopped in violation of any of the restrictions imposed by ordinance of the Village, the police officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify the owner or user, and shall conspicuously affix to such vehicle a parking citation. A duplicate copy of a ticket or notice shall forthwith be delivered to the Village parking violations bureau.

(Ord. No. 58, § 3, 3-2-83)

Sec. 58-134. Time to appear.

All persons to whom such a parking violation ticket shall have been issued may appear before the parking violations bureau on or before three days from the issuing date thereof, pay the fine so assessed and deposit the ticket with said bureau, which shall constitute full satisfaction for the offense charged. Appearance may be made in person, by representation or by registered mail.

(Ord. No. 58, § 4, 3-2-83)

Sec. 58-135. Contested matters.

- (a) The right of any accused to judicial process is hereby preserved.
- (b) The right of the Village of Vernon to file and refer any "parking violation" with the 66th District Court having jurisdiction is also preserved.
- (c) The accused may appear before the parking violations bureau and file a written request demanding a judicial hearing upon the charge, in which event a complaint shall be filed with the 66th District Court having jurisdiction, and prosecution shall take place according to law.

(d) In the event that the accused does not appear before the parking violations bureau within three days from issuing date of ticket, the parking violations bureau shall return the duplicate copy of the ticket forthwith to the officer who issued the same and the officer shall file a complaint with the 66th District Court having jurisdiction relative to the parking violation and prosecution shall take place therein according to law.

(e) **Penalties.** 66th District Court-upon referral to the 66th District Court by the Village, or, the availing of the district court by any aggrieved/accused person, the fines and penalties for any determined parking violation or violations shall be as provided by the court pursuant to the Michigan Vehicle Code as amended from time to time.

(Ord. No. 58, § 5, 3-2-83; Ord. No. 06-121, § III, 5-3-2006)

Secs. 58-136-58-160. Reserved.

Article V. Vehicle Code

Sec. 58-161. Code adopted.

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to MCL 257.923, is adopted by reference, a copy of which is on file and available for inspection in the office of the Village Clerk.

(Ord. No. 107, §§ 1, 3, 10-20-99; Ord. No. 02-111, §§ I, III, 8-21-2002)

Sec. 58-162. References in Code.

References in the Michigan Vehicle Code to local authorities, shall mean the Village of Vernon, Michigan.

(Ord. No. 107, § 2, 10-20-99; Ord. No. 02-111, § II, 8-21-2002)

Sec. 58-163. Penalties.

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provisions of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

(Ord. No. 02-111, § IV, 8-21-2002)

Reserved
Chapters 59-61

Utilities¹⁷

Chapter 62

Article I. In General

Secs. 62-1-62-30. Reserved.

Article II. Sewers

Division 1. Generally

Secs. 62-31-62-45. Reserved.

Division 2. Sewage Works

Sec. 62-46. Definitions.

Sec. 62-47. Use of public sewers required.

Sec. 62-48. Discharge of untreated waters to natural outlet prohibited.

Sec. 62-49. Connecting to public sewer.

Sec. 62-50. Private sewage disposal.

Sec. 62-51. Public sewage disposal.

Sec. 62-52. Building sewers and connections-Permits.

Sec. 62-53. Same-Costs of installation borne by owner.

Sec. 62-54. Same-Separate sewers required; exceptions.

Sec. 62-55. Same-Construction specifications.

Sec. 62-56. Use of the public sewers.

Sec. 62-57. Protection from damage.

Sec. 62-58. Powers and authority of inspectors.

Sec. 62-59. Penalties.

Sec. 62-60. Conditions of service.

Secs. 62-61-62-75. Reserved.

Division 3. Rates and Charges

Sec. 62-76. Sewer service charge established.

Sec. 62-77. Bills; when due and payable.

Sec. 62-78. Customers not supplied by municipal water system; when bills due.

Sec. 62-79. Application fee for sewer service.

Sec. 62-80. Duties of Village Clerk.

¹⁷ *Cross References-Buildings and building regulations, ch. 14; floods, ch. 38.

Article I. In General

Secs. 62-1-62-30. Reserved.

Article II. Sewers

Division 1. Generally

Secs. 62-31-62-45. Reserved.

Division 2. Sewage Works

Sec. 62-46. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this division shall be as follows:

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

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

Industrial wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

Inspector shall mean any person duly authorized by the Village to inspect and approve the installation of service leads and the connection to the public sewer system.

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

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

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

REU Charge shall mean a Residential Equivalent Unit which represents the cost necessary to keep the wastewater treatment facility and collection system in good operating condition, debt repayment, interest charges, other overhead costs for a single dwelling unit. Charges for other uses are based on the ratio of the cost of that use in relation to the cost for a single dwelling unit.

Sanitary sewer shall mean a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Service lead shall mean the line from the building to the public sewer.

Sewer shall mean a pipe or conduit for carrying sewage.

Storm sewer or drain shall mean a sewer or drain which carries stormwaters and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Superintendent shall mean the superintendent of the municipal sewage works of the Village, or his authorized deputy, agent or representative.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

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

(Ord. No. 30, § I, 5-31-67, Ord. No. 09-128 Eff. 5-5-09, Ord. No. 12-133 Eff. 1-17-17)

Sec. 62-47. Use of public sewers required.

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, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

(Ord. No. 30, § II(A), 5-31-67)

Sec. 62-48. Discharge of untreated waters to natural outlet prohibited.

It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this division.

(Ord. No. 30, § II(B), 5-31-67)

Sec. 62-49. Connecting to public sewer.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose situated with the Village and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division, within 180 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line.

(Ord. No. 30, § II(D), 5-31-67)

Sec. 62-50. Private sewage disposal.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Ord. No. 30, § II(C), 5-31-67)

Sec. 62-51. Public sewage disposal.

- (a) Where a public sanitary or combined sewer is not available under the provisions of section 62-49, the service leads shall be connected to a private sewage disposal system complying with all requirements of the Shiawassee Environmental Health Department.
- (b) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

(c) At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in section 62-49, a direct connection shall be made to the public sewer in compliance with this division, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with suitable material at no expense to the Village.

(d) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the Shiawassee Environmental Health Department.

(Ord. No. 30, § III, 5-31-67, Ord. No. 12-133 Eff. 1-17-17)

Sec. 62-52. Building sewers and connections-Permits.

(a) **Required generally.** No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed unto the Village and deposited with the treasurer a corporate surety in the sum of \$2,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the Village pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on this division. Such bond shall remain in force and must be executed for a period of five years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

(b) **Classes of permits.** There shall be two classes of service leads permits:

(1) For residential service,

(2) For service to establishments producing commercial or industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of \$500.00 for a residential or commercial service leads permit and \$1,000.00 for an industrial service leads permit shall be paid to the Village at the time the application is filed.

(Ord. No. 30, § IV(A), (B), 5-31-67, Ord. No. 12-133 Eff 1-17-17)

Sec. 62-53. Same-Costs of installation borne by owner.

All costs and expenses incidental to the installation and connection of the service leads shall be borne by the owner. The owner or the person installing the service leads for the owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation.

(Ord. No. 30, § IV(C), 5-31-67, Ord. No. 12-133 Eff 1-17-17)

Sec. 62-54. Same-Separate sewers required; exceptions.

A separate and independent service leads shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard or driveway, the service leads from the front building may be extended to the rear building and the whole considered as one service leads. Other exceptions will be allowed only by special permission granted by the superintendent.

(Ord. No. 30, § IV(D), 5-31-67) (Ord. No. 12-133 Eff. 1-17-17)

Sec. 62-55. Same-Construction specifications.

- (a) **Generally.** Old service leads or portions thereof may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this division.
- (b) **Construction Materials.** The service leads shall be constructed of PVC SDR 26 pipe and fittings meeting the current ASTM specifications for standard for this material clay. If installed in filled or unstable ground, the building pipe, may be accepted if laid on a suitable improved bed or cradle as approved by the inspector.
- (c) **Joints and Connections.** All joints and connections shall be made gastight and watertight and shall conform to ASTM F477 at a minimum. The joints and connections shall conform to the manufacturer's recommendations.
- (d) **Size and Slope.** All service leads within the right-of-way/easement area shall be a minimum of 6" diameter PVC SDR 26 and shall be extended to the limits of the right-of-way and/or easement area, whichever is greater. Service leads outside of the right-of-way shall be a minimum of 4" diameter schedule PVC schedule 40.
- (e) **Elevation; excavations.** Whenever possible, the service leads shall be brought to the building at an elevation below the basement floor. No service leads shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a service leads shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with current ASTM specifications except that no backfill shall be placed until the work has been inspected by the inspector or his representative.
- (f) **Lifting Drains.** In all buildings in which the connection to the service lead is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the service leads.
- (g) **Connection to Public Sewer at Designated Areas.** The connection of the service leads into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the inspector.
- (h) **Notifying Inspector of Connection; inspection.** The applicant for the service leads shall notify the inspector when the service leads is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative.
- (i) **Barricading Excavations.** All excavations for service leads installation shall be adequately guarded with barricades and lights so as to protect 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.
- (j) A cleanout must be installed on all sewer leads at the property line and at any bend. Maximum spacing 100'.

(Ord. No. 30, § IV(E)-(M), 5-31-67; Ord. No. 36, § 1, 8-4-71, Ord. No. 12-133 Eff 1-17-17)

Sec. 62-56. Use of the public sewers.

- (a) *Discharge Generally.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- (b) *Obstruction Prohibited.* No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.
- (c) *Grease, Sand, Oil Interceptors.* Grease, oil, and sand interceptors approved by the Village shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- (d) *Preliminary Treatment of Wastes.* The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Shiawassee Environmental Health Department, and no construction of such facilities shall be commenced until the approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (e) *Control Manhole.* When required by the superintendent, the owner of any property served by a service leads carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the service leads to facilitate observation, sampling and measurement of the wastes. All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with current regulatory agency and industry standards and shall be determined at the control manhole or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the service leads is connected.
- (f) *Repair and Maintenance*
 - (1) Any repair or replacement of sewer mains shall be the sole responsibility of the Village. Any repair or replacement of service leads outside the street right-of-way shall be the sole responsibility of the property owner. Any maintenance of the sewer lead shall be the sole responsibility of the property owner except in the case of maintenance required due to intrusion of the roots of street trees planted by the Village. The Village hereby consents to allow property owners access to that portion of the street right-of -way between the property line and the sewer main all necessary repairs. The Village shall not enter upon private property or assume any responsibility for repairs, replacement or maintenance of facilities located upon private property.

- (2) In the event the Village is requested to uncover facilities located within the right-of-way, the individual shall submit a written request to the Superintendent of Public Works for such service, which request shall include an agreement to reimburse the Village in the event the Village facilities are found to be in good and operable condition. Such reimbursement shall be based on the Village actual cost of providing such service, including personnel, equipment, and materials cost. If the Village facilities are found to be defective, then the Village shall assume and pay all costs of repair, replacement or maintenance within the right-of-way
(Ord. No. 30, § V(A)-(E), 5-31-67, Ord. No. 09-128 Eff. 5-5-09, Ord. No. 12-133 Eff. 1-17-17)

Sec. 62-57. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Ord. No. 30, §VI, 5-31-67)

Sec. 62-58. Powers and authority of inspectors.

The superintendent, inspector and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this division.

(Ord. No. 30, § VII, 5-31-67)

Sec. 62-59. Penalties.

- (a) Any person found to be violating any provision of this division, except section 62-57, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished in accordance with section 1-12.
- (c) Any person violating any of the provisions of this division shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

(Ord. No. 30, §VIII, 5-31-67)

Sec. 62-60. Conditions of service.

- (a) *Installation and maintenance of service generally.* The Village shall install and maintain at its expense all sewer mains but all service leads, including that portion in the road right of way shall be the responsibility of the customer and shall be install at their expense. The size and slope of the service leads shall be subject to the approval of the authorized personnel of the Village but in no event shall the diameter be less than six inches. Whenever possible, the service leads shall be brought to the building at an elevation below the basement floor.
- (b) *Violations of rules, regulations, etc.; cancellation of application.* Application may be canceled and/or sewer service discontinued by the Village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

- (1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
 - (2) Nonpayment of bills.
 - (3) Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.
- (c) *Bills and notices to be mailed to customer.* Bills and notices relating to the conduct of the business of the Village will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Village; and the Village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in the notice.
- (d) *Nonpayment of bills; delinquency notice to customer.* All bills not paid on or before the past due date shall be termed delinquent, and the Village shall serve on the customer a written final notice of the delinquency.
- (e) *Nonpayment of bills; delinquency notice to customer:* A delinquent bill not paid within 30 days of after the due date is hereby recognized to constitute a lien on all premises served thereby. Each May 1st the Village Clerk shall certify to the Village Assessor of any bills delinquent over six months. The Assessor shall enter these charges, including any penalties, on the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Village taxes against such premises are collected, and the lien thereof enforced. However, charges against tenants, where notice that a tenant is responsible for the sewer charges that complies with Section 21, Act 94, Public Acts of Michigan, 1933, as amended, shall not constitute a lien.
- (f) *Charge for establishing or maintaining customer credit.* Where the water or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Village reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the Village have been paid.
- (g) *Interruption of service by Village.* The Village shall make all reasonable efforts to eliminate interruption of service and, when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- (h) *Claims against Village for breakage of pipes, interruption of service.* The Village shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- (i) *Premises subject to inspection.* The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village.
- (j) *Special terms and conditions.* Special terms and conditions may be made where sewer service is used by the Village or community for public purposes such as public parks, etc.

- (k) Inspection of sewer connections. Prior to the sale of a residence or other property or the reoccupation of vacant property, the property owner shall notify the Village and shall have the property inspected to identify any illegal connections to the sanitary sewer system. Any illegal connections shall be remedied before the property is sold or reoccupied. If a property is occupied or resold without the required inspection, the Village may take actions to address the violation including recording an affidavit stating that the current sewer connection is illegal, denying the property an occupancy permit under the building code, and fines authorized under the Village Municipal Civil Infraction Ordinance.

(l) *Amendment of rules.* These rules may be changed or amended.

(Ord. No. 30, §IX, 5-31-67; Ord. No. 57, § 5, 2-17-82, Ord. No. 09-128 Eff. 5-5-09, Ord. No. 12-133 Eff. 1-17-17)

Sec. 62-61. Design standards for sewer mains.

Sewer mains shall be constructed to the specifications adopted by the Village Council and included in this Code as an appendix.

(Ord. No. 12-133 Eff. 1-17-17)

Secs. 62-62-62-75. Reserved.

Division 3. Rates and Charges

Sec. 62-76. Sewer service charge established.

- (a) The Village Council shall, by resolution, establish and may revise from time to time as they determine necessary a sewer service charge for the use of land for the service supplied by the Village sanitary sewer system of the Village based upon the use of the property and its estimated demand for sewer in Residential Equivalent Units.
- (b) In no case shall the quarterly service charge be less than that necessary to retire the indebtedness, operating and maintenance and reserve necessary for maintaining the sanitary service facility. Service to industrial establishments may be by contract if the Village Council deems it to be in the best interest of the Village.
- (c) If the Village should choose to allow an industrial user with an industrial discharge (ie. not domestic flows from restrooms etc.), to utilize the Village's sewerage collection and treatment system, the industrial user of the sewerage system will be charged the surcharges established by the Village Council by resolution which may revise from time to time by the council as they determine necessary. The Village will not allow any industrial or other wastewater discharge(s) that may be injurious and/or detrimental to either the collection system, the treatment system or the treatment process. The Village's Sewer Use Ordinance regulates the wastewater flows and constituents that may be discharged to the sewerage system.
- (d) When the use is not apparent, the Village may inspect the property to verify the use in order to charge the proper REU rate.
- (e) The REU shall be based on the principal use of the property. If there are multiple uses of the property such as in the case of an apartment building, each use shall be charged it's applicable REU unless some reduced charge is authorized by the REU rate adopted by the Village Council.

- (f) Any person responsible for payment of sewer bill shall have the right to request a review of their REU classification to the Village Clerk. They may appeal their REU classification to the Village Council.

(Ord. No. 28, § 1, 12-6-66; Ord. No. 75, § 1, 10-5-88; Ord. No. 75A, § 1, 3-27-92, Ord. No. 09-128 Eff. 5-5-09, Ord. No. 12-133 Eff. 1-17-17)

Sec. 62-77. Bills; when due and payable.

- (a) Bills for the rates and charges as herein established by the Village Council shall be sent monthly and shall be due 30 days from the date of billing they are due at the end of the month.
- (b) If any bill shall be paid after the day for which it is due, a delinquency penalty shall be added thereto and collected therewith. The amount of the penalty shall establish by the Village Council by resolution and may revise from time to time by the council as they determine necessary. If any bill shall not be paid when due, the amount thereof may be recovered by the Village with the amount of the charge certified to the tax assessor and assessed against the lot or parcel of land upon which is situated the premises served and collected or returned in the same manner as Village taxes against real estate are certified, assessed, collected and returned, and shall be a lien upon such lot or parcel of land coordinate with the lien of such Village taxes from the time of certification to the tax assessor.

(Ord. No. 28, § 2, 12-6-66; Ord. No. 57, § 2, 2-17-82, Ord. No. 09-128 Eff. 5-5-09)

Sec. 62-78.

(Ord. No. 09-128 Eff. 5-5-09)

Sec. 62-79. Application fee for sewer service.

Applications for sewer service shall be filed with the clerk upon a form to be supplied by the Village. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a Sewer Tap Fee establish by the Village Council by resolution and which the council may revise from time to time as they determine necessary Village.

(Ord. No. 28, § 4, 12-6-66; Ord. No. 35, § 1(4), 2-3-71, Ord. No. 09-128 Eff. 5-5-09, Ord. No. 12-133 Eff. 1-17-17)

Sec. 62-80. Duties of Village Clerk.

- (a) *Billing, collection of charges.* It is hereby made the duty of the Village Clerk to render bills for sewer service and all other charges in connection therewith and to collect all monies due therefrom.
- (b) *Sanitary sewer fund account.* All revenues and monies derived from the operation of the sewer system shall be paid to and held by the clerk separate and apart from all other funds of the Village and all of the sums and all other funds and monies incident to the operation of the system, as may be delivered to the clerk, shall be deposited in a separate fund designated the sanitary sewer fund account and the clerk shall administer the fund in every respect in a manner provided by the state statutes pertaining thereto.
- (c) *Keeping of records, accounts; audits.* The Village Clerk shall establish a proper system of accounts, and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Village

board shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

Reserved
Chapters 63-65

Vegetation¹⁸

Chapter 66

Article I. In General

Secs. 66-1-66-30. Reserved.

Article II. Noxious Weeds

Sec. 66-31. On private property or adjoining street right-of-way.

Sec. 66-32. Specified dates for cutting.

Sec. 66-33. Violation.

Sec. 66-34. Penalty.

¹⁸ Cross reference-Municipal civil infractions, ch. 42.

Article I. In General

Secs. 66-1-66-30. Reserved.

Article II. Noxious Weeds

Sec. 66-31. On private property or adjoining street right-of-way.

No person occupying any premises and no person owning any unoccupied premises shall permit or maintain on any such premises or that portion of the street right-of-way which adjoins the premises owned by such person any growth of noxious weeds or any growth of grass or other vegetation to a greater height than six inches on the average; nor any accumulation of dead weeds, grass or brush. Noxious weeds shall include any ragweed, Canada thistles, Burdocks, crab grass, quack grass, wild growing bushes, milkweeds, wild carrots, oxeye daisies, poison ivy, poison sumac or other noxious weeds. The provisions of this article shall not apply to those portions of lands which are in actual use for the growth and production of agricultural crops.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 66-32. Specified dates for cutting.

It shall be the duty of the owner of every premises within the Village limits regulated by this Ordinance to cut or destroy by lawful means all such noxious weeds and any grass over eight inches in height not later than May 1, and thereafter as often as may be necessary to comply with the provisions of this Ordinance.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 66-33. Violation.

- (a) *Notification; costs.* If the provisions of sections 66-31 and 66-32 are not complied with, the Village shall notify the owner of such premises of such violation by publication of a notice in a newspaper of general circulation in the county during the month of March, that weeds not cut by May 1 of that year will be cut by the Village. The Village may then cut weeds as many times as is necessary pursuant to the terms and conditions of sections 66-31 and 66-32. The owner of the property will be charged with the actual cost of cutting plus a 15 percent fee for inspection and other costs, which shall be collected as a special assessment against the premises in the manner provided by law for special assessments.

- (b) *Civil action.* In the alternative, such sums due under this section may be recovered by the Village in a civil action.

(Ord. No. 12-133 Eff. 1-17-17)

Sec. 66-34. Penalty.

- (a) All penalties relative to violation of this article shall be civil infractions as outlined in Chapter 42, Sec 42-7 of the Village Code.

(Ord. No. 12-133 Eff. 1-17-17)

Appendix A: Franchises

Ord. No.	Date	Franchise/Purpose	Length
106	10-20-1999	Avalon Cable of Michigan, L.L.C./Cable Television System	
108	4-5-2000	Nordic Electric, L.L.C.	10 years
177A	3-5-2003	Consumer Energy Company Electric Company	30 years
118	1-19-2005	CC Michigan, LLC	15 years

Appendix B: Resolutions

VILLAGE of VERNON RESOLUTION OF WASTE WATER SERVICE RATES, FEES, TAPS, AND CHARGES

WHERE AS the Village of Vernon Sewer Ordinance authorizes the Village Council to adopt and amend rates, fees and charges necessary for the operation and maintenance of the Villages sewer system, and

WHERE AS the Village Council has reviewed the existing rates, fees and charges and has determined that changes are necessary, now

THEREFORE BE IT RESOLVED that the Vernon Village Council adopt the rates established below:

- REU Rate- \$58.07/month
- Billings as follows

April 10	Due by April 30	October 10	Due by October 31
May 10	Due by May 31	November 10	Due by November 30
June 10	Due by June 30	December 10	Due by December 31
July 10	Due by July 31	January 10	Due by January 31
August 10	Due by August 31	February 10	Due by February 28
September 10	Due by September 30	March 10	Due by March 31

- There will be a 15% discount offered to all customers wishing to pay for a year. paid by April 30 of the new sewer fiscal year.
- Sewer Tap Fee- 6" = \$2,000 plus Village labor, material and equipment costs
- Delinquent Penalty - 5%
- High Strength Waste Surcharge
 - For all pounds of BOD over 200 ppm – \$0.48
 - For all pounds of suspended solids over 200 ppm – \$0.40
 - For all pounds of phosphate over 5 ppm - \$2.65
- Unit Assignment Schedule

<u>Facility</u>	<u>Unit Factor</u>
Single Family Residence	1.0 per dwelling
Multiple Family Residences	1.0 per single family residence
Auto Repair I Service Station	1. 0 per facility
Banks	0.15 per employee station
Beauty Shops	0.20 per booth
Cemeteries	1.0 per cemetery
Churches	0.008 per seat
Factories	0.25 per 1,000 sft
Fire Departments	1.0 per facility
Fraternal Organizations	
- members only	1.0 per hall
- members and rentals	2.0 per hall

<u>Facility</u>	<u>Unit Factor</u>
Government Offices	0.40 per 1,000 sft
Grocery Stores I Markets	0.50 per 1,000 sft
Libraries	1.0 per 3 employees or fraction thereof
Lumberyards	0.25 per I ,000 sft
Office Buildings	0.40 per 1,000 sft
Post Offices	1.0 per 3 employees or fraction thereof
Restaurants	
- meals wl service and dishes	1.0 per facility for every 25 seats or fraction thereof
- without dishes	1. 8 per facility
Schools	
- with cafeteria only	1.0 per classroom
- with cafeteria and showers	1. 5 per classroom
Stores (other than specifically listed)	1.0 per 5 employees or fraction thereof
Warehouses	0.10 per I ,000 sft

Note: Each facility is assigned a minimum of 1.0 REU

FURTHER BE IT RESOLVED that Village of Vernon post the attached notice at the Village Hall and send copies to all sewer customers.

Moved by: Heldreth Yeas 6

Supported by: Borkoski Nays 0

3/28/2012

Date

MICHIGAN COMMUNITY RESOLUTION TO MANAGE FLOODPLAIN DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, the community of Village of Vernon in Shiawassee County (check the appropriate box) ☒ currently participates ☐ desires to participate in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.

2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).

4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical ordinance adoption action dated 9/21/2011, the community affirms/accepted the responsibility to administer, apply, and ~e provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP, 1. The community directs its construction code act designated enforcing agency, building official, to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:

a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.

b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:

1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.

2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.

3. Appendix G of the current Michigan Building Code. d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.

e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.

f. Advising FEMA of any changes in community boundaries, including appropriate maps.

g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.

2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.

3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

**RESOLUTION OF THE VILLAGE OF VERNON OF SHIAWASSEE COUNTY, MICHIGAN
APPROVING A CERTAIN INTERLOCAL AGREEMENT CREATING THE 1-69
INTERNATIONAL TRADE CORRIDOR NEXT MICHIGAN DEVELOPMENT
CORPORATION**

WHEREAS, subject to the approval of the Michigan Strategic Fund (MSF) the Next Michigan Development Act, Act 275, 2010 PA 275, MCL 125.2951- 125.2159 (Act 275), allows for the creation of a Next Michigan Development Corporation (NMDC) among local governmental parties for economic development purposes; and

WHEREAS, Act 275 provides, in part, that there first be in place an Interlocal Agreement under the Urban Cooperation Act of 1967, Act No.7 of the Public Acts of Michigan, 1967, (Ex Session) MCL 124.501 to 124.512 (Act 7); and

WHEREAS, it is further provided in Act 275 that the Act 7 Interlocal Agreement be approved by the Governor of the State of Michigan before being submitted to the MSF; and

WHEREAS, this legislative body has been presented with a certain Interlocal Agreement creating the 1-69 International Trade Corridor Next Michigan Development Corporation (Act 7 Inter local Agreement) for economic development purposes and deems it to be in the best interest of this governmental unit to approve the Act 7 Interlocal Agreement and become a voting participant in the NMDC.

NOW, THEREFORE, BE IT RESOLVED that the Act 7 Inter local Agreement be, and hereby is, approved and the Village Clerk is authorized to execute and deliver it on behalf of this unit of government; and

BE IT FURTHER RESOLVED that the Local Official is further authorized to consent to non-material adjustments and corrections to the form of the Act 7 Inter local Agreement submitted to this legislative body as may be required by State of Michigan officers or agencies.

At a regular meeting of the Village of Vernon Council held on December 21, 2011, adoption of the foregoing resolution was moved by Borkowski and supported by Winkowski.

Yeas: Trustees Borkowski, Heldreth, Steele, Winkowski, President Lezovich

Nays: None

Carried

Joseph Liezovich -Village President

I, Ellen R. Glass, the duly appointed and sworn Clerk of the Village of Vernon do attest that the foregoing is a true and correct copy of a resolution approved by majority of the members of the Village of Vernon Council at a regular meeting held on December 21, 2011.

Ellen R. Glass- Village Clerk

Board appointed Trustee Borkowski to represent the Village on the board and Trustee Winkowski for alternate.

**A RESOLUTION TO EXEMPT THE VILLAGE FROM THE REQUIREMENTS OF PUBLIC
ACT 152 FOR 2012**

WHEREAS, Public Act 152 of 2011, recently passed by the legislature and signed into law by the governor to limit a public employer's expenditures for employee medical benefit plans; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions; and

WHEREAS, communities are given three options for complying with the requirements of Act 152, depending on the impact of the Act on the employees of each community; and

WHEREAS, the three options available to the Village are:

1. Hard Cap- capped dollar amount each government employer may pay towards an employee's health care costs;
2. 80/20 -public employer shall pay not more than 80% of the total annual cost of all medical benefit plans, and the employee is required to pay 20% of the total annual cost of all medical benefit plans.
3. Exempt- local unit of government may exempt itself from the requirements of this act for the next succeeding year.

WHEREAS, the Village Council has decided to exempt itself from the requirements of the act for the next succeeding year; and

WHEREAS, the Village Council recognizes that such exemption requires a 2/3 majority vote of the Village Council;

NOW, THEREFORE, BE IT RESOLVED that the Village of Vernon Council hereby exempts itself from the requirements of Public Act 152 of 2011 for the next succeeding year;

BE IT FURTHER RESOLVED that the Village of Vernon Council acknowledges its responsibility to revisit its options and responsibility under Public Act 152 of 2011 in one year.

At a regular meeting of the Village of Vernon Council held on December 21, 2011, adoption of the foregoing resolution was moved by Borkowski and supported by Heldreth.

Yeas: Trustees Borkowski, Heldreth, Steele, Winkowski, President Lezovich

Nays: None

Carried.

Joseph Liezovich -Village President

I, Ellen R. Glass, the duly appointed and sworn Clerk of the Village of Vernon do attest that the foregoing is a true and correct copy of a resolution approved by majority of the members of the Village of Vernon Council at a regular meeting held on December 21, 2011.

Ellen R. Glass- Village Clerk

**RESOLUTION ESTABLISHING FEES FOR ORDINANCE 05-131 RENTAL DWELLING
UNITS**

WHEREAS the Village of Vernon has adopted Ordinance 05-131 Rental Dwelling Units that require that certain fees be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the following rental registration fees are adopted:

Annual registration fee per rental unit within a structure	\$25.00
Inspections (fewer than six in a one year period)	No Charge
Inspections (exceeding six in a one year period, one time charge per year)	\$150 .00

All fees must be paid within 30 days of notice.

Appendix C: Sanitary Sewer Main Specifications

A. General

Public sanitary sewers are generally required when two or more connections are made to the same sewer.

In most instances, including multiple unit developments, the sanitary sewer system must be public, even though the project has one property owner.

The extension of the sanitary sewers will generally be required across the entire frontage of the site and at other locations deemed necessary for future upstream service.

A quantity summary itemizing all proposed public sanitary sewer construction must appear on the plans including length, size and type of pipe.

The developer shall undertake sufficient research to determine if the sewer has adequate capacity to handle the anticipated volumes. Such research will be provided to village at the village's request. The village may require capacity analysis to account for both wet and dry weather flows.

All applicable permits must be in hand prior to sanitary sewer construction.

Sanitary sewer shall, whenever possible, be installed on the north side of an east-west street and on the east side of a north-south street.

Sanitary sewers shall be designed with adequate slope to produce self-cleaning velocities and to provide capacity for future expansion.

No manholes, cleanouts or structures shall be located in any pavement, including roads, driveways, parking lots, and sidewalks.

Designs shall incorporate the use of materials and sizes as specified in the Sanitary Sewer section of the Construction Specifications.

A five-year guarantee bond must be submitted to the village on sewers deeper than 15' equal to the cost of sewer installation.

B. Sewer Capacity

1. For all developments the village will determine existing capacity of sanitary sewer during plan review process. The developer may be required to provide capacity analysis data with township reviewing data to verify capacity.
2. Any upgrades to existing sanitary sewer or existing pump stations required by the increased capacity will require developer to be responsible for all design and construction costs.

C. Grades The following table represents the minimum and maximum grade for public sanitary sewers. Note that these are minimum and maximum requirements and will generally be used only when topography requires it.

Size	Standard Grade	Minimum Grade	Maximum Grade
8"	0.80%	0.40%	8.0%
10"	0.60%	0.30%	6.2%
12"	0.40%	0.22%	6.0%
15"	0.24%	0.16%	3.6%
18"	0.18%	0.12%	2.8%
21"	0.14%	0.10%	2.2%

All upstream dead end sewers shall have a minimum last run grade of 1.0%.

D. Manholes

Sanitary Sewer Manholes shall be spaced as follows

Size	Standard Run	Maximum Sewer Run
8"	300 Ft.	400 Ft.
10"	300 Ft.	400 Ft.
12"	400 Ft.	450 Ft.
15"	500 Ft.	500 Ft.
18"	600 Ft.	600 Ft.
21"	600 Ft.	600 Ft.

A manhole will be required at all changes in alignment, size or grade.

E. Location

1. Sanitary sewers shall be located so as to provide unrestricted access for maintenance and inspection.
2. Suitable access for maintenance and inspection vehicles must be provide for all sewer lines more than 20' from edge of paved roadway.
3. A minimum alignment separation of 10 ft. must be maintained between the sewer and all water mains.
4. The water main and sanitary sewer shall be located on opposite sides of the street, wherever possible.
5. All public sewers must be located in a public right-of-way or an easement. Standard Easement forms are available at the village.
6. The easement size will vary individually as required for maintenance and access.
7. The minimum sanitary sewer easement shall be 20 feet.
8. Dedication of easements will be required prior to construction of the system while the description of the easement may be altered to fit the as-built location.

F. Profile

The following information shall be indicated on the sanitary sewer profile:

- 1) Length of run between manholes.
- 2) Type and class of pipe between manholes.
- 3) Size and grade of pipe between manholes
- 4) Top of casting and invert of all manholes and sewers at manholes.
- 5) Existing and proposed ground elevation along the route of the sewer.
- 6) Progressive numbering system

- 7) All utility crossings.
- 8) Special backfill areas.
- 9) Provisions for infiltration testing.

G. Drop Connections

The design of the system should minimize the need for drop connections. External drop connections are required where the invert of the outlet pipe is 18 inches or more below the invert of the inlet pipe. Internal drop connections will generally not be allowed.

H. Septic Tanks

If sanitary sewer is not available, a copy of a valid septic tank permit from the Shiawassee County Health Department must be submitted prior to approval.