

VILLAGE OF FRUITPORT, MICHIGAN

CODE OF ORDINANCES

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SUMMARY TABLE OF RECENT AMENDMENTS TO THE VILLAGE OF FRUITPORT CODE OF ORDINANCES

Chapter	Effective Date	Amended Sections	Description
IX	9-8-2024	91.12	Keeping of chickens and ducks (pullets or hens only).
TABLE OF SPECIAL ORDINANCES	10-24-2024	I. FRANCHISES	Grants a non-exclusive gas franchise to Michigan Gas Utilities Corporation. Repeals previous ordinance that reached its expiration date.
TABLE OF SPECIAL ORDINANCES	6-19-2025	I. FRANCHISES	Grants a non-exclusive gas franchise to Michigan Gas Utilities Corporation. Repeals previous ordinance that reached its expiration date. The ordinance amendment on 10-24-2024 had requested revisions by Michigan Gas Utilities and resulted in this amended version.

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' 10.01 TITLE OF CODE.

This codification of ordinances by and for the Village of Fruitport, Michigan, shall be designated as the *Fruitport Village Code*, and may be so cited.

' 10.02 INTERPRETATION.

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

' 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

' 10.04 CAPTIONS.

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

' 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, ordinary and usual sense; however, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

CODE, THIS CODE, THIS CODE OF ORDINANCES, VILLAGE CODE or *FRUITPORT VILLAGE CODE.* This municipal code as modified by amendment, revision and adoption of new titles, chapters or sections.

COUNTY. Muskegon County, Michigan.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and, in those cases, the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*.

OFFICER, OFFICE, EMPLOYEE, COMMISSION or *DEPARTMENT.* An officer, office, employee, commission or department of the municipality, unless the context clearly requires otherwise.

PERSON.

(a) Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee or receiver.

(b) Whenever used in any clause prescribing and imposing a penalty, the terms ***PERSON*** or ***WHOEVER***, as applied to any unincorporated entity, shall mean the partners or members thereof, and, as applied to corporations, the officers or agents thereof.

PRECEDING or ***FOLLOWING***. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or ***SUBSCRIPTION***. Includes a mark when the person cannot write.

STATE. The State of Michigan.

SUBCHAPTER. A subsection of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have ***SUBCHAPTERS***.

VILLAGE. The Village of Fruitport, Michigan.

VILLAGE COUNCIL. The Village Council of Fruitport, Michigan.

WRITTEN. Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year unless otherwise expressed.

' 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) ***AND*** or ***OR***. Either conjunction shall include the other as if written ***And/or@***, if the sense requires it.

(B) ***Acts by assistants***. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by

an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

' 10.07 SEVERABILITY.

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

' 10.08 REFERENCE TO OTHER SECTIONS.

Whenever, in a section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered, unless the subject matter is changed or materially altered by the amendment or revision.

' 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the municipality exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

' 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

' 10.11 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within this municipality for the transaction of all municipal business.

' 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, *REASONABLE TIME OR NOTICE* shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

' 10.13 ORDINANCES REPEALED.

(A) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

' 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

' 10.15 EFFECTIVE DATE OF ORDINANCES.

Unless declared to be an emergency ordinance, no ordinance shall become effective earlier than 15 days after enactment. All ordinances requiring publication shall not take effect until after publication thereof.

' 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent

ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying it takes effect.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force, unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

' 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

' 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the amending ordinances, if any, are listed following the text of the code section.

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. ' 15.231)

(2) If a statutory cite is set forth as a Astatutory reference@ following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

' 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see Public Act 442 of 1976, being M.C.L.A. " 15.231 et seq.

' 10.19 AUTHORITY TO ISSUE APPEARANCE TICKETS.

The following employees shall be responsible for the enforcement of the ordinances and codes of the village and are hereby authorized and empowered to issue and serve appearance tickets:

- (A) Police officers, including the Chief, all lieutenants and sergeants;
- (B) Director and Assistant Director of the Department of Public Works;
- (C) Superintendent of the Inspection/Sewer Department;
- (D) Sanitary sewer senior technician/operators;
- (E) Sanitary sewer service maintenance;
- (F) Superintendent of the Water Department;
- (G) Superintendent/Foreperson of the Street Department;
- (H) Zoning Administrator;
- (I) Building Inspectors;
- (J) Code Enforcement Officers; and
- (K) Fire Chief and Assistant Fire Chief.

' 10.99 GENERAL PENALTY.

(A) *Title.* This section shall be known and cited as the AVillage of Fruitport Municipal Civil Infraction Ordinance@.

(B) *Establishment, location and personnel of Municipal Ordinance Violations Bureau.*

(1) *Establishment.* The Village Municipal Ordinance Violations Bureau (hereafter ABureau@) is hereby established pursuant to Public Act 12 of 1994, being M.C.L.A. ' 600.8396, as amended, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

(2) *Location.* The Bureau shall be located at a location in the village as designated by the Village Council.

(3) *Personnel.* All personnel of the Bureau shall be village officials or employees. The Village Council may by resolution designate a Bureau Clerk with the duties prescribed herein and as

otherwise may be delegated by the Village Council.

(C) *Bureau authority.* The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this section or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

(D) *Ordinance violation notice requirements, admission/denial of responsibility.*

(1) *Ordinance violation notice requirements.* Municipal civil infraction violation notices shall be issued and served by authorized village officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following;

- (a) The violation;
- (b) The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
- (c) The amount of the scheduled fines/costs for the violation;
- (d) The methods by which the violation may be admitted or denied;
- (e) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
- (f) The address and telephone number of the Bureau; and
- (g) The days and hours that the Bureau is open.

(2) *Denial of responsibility.*

(a) Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated village employee(s) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter.

(b) The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

(E) *Schedule of civil fines/costs.*

(1) Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

First violation within two-year period*	\$100
Second violation within two-year period	\$250
Third violation within two-year period*	\$500
*Determined on the basis of the date of violation(s)	

(2) In addition to the above-prescribed civil fines, costs in the amount of \$10 shall be assessed by the Bureau if the fine and costs are paid within ten days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the Bureau.

(F) *Records and accounting.*

(1) The Bureau Clerk or other designated village official or employee shall retain a copy of all municipal ordinance violation notices, and shall account to the Village Council once a month or at such other intervals as the Village Council may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations.

(2) The civil fines/costs collected shall be delivered to the Village Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the township.

(G) *Availability of other enforcement options.* Nothing in this section shall be deemed to require the village to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the village may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

(H) *Ordinance violations as municipal civil infractions.* Violations of all village general and zoning ordinances are hereby declared to be municipal civil infractions, unless a state law or regulation which is adopted by reference designates a different penalty.

(Ord. passed 6-20-2011)

TITLE III: ADMINISTRATION

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CHAPTER 30: OFFICIALS AND EMPLOYEES

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COMPENSATION OF COUNCIL MEMBERS

' 30.01 COMPENSATION PAYABLE.

The President shall receive \$110 per meeting attended. The Clerk/Treasurer and each Trustee shall receive \$75 per meeting attended, not to exceed six meetings per month. This shall be payable on the

first day of each calendar month for the previous month.
(Prior Code, ' 1.001 and '30.01 as updated) (Ord. 1, passed 4-19-2021)

' 30.02 ADDITIONAL SALARY FOR TRUSTEES.

(A) Each Trustee shall receive an additional annual salary of \$800.

(B) This is to be paid quarterly on the last day of each quarter.

(Prior Code, ' 1.002 and '30.01 as updated) (Ord. 1, passed 4-19-2021)

' 30.03 ADDITIONAL SALARY FOR PRESIDENT.

The President shall receive an additional annual salary of \$1,600. This is to be paid quarterly on the last day of each quarter.

(Prior Code, ' 1.003) (Ord. 1, passed 2-15-1988)

APPOINTMENT OF CLERK AND TREASURER

' 30.15 NOMINATION AND APPOINTMENT.

The Clerk and Treasurer of the village shall each be appointed by a majority vote of the Council after nomination of each by the President.

(Prior Code, ' 2.001) (Ord. 33, passed 8-17-1998)

' 30.16 TERM.

(A) The terms of the Clerk and Treasurer shall each be for two years.

(B) This subchapter shall apply beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of this subchapter, or shall apply when the office is vacated, whichever occurs first.

(Prior Code, ' 2.002) (Ord. 33, passed 8-17-1998)

' 30.17 EFFECTIVE DATE.

The Clerk shall certify to the adoption of this subchapter and cause the same to be published as required by law, and this subchapter shall take effect 45 days after the date of adoption, unless a petition signed by not less than 10% of the registered electors of the village is filed with the Village Clerk within the 45-day period, in which case the ordinance takes effect upon the approval at an election held on the question.

(Prior Code, ' 2.003) (Ord. 33, passed 8-17-1998)

NONPARTISAN VILLAGE ELECTIONS

' 30.30 NONPARTISAN ELECTIONS.

As authorized by Public Act 3 of 1895, Ch. III, ' 3(1) and (2), being M.C.L.A. ' 63.3, as amended, village elections in the village shall hereafter be nonpartisan.

(Prior Code, ' 3.001) (Ord. 34, passed 12-18-2000)

' 30.31 COMMENCEMENT.

This subchapter shall apply beginning with the first village election for which the nomination deadline is not less than 30 days after the effective date of this subchapter.

(Prior Code, ' 3.002) (Ord. 34, passed 12-18-2000)

' 30.32 EFFECTIVE DATE.

(A) This subchapter shall take effect 45 days after the date of its adoption, unless a petition signed by not less than 10% of the registered electors of the village is filed with the Village Clerk or village office within such 45 days.

(B) If a petition is filed within such period of time, this subchapter shall then take effect only upon its approval at the next general village election or special village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this subchapter and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

(Prior Code, ' 3.003) (Ord. 34, passed 12-18-2000)

' 30.33 ADOPTION.

This subchapter shall be adopted by an affirmative vote of at least two-thirds of the members of the Village Council.

(Prior Code, ' 3.004) (Ord. 34, passed 12-18-2000)

' 30.34 ELECTION PROCEDURE.

(A) All elections will be held at the time of the general election, and the village will not conduct a primary election.

(B) The person receiving the highest number of votes shall be declared the elected winner for a

single office.

(C) If more than one position is open, the first opening will go to the person who receives the highest number of votes; the second opening will go to the person who receives the second highest number of votes; and if there are more than two positions available, this procedure will follow until all positions are filled.

(Prior Code, ' 3.006) (Ord. passed 2-17-2003)

ORDINANCE TO REDUCE THE NUMBER OF TRUSTEES

' 30.40 REDUCTION OF NUMBER OF TRUSTEES ON COUNCIL.

As authorized by Section (2), Chapter II of the General Law Village Act (1895 PA 3, as amended), the number of trustees on the Village Council shall be reduced from six trustees to four trustees who, with the president, shall constitute the council.

' 30.41 TERM OF OFFICE.

After the effective date of adoption of this ordinance, two village trustees shall be elected at each succeeding biennial village election. This ordinance shall not shorten the term of any incumbent trustee. Nor shall this ordinance shorten or eliminate a prospective term unless the nomination deadline for that term is not less than 30 days after the effective date of this ordinance.

' 30.42 EFFECTIVE DATE.

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

' 30.43 ADOPTION.

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

' 30.44 PUBLICATION.

The village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

(Prior Code, No Prior Code) (Ord. 12-21-2020)

CHAPTER 31: SPECIAL ASSESSMENTS

Section

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' 31.01 BOARD OF SPECIAL ASSESSORS ESTABLISHED.

There is hereby established a Board of Special Assessors, which shall consist of the Village Treasurer, the Village Clerk and one freeholder and elector of the village to be appointed by (and serve at the pleasure of) the Village President. Their compensation shall be prescribed by the Village Council. Special assessments authorized by this chapter shall be made by such Board. If a member of the Board shall be interested in any special assessment directed by the Council, the Council shall appoint some other person to act in his or her place in making the assessment, who for the purposes of making that assessment shall be a member of the Board in lieu of the member having a conflict.

(Prior Code, ' 83.001) (Ord. 2, passed 1-16-1984)

' 31.02 IMPROVEMENTS AUTHORIZED TO BE FUNDED BY SPECIAL ASSESSMENT.

The improvements which may be made under this chapter are:

(A) The construction and maintenance of sewers and under drains;

(B) The construction and maintenance of water mains;

(C) The improvement of public highways by grading, graveling, paving, curbing or draining the same or constructing driveway approaches or sidewalks thereon;

(D) The collection of garbage and rubbish;

(E) The demolition or repairs to a dwelling or structure deemed unsafe to the public; and

(F) Such other and additional improvements which by state law may be subject to special assessments for village residents.

(Prior Code, ' 83.002) (Ord. 2, passed 1-16-1984)

' 31.03 PUBLIC IMPROVEMENTS; PETITION; SPECIAL ASSESSMENT RESOLUTION.

(A) When the owners of a majority of the lands liable to be assessed in any special assessment district, or part of the village which may be constituted a special assessment district, shall petition the Council for any public improvement designated above, the Council may order such improvement to be made.

(B) The Village Council may initiate special assessment districts by resolution without a petition of property owners.

(C) When the Council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the village, or from street funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

(Prior Code, ' 83.003) (Ord. 2, passed 1-16-1984)

' 31.04 EXPENSE ESTIMATES, PLATS; PUBLIC EXAMINATION, NOTICE, OBJECTIONS; AUTHORIZING VOTE.

Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the Council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the Village Clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, and of the time when the Council will meet and consider any objections thereto by written notice given to each owner of property to be assessed, by mailing by first class mail addressed to such owner at the address shown on the last tax assessment roll at least ten days before the date when the assessment shall be considered by the Council. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of four members of the Council.

(Prior Code, ' 83.004) (Ord. 2, passed 1-16-1984)

' 31.05 SPECIAL ASSESSMENT; APPORTIONMENT.

The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed 25% of the value of such lot or land, as valued and assessed for state and county taxation in the last preceding tax assessment roll; any cost exceeding that percent which would otherwise be chargeable on such lot or premises shall be paid from the general funds of the village.

(Prior Code, ' 83.005) (Ord. 2, passed 1-16-1984)

' 31.06 TIME OF LEVIES.

Special assessments to defray the estimated cost of any improvement shall be levied before making the improvement.

(Prior Code, ' 83.006) (Ord. 2, passed 1-16-1984)

' 31.07 COUNCILS DIRECTORY RESOLUTION, CONTENTS.

When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the Council shall, by resolution, direct the same to be made by the Board of Special Assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises, or locality constituting the district to be assessed.

(Prior Code, ' 83.007) (Ord. 2, passed 1-16-1984)

' 31.08 ASSESSMENT ROLL PREPARATION.

Upon receiving such order and directions, the Board of Special Assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the Council applicable to the assessment. In all cases where the ownership of any description is unknown to the Board, they shall, in lieu of the name of the owner, insert the name AUnknown@; and if by mistake or otherwise any persons shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the owner, and, when the assessment roll shall have been confirmed, be a lien on such lot, parcel of land or premises, and collected as in other cases.

(Prior Code, ' 83.008) (Ord. 2, passed 1-16-1984)

' 31.09 EQUITABLE RULES; CERTIFICATE, FORM.

If the assessment is required to be according to frontage, the Board of Special Assessors shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of the front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, it shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the Board shall have completed the assessment it shall report the same to the Council; such report, to be signed by at least two of the assessors, may be in the form of a certificate, endorsed on the assessment roll, as follows:

To the Council of the Village of Fruitport:

We hereby certify and report that the foregoing is the special assessment roll, and the assessment made by us pursuant to a resolution of the council, adopted _____ for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessment for the _____; that in making such assessment we have, as near as may be, and according to our best judgment, conformed in all things to the directions contained in the resolution of the Council hereinbefore referred to, and the statutes of the State of Michigan.

Dated: _____

Board of Special Assessors

(Prior Code, ' 83.009) (Ord. 2, passed 1-16-1984)

' 31.10 FILING, NOTICE, FORM; OBJECTIONS.

When any special assessment shall be reported by the Board of Special Assessors to the Council, as in this chapter directed, the same shall be filed in the office of the Village Clerk. Before adopting such assessment, the Council shall hold a public hearing and cause ten days= prior notice to be mailed to the property owners at their addresses as the same appears on the special assessment roll designating the date, time and place when the Council and Board of Special Assessors will meet to review said assessment. Any person objecting to the assessment may file his or her objections thereto in writing with the Village Clerk or may personally appear and register his or her objection. The notice may be in the following form:

Notice of Special Assessment

To _____, TAKE NOTICE: That the roll of the special assessment heretofore made by the Board of Special Assessors for the purpose of defraying that part of the cost which the Council decided should be paid and borne by special assessment for the _____ is now on file in my office for public inspection. Notice is also hereby given that the Council and Board of Special Assessors of the Village of Fruitport will meet in the basement of the library at the corner of Park and Third Street in the Village of Fruitport in said Village at _____ p.m. on _____ to review said assessment, at which time and place opportunity will be given all persons to be heard.

Dated: _____

Village Clerk

(Prior Code, ' 83.010) (Ord. 2, passed 1-16-1984)

' 31.11 REVIEW; CORRECTIONS; CONFIRMATION.

At the time and place appointed for the purpose, as aforesaid, the Council and Board of Special Assessors shall meet and there, or at some adjourned meeting, review the assessment; and shall hear any objections to any assessment which may be made by any person deeming himself or herself aggrieved thereby, and the Council may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the Board for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the Village Clerk shall make an endorsement upon the roll showing the date of confirmation.

(Prior Code, ' 83.011) (Ord. 2, passed 1-16-1984)

' 31.12 CONFIRMATION FINAL.

When any special assessment shall be confirmed by the Council, it shall be final and conclusive.
(Prior Code, ' 83.012) (Ord. 2, passed 1-16-1984)

' 31.13 LIEN; STATUS AS DEBT; COLLECTION.

From the date of confirmation of a roll levying a special assessment, the full amount of the assessment and the interest thereon shall constitute a lien on the premises subject thereto, and that amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent village property taxes or by a suit against the person.
(Prior Code, ' 83.013) (Ord. 2, passed 1-16-1984)

' 31.14 LIMITATION OF ACTIONS.

An action may not be instituted for the purpose of contesting or enjoining the collection of a special assessment unless:

(A) Within 45 days after the confirmation of the special assessment roll, written notice is given to the Council indicating an intention to file such an action, and stating the grounds on which it is claimed that the assessment is illegal; and

(B) The action is commenced within 90 days after the confirmation of the roll.
(Prior Code, ' 83.014) (Ord. 2, passed 1-16-1984)

' 31.15 ILLEGAL ASSESSMENT; REVOCATION, CORRECTION, RECONFIRMATION; ASSESSMENT OF PROPERTY NOT INVOLVED.

If a portion of an assessment roll is determined to be illegal, in whole or in part, the Council may revoke its confirmation, correct the illegality, if possible, or reconfirm it. Property which is not involved in the illegality may not be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.
(Prior Code, ' 83.015) (Ord. 2, passed 1-16-1984)

' 31.16 INSTALLMENTS; COLLECTION; INTEREST.

Upon the confirmation of any special assessment, the amount thereof may be divided into not more than ten installments, one of which shall be collected each year, at such times as the Council shall determine, with annual interest at a rate not exceeding the amount at that time established as the interest rate to be collected on delinquent taxes by the County Treasurer, but the whole assessment after confirmation may be paid to the Village Treasurer at any time in full, with the proportionate interest thereon.

(Prior Code, ' 83.016) (Ord. 2, passed 1-16-1984)

' 31.17 PAYABLE UPON CONFIRMATION.

All special assessments, except such installments thereof as the Council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

(Prior Code, ' 83.017) (Ord. 2, passed 1-16-1984)

' 31.18 INSTALLMENT ROLLS.

If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

(Prior Code, ' 83.018) (Ord. 2, passed 1-16-1984)

' 31.19 DIVIDED LANDS, APPORTIONMENT.

Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the Council may require the Board of Special Assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed by resolution of the Council, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

(Prior Code, ' 83.019) (Ord. 2, passed 1-16-1984)

' 31.20 DEFICIENCY ASSESSMENTS.

Should any special assessment prove insufficient to pay for the improvement of work for which it was levied, and the expenses incident thereto, the Council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid, except that if the excess does not exceed 5% of the original assessment, it shall not be refunded but shall be transferred by resolution of the Council to the General Fund of the village.

(Prior Code, ' 83.020) (Ord. 2, passed 1-16-1984)

' 31.21 ILLEGAL; REASSESSMENT PROCEDURE.

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

(Prior Code, ' 83.021) (Ord. 2, passed 1-16-1984)

' 31.22 EQUITABLE LIEN UNIMPAIRED BY JUDGMENT.

No judgment or decree, nor any act of the Council vacating a special assessment shall destroy or impair the lien of the village upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceedings, might have been lawfully assessed thereon.

(Prior Code, ' 83.022) (Ord. 2, passed 1-16-1984)

' 31.23 COLLECTION FROM ASSESSMENT ROLL; PROCEDURE.

When any special assessment shall be confirmed, and be payable as hereinbefore provided, the Council shall direct the assessment so made in the special assessment roll to be collected, and thereupon the Village Clerk shall attach his or her warrant to a certified copy of said special assessment roll, therein commanding the Village Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to each of the persons assessed in said roll the amount of money assessed to and set opposite his or her name therein, and in case any person named in said roll shall neglect or refuse to pay his or her assessment upon demand, then to levy and collect the same as provided by law for unpaid real estate taxes assessed against the premises.

(Prior Code, ' 83.023) (Ord. 2, passed 1-16-1984)

' 31.24 UNPAID SPECIAL ASSESSMENT; ASSUMPSIT ACTION; EVIDENCE.

At any time after a special assessment has become payable, the same may be collected by suit, in the name of the village, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the village to recover judgment therefor.

(Prior Code, ' 83.024) (Ord. 2, passed 1-16-1984)

' 31.25 ASSESSMENT IRREGULARITIES; EFFECT.

If in any action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the village, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

(Prior Code, ' 83.025) (Ord. 2, passed 1-16-1984)

' 31.26 EFFECTIVE DATE.

This chapter shall become effective 20 days after its adoption and publication.

(Prior Code, ' 83.026) (Ord. 2, passed 1-16-1984)

TITLE V: PUBLIC WORKS

Chapter

50. GARBAGE AND REFUSE COLLECTION

51. SERVICE LINES; INSTALLATION

CHAPTER 50: GARBAGE AND REFUSE COLLECTION

Section

50.01 Definitions

50.02 Prohibitions

50.03 Garbage container locations

50.04 Time of collection

50.05 Disposition of household garbage or refuse

50.06 Cost of collection service

50.07 Multiple dwellings

50.08 Contract for collection

50.99 Penalty

§ 50.01 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given below.

HOUSEHOLD GARBAGE. Discarded animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

REGULAR HOUSEHOLD REFUSE. All solid waste (except body wastes), including garbage, paper, cardboard, tin cans, wood, glass, and all such similar items that are normally discarded from a household.

BULK HOUSEHOLD REFUSE. Bulk household refuse items discarded from a household that are too large to be collected in waste collector provided container including stoves, refrigerators (with all CFC and other refrigerants removed), water tanks, washing machines, furniture, and other similar items with weights and/or volumes greater than those allowed for the waste container supplied. Excludes regular household refuse, clothing, or items that could be placed in cart for normal service.

YARD WASTE. Leaves, branches, and grass clippings that are normally discarded from a household in the maintenance of a residential yard.

RECYCLABLES. A specific garbage, rubbish, or solid waste that is required to be picked up separately for the purpose of recycling. These items shall include, but not be limited to, certain paper, glass containers, metal cans, and plastics.

OTHER. The following items shall neither be considered household garbage, regular household refuse, or yard waste and shall not be collected by collector: all tires, cement blocks, shingles, broken glass, liquids, antifreeze, oil, carbonated beverage containers, paint cans, large amounts of construction materials, items deemed dangerous to the collector's personnel, or equipment such as gasoline, hot ashes and any items too heavy to be lifted by two average people.

DESIGNATED WASTE COLLECTOR. Or collector is any person or company awarded a contract by the village to engage in the business of collecting solid waste, recyclable materials, and yard waste from residential dwelling units within the village and hauling, transporting, or disposing of such materials.

MULTIPLE DWELLINGS. Any building containing in excess of two apartments. Duplexes are charged as two single units.

(Prior Code, § 85.001) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023)

§ 50.02 PROHIBITIONS.

- (A) The owner/occupant of a residential dwelling unit shall not dispose of any household garbage, regular household refuse, recyclables, or yard waste generated from a residential dwelling unit within the village other than by means of the designated collector awarded the contract by the village for such purpose.
- (B) No person except the collector shall engage in the business of collection, transporting, delivery or disposal of household garbage, regular household refuse, recyclables, or yard waste generated by a residential dwelling unit with the village.
- (C) It shall be unlawful for any person, or the owner, occupant, tenant or lessee of any residential dwelling unit within the village to dispose of or attempt to dispose of refuse in contravention to this article.
- (D) It shall be unlawful to mix refuse in any container with construction debris, commercial refuse, or hazardous waste.
- (E) It shall be unlawful for the owner or occupant of any land or building situated thereon to permit to be placed or permit to remain any household garbage, regular household refuse, or manmade items listed as other upon said land or adjacent to said building, unless the same be placed in such containers provided by the collector.
- (F) Household garbage or regular household refuse shall not be stored for a period exceeding seven days.
- (G) No person, whether a resident/owner or nonresident of the village, shall transport garbage or refuse, in any manner, to a residence in the village, for the purpose of having said garbage or

refuse collected by the waste collector contracted by the village, and avoiding payment thereof. Any person who aids, abets, or assists therein, shall upon conviction, be guilty of a violation of this chapter.

- (H) No person shall dispose of any garbage or refuse within the village limits, other than by using the garbage and refuse collection service contracted by the village.

(Prior Code, § 85.002 and § 85.005) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023) Penalty, see § 50.99

§ 50.03 GARBAGE CONTAINER LOCATIONS.

- (A) The garbage containers provided by the collector shall be placed at the side of the roadway, so that on the day of collection said container shall be accessible for collection with the handle facing opposite the side of the roadway for purposes of the collector vehicle conveyor.
- (B) No person, except for purpose of removal, shall interfere with said container or the contents thereof. Containers shall not at any time be placed on the public street.
- (C) A limit if any on the number of containers shall be set by the contract with the collector, so long as they are in accordance with this chapter.
- (D) There will be no limit on bagged leaves during spring and fall cleanup. Dates to be designated by the village and the collector. Yard waste, leaves, grass clippings and branches must be placed in paper yard waste bags. Branches must be 4ft or less in length and 4 inches or less in diameter and bags must not exceed 35lbs in weight.

(Prior Code, § 85.003) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023) Penalty, see § 50.99

§ 50.04 TIME OF COLLECTION.

- (A) Household garbage and regular household refuse in suitable containers shall be at the designated place of collection not exceeding 12 hours prior to the day of collection and said containers shall be removed from the place of collection not later than 7:00 a.m. of the following day.
- (B) Bulk household refuse and yard waste will be collected during spring and fall clean-up dates agreed upon by the Village and collector.

(Prior Code, § 85.004) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023) Penalty, see § 50.99

§ 50.05 DISPOSITION OF HOUSEHOLD GARBAGE OR REFUSE.

Section moved to § 50.02 PROHIBITIONS.

(Prior Code, § 85.005) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023) Penalty, see § 50.99

§ 50.06 COST OF COLLECTION SERVICE.

- (A) The Village Council shall annually on or before May 1 determine the amount which shall be charged each residence for garbage collection for the year commencing June 1 and ending May 31 based on negotiations and/or contract with collector. The rate shall be uniform for each residence and shall be based on the cost agreed upon between the village and the collector. An

administration fee may be charged by the village and/or the collector.

(B) The collector shall bill on or before June 1 of each year the owner of each residence the amount of such charge as agreed upon in the contract with the Village for such service.

(C) The above charges for service (as determined annually by the Village Council) will be billed in advance by the collector on a per residence basis against property owners of record, as of the current year, regardless of any temporary vacancy. There will be no refunds. Any changes of occupancy and existing charges shall be negotiated by the previous and new owner/occupant.

(Prior Code, § 85.006) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023)

§ 50.07 MULTIPLE DWELLINGS AND COMMERCIAL ESTABLISHMENTS.

(A) Multiple dwellings shall be charged a rate determined annually by the Village and Collector in the same manner as the rate is established for a single residence.

(B) Commercial establishments are exempt from the collection provisions of this chapter, and must, therefore, contract for collection services apart from those provided by the village. Said parties must meet the general requirements of this chapter regarding the manner of storage and collection. The contractor providing these services must comply with all village ordinances.

(Prior Code, § 85.007) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023)

§ 50.08 CONTRACT FOR COLLECTION.

(A) The Council for the village shall enter into a contract with a person, firm, or corporation to collect household garbage or refuse from residences in the village. No other person, firm or corporation may collect household garbage or refuse in the village.

(B) Any person, firm or corporation collecting household garbage and refuse in the village shall have the following duties:

- a. To collect the household garbage and regular household refuse from all residences in the village at least once a week.
- b. To collect the household recyclables from all residences in the village at least once every other week.
- c. Provide a spring and fall cleanup with dates to be agreed upon by the Village Council and the collector.
- d. The collector shall empty all village garbage and recycle containers including the containers from the Department of Public Works building and Fruitport District Library at no extra charge and provide a two-yard container at a location of the village's choice at no extra charge.
- e. To provide a vehicle for collection which will be constructed and maintained in such a manner as will meet all requirements of the state and/or the Health Department of the county and/or ordinances of the village.
- f. To file with the Clerk of the village a certificate of proof of personal liability and property damage insurance wherein the minimum requirements are stated in the

contract.

- g. The collector must observe of all the laws of the state and such other ordinances of the village, or the rules of the County Health Department, as may pertain to the use of such vehicles in the pickup, conveyance or disposal of household garbage or refuse.

(Prior Code, § 85.008) (Ord. 21, passed 2-4-1980 as amended on 3-29-2023)

§ 50.99 PENALTY.

A violation of this chapter is a civil infraction. See § 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 51: SERVICE LINES; INSTALLATION

Section

- 51.01 Definitions
- 51.02 Installation of service lines
- 51.03 Registration of licensed plumbers and journeyman plumbers

- 51.99 Penalty

' 51.01 DEFINITIONS.

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

PERSON. Any individual, partnership, firm, association, corporation or person carrying on a business under an assumed name.

SERVICE LINES. The pipe or pipes connecting the water mains under the control of the village with the plumbing system of the water user.
(Prior Code, ' 87.001) (Ord. 19, passed 4-21-1975)

' 51.02 INSTALLATION OF SERVICE LINES.

Only licensed master plumbers, or licensed journeyman plumbers acting under the direct supervision of a licensed master plumber, who have registered with the Village Treasurer, or the person or persons owning the premises upon which the service line is to be installed, may install service lines within the village.
(Prior Code, ' 87.002) (Ord. 19, passed 4-21-1975) Penalty, see ' 51.99

' 51.03 REGISTRATION OF LICENSED PLUMBERS AND JOURNEYMAN PLUMBERS.

All licensed master plumbers and journeyman plumbers referred to in ' 51.02 shall register with the Village Treasurer, providing the Village Treasurer with the following information:

- (A) The name and address of the licensed master plumber or journeyman plumber;

(B) The name and address of the person employing such licensed master plumber or journeyman plumber, if any, or any assumed name under which the licensed master or journeyman plumber is carrying on a business; and

(C) Proof of the issuance of a license by the State Board of Plumbing to such master plumber or journeyman plumber.

(Prior Code, ' 87.003) (Ord. 19, passed 4-21-1975)

' 51.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

TITLE VII: TRAFFIC CODE

Chapter

- 70. UNIFORM TRAFFIC CODE**
- 71. SCHOOL BUSES**
- 72. SNOWMOBILES**
- 73. PARKING REGULATIONS**
- 74. MICHIGAN VEHICLE CODE**

CHAPTER 70: UNIFORM TRAFFIC CODE

Section

- 70.01 Code adopted
- 70.02 References in code
- 70.03 Notice to be published

' 70.01 CODE ADOPTED.

The Uniform Traffic Code for cities, townships and villages promulgated by the Director of the Department of State Police is hereby adopted by reference, pursuant to M.C.L.A. " 257.952 through 257.954.

(Prior Code, ' 33.001) (Ord. 4, passed 11-21-1983)

' 70.02 REFERENCES IN CODE.

(A) References in the Uniform Traffic Code for Michigan cities, townships and villages to Agovernmental unit@ shall mean the village.

(B) Reference in the Uniform Traffic Code to the AChief of Police@ shall mean the Village President.
(Prior Code, ' 33.002) (Ord. 4, passed 11-21-1983)

' 70.03 NOTICE TO BE PUBLISHED.

The Village Clerk shall publish this chapter in the manner required by law, and shall at the same time publish a supplementary notice, setting forth the purpose of the said Uniform Traffic Code, and of the fact that a complete copy of the code is available at the office of the Clerk for inspection by the public at all times.

(Prior Code, ' 33.003) (Ord. 4, passed 11-21-1983)

CHAPTER 71: SCHOOL BUSES

Section

- 71.01 Passing school buses
- 71.02 Enforceability of ordinances
- 71.03 Bus stopping on highway
- 71.04 Meeting bus on divided highway
- 71.05 Bus signal lamps

- 71.99 Penalty

' 71.01 PASSING SCHOOL BUSES.

(A) The driver of a vehicle shall not overtake or meet and pass any school bus which has stopped for the purpose of receiving or discharging passengers.

(B) All school buses shall contain such signs on the back and front thereof, with respect thereto, as shall be approved by the State Highway Commissioner.

(Prior Code, ' 34.001) (Ord. 11, passed 3-18-1963) Penalty, see ' 71.99

' 71.02 ENFORCEABILITY OF ORDINANCES.

(A) The driver of a vehicle overtaking or meeting any school bus which has stopped for the purpose of receiving or discharging any passenger shall bring such vehicle to a full stop at least ten feet from the school bus, and shall not proceed until the school bus resumes motion or the school bus driver signals to proceed or the visual signals are no longer actuated.

(B) The driver of the school bus, before resuming motion, shall signal stopped traffic to proceed and shall, when resuming motion, proceed in such a manner as to allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety.

(C) Passengers crossing the road upon being discharged from a school bus shall cross in front of the stopped school bus.

(D) 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 any such school bus, but may proceed past such school bus at a speed not greater than is reasonable and proper and in no event greater than ten mph and with due

caution for the safety of passengers being received or discharged from such school bus.

(E) This section shall not be applicable to buses inside incorporated cities or villages.

(F) Where the stopping for school buses is controlled by local ordinance, such ordinance shall be enforceable when signs giving notice of such local traffic regulation are posted upon or at the entrance to the area or part thereof affected as may be most appropriate or sufficiently legible as to be seen by an ordinarily observant person.

(Prior Code, ' 34.002) (Ord. 11, passed 3-18-1963) Penalty, see ' 71.99

' 71.03 BUS STOPPING ON HIGHWAY.

No school bus driver shall stop his or her bus upon the highway for the purpose of receiving or discharging passengers unless such bus is clearly visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of at least 500 feet.

(Prior Code, ' 34.003) (Ord. 11, passed 3-18-1963) Penalty, see ' 71.99

' 71.04 MEETING BUS ON DIVIDED HIGHWAY.

The driver of a vehicle upon any 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 in the roadway across the dividing space, barrier or section.

(Prior Code, ' 34.004) (Ord. 11, passed 3-18-1963)

' 71.05 BUS SIGNAL LAMPS.

(A) Every school bus shall, in addition to any other equipment and distinctive marking required by law, be equipped with signal lamps mounted as high and widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level.

(B) Said lights shall be no less than six inches in diameter and shall have sufficient intensity to be visible from a distance of at least 500 feet in normal sunlight and shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped or is about to stop for the purpose of receiving or discharging school children.

(Prior Code, ' 34.005) (Ord. 11, passed 3-18-1963) Penalty, see ' 71.99

' 71.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 72: SNOWMOBILES

Section

72.01	Definitions
72.02	Registration of snowmobiles
72.03	Prohibited acts
72.04	Violations by minors
72.05	Emergencies
72.99	Penalty

' 72.01 DEFINITIONS.

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

HIGHWAY or **STREET**. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

OPERATE. To ride in or on and to control the operation of a snowmobile.

OPERATOR. Any person who operates or is in actual physical control of a snowmobile.

OWNER. Any person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.

PERSON. An individual, partnership, corporation, the state or any of its agencies or subdivisions, and any body of persons, whether incorporated or not.

SNOWMOBILE. Any motorized vehicle designed for travel primarily on snow or ice steered by wheels, skis or runners.

(Prior Code, ' 35.001) (Ord. 13, passed 2-18-1985)

' 72.02 REGISTRATION OF SNOWMOBILES.

(A) Except as otherwise provided, no snowmobile shall be operated within the village, unless registered by the owner as provided by Public Act 74 of 1968, being M.C.L.A. " 324.82101 through 324.82160.

(B) No registration is required for a snowmobile operated exclusively on lands owned or under the control of the snowmobile owner.

(Prior Code, ' 35.002) (Ord. 13, passed 2-18-1985)

' 72.03 PROHIBITED ACTS.

No person shall operate a snowmobile in the village:

(A) On any highway, street, alley or public sidewalk in the village, except by permit and permission granted by the Village Council, first obtained;

(B) While under the influence of intoxicating liquor or any controlled substance;

(C) In or on any property, park or playground in the village, nor in any nursery, planting area or natural area of forest owned by the village, except by permit and permission granted by the Village Council, first obtained;

(D) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing;

(E) During the hours from 9:30 p.m. and 7:00 a.m.;

(F) During permissive hours, without displaying a lighted headlight and lighted taillight, between the hours from one-half hour after sunset to 9:30 p.m. and until one-half hour after sunrise, if sunrise follows 7:00 a.m.;

(G) Unless equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. Excessive noise shall specifically include unnecessary racing or accelerating of the engine; or

(H) On any private property within the village limits, without the prior consent or permission of the owner or occupant of said property, except that arrest under this section shall be subject to said occupant or owner filing a sworn complaint prior to arrest.

(Prior Code, ' 35.003) (Ord. 13, passed 2-18-1985) Penalty, see ' 72.99

' 72.04 VIOLATIONS BY MINORS.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

(Prior Code, ' 35.004) (Ord. 13, passed 2-18-1985) Penalty, see ' 72.99

' 72.05 EMERGENCIES.

Snowmobiles may be operated on a street or highway during a period of emergency when travel by conventional motor vehicle is not possible.

(Prior Code, ' 35.005) (Ord. 13, passed 2-18-1985)

' 72.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 73: PARKING REGULATIONS

Section

Vehicle Parking, Night Time

- 73.01 Definitions
- 73.02 Night parking restrictions
- 73.03 Parking bureau location; employees
- 73.04 Disposition of violations
- 73.05 Disposition only at request of violator
- 73.06 Issuance of ticket deemed allegation of violation
- 73.07 Schedule of offenses and fines
- 73.08 Violations

VEHICLE PARKING, NIGHT TIME

' 73.01 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLES. Vehicles of the Fire and Police Departments, ambulances and emergency vehicles designated as such.

PARK. The standing of a vehicle otherwise than temporarily for the purpose of loading or unloading.

ROADWAY. The portion of a street, park or other public place which is designed or ordinarily used for vehicular travel.

VEHICLE. Every device by which any person or property is transported, except devices moved by human power or railroad cars.

(Prior Code, ' 36.001) (Ord. 10, passed 1-20-1975)

' 73.02 NIGHT PARKING RESTRICTIONS.

No person shall park any vehicle on any roadway between the hours of 2:00 a.m. and 6:00 a.m. of any day, except drivers of authorized emergency vehicles while in the course of their duties.

(Prior Code, ' 36.002) (Ord. 10, passed 1-20-1975) Penalty, see ' 10.99

' 73.03 PARKING BUREAU LOCATION; EMPLOYEES.

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

(Prior Code, ' 36.003)

' 73.04 DISPOSITION OF VIOLATIONS.

Only violations for which fines are scheduled pursuant to ' 73.03 shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

(Prior Code, ' 36.004)

' 73.05 DISPOSITION ONLY AT REQUEST OF VIOLATOR.

(A) No violation may be settled at the parking violations bureau except at the specific request of the alleged violator.

(B) No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation.

(C) No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire.

(D) The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or her or in any way diminish the rights, privileges and protection accorded to him or her by law.

(Prior Code, ' 36.005) Penalty, see ' 10.99

' 73.06 ISSUANCE OF TICKET DEEMED ALLEGATION OF VIOLATION.

(A) The issuance of a traffic ticket or notice of violation by a public safety officer or other employee of the village authorized to issue civil infractions shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

(B) Fines shall correspond to those established pursuant to ' 73.07.
(Prior Code, ' 36.006)

' 73.07 SCHEDULE OF OFFENSES AND FINES.

The schedule of offenses and fines for this chapter shall be as follows:

<i>Offense</i>	<i>Penalty</i>
Parking too far from curb	\$25
Parking in handicapped parking zone	50
Angle parking violations	25
Obstructing traffic	25
Prohibited parking (signs unnecessary)	
On sidewalk	25
In front of drive	25
Within intersection	25
Within 15 feet of hydrant	25
On crosswalk	25
Within 20 feet of crosswalk or 15 feet of corner lot lines	25
Within 30 feet of street-side traffic sign or signal	25
Double parking	25
On bridge or viaduct	25
Within 200 feet of accident where police in attendance	25

<i>Offense</i>	<i>Penalty</i>
Disabled vehicle, failure to move	25
Abandoned vehicle	25
Fire lanes	25
Between sidewalk and curb	25
On private property without owner=s consent	100
In prohibited zone (signs and/or markings required)	25
In boat launch parking without valid/viable permit	150
Parking for prohibited purpose	
Displaying vehicle for sale	25
Displaying or advertising	25
Selling merchandise	25
Storage over 48 hours	25
Bicycle parking violations	25

(Prior Code, ' 36.007) Penalty, see ' 10.99

' 73.08 VIOLATIONS.

Violations of this chapter may be settled at the parking violations bureau when so provided in this chapter by imposition and payment of fines as set pursuant to ' 73.07.

(Prior Code, ' 36.008) (Ord. 10, passed 1-20-1975)

CHAPTER 74: MICHIGAN VEHICLE CODE

Section

- 74.01 Michigan vehicle code adopted
- 74.02 References
- 74.03 Penalties

' 74.01 VIOLATIONS.

The Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), is adopted by reference.

'74.02 REFERENCES.

References in the Michigan Code to “local authority” shall mean the Village of Fruitport.

'74.03 PENALTIES.

The penalties provided by the Michigan Vehicle Code are adopted by reference; provided, however, that the Village of Fruitport may not enforce any provisions of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

'73.04 EFFECTIVE DATE.

This ordinance was approved and adopted by the Village of Fruitport on September 17, 2018. This ordinance shall be effective 30 days after publication following adoption.
(Prior Code, No Prior Code) (Ord. passed 9-17-2018)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. GENERAL VILLAGE PROVISIONS**
- 91. ANIMAL CONTROL**
- 92. PARKS AND RECREATION**
- 93. FIREWORKS**
- 94. PUBLIC NUISANCES**
- 95. STREETS AND SIDEWALKS**
- 96. NOISE**

CHAPTER 90: GENERAL VILLAGE PROVISIONS

Section

Water Craft Control

- 90.01 Meanings
- 90.02 Mufflers required
- 90.03 Definition
- 90.04 Spring Lake; slow, no wake speed
- 90.05 Prohibited acts
- 90.06 Boat lamps
- 90.07 State and federal law
- 90.08 Maximum Trailer Size
- 90.09 Penalty for Maximum Trailer Size

Boat Launch Fees

- 90.20 Definitions
- 90.21 Permit required
- 90.22 Fee schedule and terms
- 90.23 Administrative liability

Outdoor Furnaces Designed for Structure Heat

- 90.35 Purpose
- 90.36 Definition
- 90.37 Prohibition
- 90.38 Nuisance
- 90.39 Effective date

- 90.99 Penalty

WATER CRAFT CONTROL**' 90.01 MEANINGS.**

All words and phrases used in this subchapter shall be construed and have the same meanings as those words and phrases defined in Public Act 303 of 1967, being M.C.L.A. " 281.1001 through 281.1199, as amended.

(Prior Code, ' 71.001) (Ord. 12, passed 7-24-1978)

' 90.02 MUFFLERS REQUIRED.

Hereafter, any motor boat or other water craft, the motive power of which is an internal combustion engine using gas, gasoline, naphtha or other like energy, whether outboard or inboard, operated on the waters of Spring Lake, which are within the village or within a quarter of a mile thereof, shall be equipped with a stock factory muffler, under water exhaust or other modern or improved device capable of adequately muffling the sound of the exhaust of such engine; and such muffler shall be kept and remained closed and such exhaust or device shall be kept in proper working order by any person or persons operating or in charge of such motor boat, launch or other water craft, at all times when such engine or engines are in operation, except in a publicly announced and properly supervised motor boat race, regatta or speed trial.

(Prior Code, ' 71.002) (Ord. 12, passed 7-24-1978) Penalty, see ' 90.99

' 90.03 DEFINITION.

The term ***CAPABLE OF ADEQUATELY MUFFLING THE SOUND OF THE EXHAUST OF SUCH ENGINE*** as used in this subchapter shall be construed to mean that the motor's exhaust at all times be so muffled or suppressed as not to disturb the peace and quiet of persons in the locality.

(Prior Code, ' 71.003) (Ord. 12, passed 7-24-1978)

' 90.04 SPRING LAKE; SLOW, NO WAKE SPEED.

On the waters of Spring Lake, Section 36, T9 N, R16 W, in the village, Fruitport Township, it is unlawful for:

(A) The operator of a vessel less than 26 feet in length to exceed a slow-no wake speed when within 200 feet of any shore, dock or pier head; and/or

(B) The operator of a vessel 26 feet or more in length to exceed a slow-no wake speed.

(Prior Code, ' 71.004) (Ord. 12, passed 7-24-1978)

' 90.05 PROHIBITED ACTS.

No such motor boat shall be operated on any of said waters in a reckless manner or at an excessive rate of speed so as to endanger the life or property of any person in or on said waters, having due regard to the presence of other boats, bathers, persons engaged in fishing, or objects in or on such waters and of any other conditions then existing, and no person shall operate such motor boat on said waters at a rate of speed greater than will permit him or her to bring it to a stop within the assured clear distance ahead.

No person, firm, or corporation shall moor or anchor a boat, vessel, or other watercraft for more than a twelve (12)-hour period in Spring Lake on the riparian bottomland or to any structure owned by the Village except in an emergency or by written permission of the Village. By Michigan law, the owner of riparian land owns the bottomland to the center of an inland lake or thread of a river.

(Prior Code, ' 71.005 and ' 88.05) (Ord. 12, passed 7-24-1978 as amended 8-21-2023) Penalty, see ' 90.99

' 90.06 BOAT LAMPS.

Any such motor boat operated on said waters during the period of one hour after sunset to one hour before sunrise shall be equipped with a light on the bow, which can be plainly distinguished at a distance of 500 feet.

(Prior Code, ' 71.006) (Ord. 12, passed 7-24-1978) Penalty, see ' 90.99

' 90.07 STATE AND FEDERAL LAW.

Nothing in this subchapter contained shall be in contravention of any existing state or federal legislation, but shall be deemed in addition thereto where not consistent therewith.

(Prior Code, ' 71.007) (Ord. 12, passed 7-24-1978)

' 90.08 MAXIMUM TRAILER SIZE.

It shall be unlawful to enter the boat launch area or use the boat launch with a trailer having in excess of two axles.

(Prior Code, ' 88.007) (Ord passed 7-20-2020)

' 90.09 PENALTY FOR MAXIMUM TRAILER SIZE.

Whenever any act is prohibited or is made or declared to be unlawful or an offense by this ordinance, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful by this ordinance, the violation of any such provision by any person shall be subject to a fine not exceeding Five hundred dollars (\$500.00) for the first offense and One thousand dollars (\$1000.00) for each additional offense or the maximum amount allowed by law and may be determined to be a municipal civil infraction sufficient to cause the appearance of such person and/or the owner or operator of the motor vehicle towing such watercraft trailer or having such watercraft carrying mechanism in the District Court having jurisdiction for such matter by the Village of Fruitport by issuance of a Parking Violation Ticket or an Appearance Ticket by a Police Officer or other person having authority to enforce such matters.

BOAT LAUNCH FEES**' 90.20 DEFINITIONS.**

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

BOAT LAUNCH. The facility, including designated parking areas, located in Pomona Park in the village which is constructed and maintained for the launching of watercraft into the waters of Spring Lake.

BOAT LAUNCH MANAGER. A person appointed from time to time by resolution of the Village Council to give such orders and directions relative to the use and occupancy of the boat launch for purposes of launching or retrieving watercraft from the waters of Spring Lake as are consistent with the resolution, the permit, this subchapter, the laws of the state, and as may be necessary to promote health, safety and good order within Pomona Park.

FEE. A designated sum of money to be paid by someone for entering Pomona Park with a watercraft trailer attached to a motor vehicle designed or a mechanism on a motor vehicle designed or capable of carrying a watercraft, whether or not there is a watercraft located on such trailer or carrier.

PERMIT. The approval granted by the village on a daily basis or as otherwise determined by the village, to enter the boat launch with a motor vehicle towing a watercraft trailer or having attached to the motor vehicle a mechanism capable of carrying a watercraft for the fee assessed and paid to the village. (Prior Code, ' 88.001) (Ord. 30, passed 6-20-1994)

' 90.21 PERMIT REQUIRED.

Each person entering the boat launch with a watercraft trailer attached to a motor vehicle or a mechanism located on a motor vehicle designed or capable of carrying a watercraft, whether or not there is a watercraft located on such trailer or carrier, shall be required to pay for and secure a permit to enter the boat launch.

(Prior Code, ' 88.002) (Ord. 30, passed 6-20-1994) Penalty, see ' 90.99

' 90.22 FEE SCHEDULE AND TERMS.

(A) The Council of the village, by resolution adopted annually, shall determine the fee(s) to be assessed to obtain a permit to enter the boat launch, and such resolution may also determine the conditions for issuance of a permit.

(B) All fees and charges connected with the issuance of such permit shall be payable in the manner provided in the resolution adopting the fee schedule.

(C) Any permit shall provide that it may be terminated by the village at any time without cause, in its sole discretion.

(D) By such resolution the Village Council may designate a manager to give such orders and directions relative to the use and occupancy of the boat launch for purposes of launching or retrieving watercraft from the waters of Spring Lake as are consistent with the resolution, the permit, this subchapter, the laws of the state and as may be necessary to promote health, safety and good order within Pomona Park.

(Prior Code, ' 88.003) (Ord. 30, passed 6-20-1994)

' 90.23 ADMINISTRATIVE LIABILITY.

No officer, agent, employee or member of the Village Council shall render himself or herself personally liable for any damage that may accrue to any person as a result of any act, decision or other consequences or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this subchapter.

(Prior Code, ' 88.006) (Ord. 30, passed 6-20-1994) Penalty, see ' 90.99

OUTDOOR FURNACES DESIGNED FOR STRUCTURE HEAT

' 90.35 PURPOSE.

(A) It is the purpose of this subchapter to prohibit the construction and operation of outdoor furnaces within the limits of the village for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the village and its inhabitants.

(B) It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

(Prior Code, ' 90.001) (Ord. 31, passed 12-19-2005)

' 90.36 DEFINITION.

The words ***OUTDOOR FURNACES DESIGNED FOR STRUCTURE HEAT*** shall mean, but is not limited to, any device, appliance, equipment apparatus or structure that:

(A) Is designed, intended and/or used to provide heat and/or hot water to any associated structure;

(B) Operates by burning wood or any other solid fuel including, but not limited to, coal, paper pellets

and agricultural products;

(C) Is not located within the structure to be heated; and/or

(D) Includes, but is not limited to, devices referred to as outdoor furnaces, outdoor boilers and outdoor stoves.

(Prior Code, ' 90.002) (Ord. 31, passed 12-19-2005)

' 90.37 PROHIBITION.

(A) It shall be unlawful to install or operate a free-standing wood burning furnace, and to cause or permit the installation or operation of a free-standing wood burning furnace, within the village.

(B) This section shall not be construed as an exemption or exception to any other provision of these ordinances, including the Building Code, Property Maintenance Code or any other code or ordinance. In the event of a conflict between the provisions of this section and any other ordinance or other provision of law, the more restrictive provision shall apply.

(C) This section shall not apply to any free-standing wood burning furnace that was installed, connected and operating as of the effective date of this section; however, this section shall not be deemed as specific authorization for the use of any preexisting free-standing wood burning furnace, and shall not be deemed to bar, limit or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of a free-standing wood burning furnace.

(Prior Code, ' 90.003) (Ord. 31, passed 12-19-2005) Penalty, see ' 90.99

' 90.38 NUISANCE.

Any free-standing wood burning furnace installed or operated in violation of this section is hereby declared to be a nuisance per se.

(Prior Code, ' 90.004) (Ord. 31, passed 12-19-2005) Penalty, see ' 90.99

' 90.39 EFFECTIVE DATE.

This subchapter shall become effective 30 days after adoption by the Village Council.

(Prior Code, ' 90.006) (Ord. 31, passed 12-19-2005)

' 90.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 91: ANIMAL CONTROL

Section

- 91.01 Definitions
- 91.02 Applicability of chapter
- 91.03 Running at large prohibited
- 91.04 Prohibitions on harboring and keeping of animals
- 91.05 Keeping of dogs and cats
- 91.06 Animals prohibited in parks, beaches and public places
- 91.07 Taking up stray animals
- 91.08 Damaging property or injuring by animals on a leash
- 91.09 Treatment and quarantine of biting animal and exposed animal
- 91.10 Resisting officers
- 91.11 Animal excrement
- 91.12 Keeping of Female Chickens or Ducks (Pullets or Hens Only)

- 91.99 Penalty

' 91.01 DEFINITIONS.

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

ANIMAL. Any animal, including without limitation any cat, dog, poultry, birds, reptile, fish or any other creature, of any age.

ANIMAL CONTROL OFFICER. The designated Animal Control Officer of the county.

ANIMAL SHELTER. Any animal shelter maintained by the County Humane Society or the county.

AT LARGE. Off the premises of the owner and not under control of the owner, a member of the owner=s immediate family, or other individual designated by the owner by leash, cord, chain, or other restraint not over six feet in length or by a leash up to 25 feet in length which is attached to a retracting mechanism held by the owner, a member of the owner=s immediate family, or other individual designated by the owner. Electronic controls are not adequate restraints for purposes of this chapter.

IMPOUNDED. Having been received into the custody of an animal shelter or into custody of any authorized agent or representative thereof.

KENNEL. Any lot, building, structure or premises whereon or wherein more than two dogs or cats over two months old are kept or maintained for any purpose.

OWNER. Any person having a right or property in a dog or other animal or who harbors a dog or other animal or has a dog or other animal in his/her care or who permits a dog to remain on or about the property or premises occupied by such person.

POLICE OFFICER. Any person employed by the village or by the state or any municipality, county or township, and whose duty it is to preserve the peace, to make arrests or to enforce the law.

' 91.02 APPLICABILITY OF CHAPTER.

This chapter shall not be applicable to seeing eye dogs for the blind, or other service dogs, or other dogs fully trained to assist disabled or physically challenged persons.

' 91.03 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for any owner to permit or allow any dog to be at large at any place within the limits of the village, except in an area designated and posted for unleashed use. The owner of any dog found at large shall be guilty of a violation of this section.

Penalty, see ' 91.99

Statutory reference:

Animals running at large, see M.C.L.A. " 433.11 et seq.

Livestock running at large, see M.C.L.A. " 433.51 et seq.

' 91.04 PROHIBITIONS ON HARBORING AND KEEPING OF ANIMALS.

(A) It shall be unlawful for any owner to keep, harbor or have charge of any animal whether licensed or unlicensed when any one or more of the following facts exist:

(1) Any animal has a dangerous or ferocious disposition, shows vicious habits and has molested any person lawfully in or upon any public street or place;

(2) Such animal has attacked or bitten any person or animal, or has destroyed any property or domestic animal;

(3) Any animal by destruction of property or trespassing upon the property of others has become a nuisance in the vicinity where kept, provided that any complaint based upon this fact shall be made by not less than two persons from two separate households in the vicinity where the animal is kept;

(4) Any dog, by loud barking, howling or yelping has become a nuisance in the vicinity where kept, provided that any complaint on this fact shall be made by not less than two persons in two separate households in the vicinity where the dog is kept;

(5) Any animal, unless it is under the care of a licensed veterinarian for the condition, appears to be suffering from rabies, mange or other infectious or dangerous disease; and

(6) Any animal has been deprived of proper food, drink, shelter or protection from the weather by a structure consisting of at least three sides and a roof, or has been cruelly beaten, tortured, tormented or mutilated.

(B) If any one or more of the above facts shall exist it shall be the duty of the owner to forthwith deliver such animal to the animal control officer on demand, a complaint shall be filed in the district court of the county and the district court shall thereupon issue a summons to the owner of such animal to show cause why the animal should not be killed or otherwise disposed of as ordered by the court. Upon a hearing, the district court judge, upon finding that one or more of the facts as set forth in this section exists, shall order such animal to be killed or otherwise disposed of as ordered by the court. Any owner refusing to obey such order shall be punished as provided in section ' 91.99.

Penalty, see ' 91.99

' 91.05 KEEPING OF DOGS AND CATS.

No person shall keep or harbor within the village more than two dogs or cats, male or female, over two months old on any premises occupied by one family or more or containing one or more dwelling units. A violation of this provision is a nuisance per se.

Penalty, see ' 91.99

' 91.06 ANIMALS PROHIBITED IN PARKS, BEACHES AND PUBLIC PLACES.

No person owning or having possession, charge, custody or control of any animal shall allow such animal to be in any park or on any beach or any public place under the control of the village at any time where such park, beach or public place is, pursuant to a resolution of the Village Council, posted A No Pet Allowed, @ A No Dogs Allowed, @ or A No Animals Allowed @ or with a sign using universal symbols to communicate the same.

Penalty, see ' 91.99

' 91.07 TAKING UP STRAY ANIMALS.

(A) Any person finding any stray domestic animal or any such animal found running at large contrary to the provisions of this chapter may take up such animal; provided, however, that persons taking up such animal shall, within 12 hours thereafter or within two hours thereafter if such animal is attached to a vehicle, give notice to the Police Department or to some police officer of the fact that he or she has such animal in his or her possession, and shall furnish thereto a description of such animal and a statement of the place where he or she found and where he or she has confined the animal.

(B) Any person taking up any such stray domestic animal found running at large contrary to the provisions of this chapter shall surrender such animal to the animal control officer upon demand thereof. Penalty, see ' 91.99

' 91.08 DAMAGING PROPERTY OR INJURING BY ANIMALS ON A LEASH.

(A) It shall be unlawful for any person having control of any dog on a leash to allow that dog to defecate on or upon any premises other than his/her own unless the person shall clean up any feces deposited by the animal.

(B) It shall be unlawful for any person having control of any dog on a leash to allow that dog to damage property.

(C) It shall be unlawful for any person having control of any dog on a leash to allow that dog to injure any person.
Penalty, see ' 91.99

' 91.09 TREATMENT AND QUARANTINE OF BITING ANIMAL AND EXPOSED ANIMAL.

(A) The Police Department or animal control officer upon receiving notification from the owner, victim, Director of the County Health Department, physician or any other person, that an animal is involved in a biting incident, shall order the quarantining of the animal causing the bite. Upon issuing an order for quarantine, the rules provided for in this section for quarantine shall be enforced and every person having actual or constructive knowledge of the order, shall obey all requirements of the quarantine.

(B) Every animal that bites a human or other animal shall be immediately confined by the owner, who shall promptly notify the Police Department or animal control officer of the place where the animal is confined and the reason for the confinement. The owner shall not permit the animal to come in contact with any other person or animal. The owner shall surrender possession of the animal to the animal control officer on demand for supervised quarantine. Supervised quarantine shall be in the animal shelter, a veterinary hospital or by any other method of adequate confinement approved by the animal control officer. The quarantine period shall be for not less than ten days immediately following the time of the biting incident. A release from quarantine may be issued if signs of rabies have not been observed during the quarantine period. Any costs of such quarantine shall be the responsibility of the owner.

(C) If the animal control officer orders quarantine other than in the animal shelter or veterinary hospital, the owner shall be responsible for confining the animal as designated by the animal control officer so as to prevent further exposure to humans or animals during the quarantine period.

(D) All animal bite reports shall be investigated by the Police Department or animal control officer. Without permission of the animal control officer, a person shall not kill or remove from the county limits an animal that has bitten a human or other animal, or that has been placed under quarantine, except when it is necessary to kill that animal to protect a person or other animal.

(E) The animal control officer shall direct the disposition of any animal found to be or suspected of being rabid.

(F) An animal exposed to rabies shall be handled in one of the following methods:

(1) Humane destruction with notification to or under supervision of the animal control officer;

(2) If the animal is not currently vaccinated, quarantine in a veterinary hospital or at the animal shelter for at least six months, immediately following the date of exposure;

(3) If the animal is currently vaccinated, immediate revaccination and quarantine for at least 30 days immediately following the date of exposure;

(4) A person shall not fail or refuse to surrender an animal for supervised quarantine or humane destruction as required herein for rabies control when demand thereof is made by the animal control officer; or

(5) A person having possession of or responsibility for a quarantined animal shall immediately notify the Police Department or the animal control officer if the animal escapes, or becomes or appears to become sick, or dies, and in case of death of the animal while under quarantine, the person shall immediately surrender the dead body to the animal control officer for diagnostic purposes.

(G) A person who owns an animal that has been placed under quarantine for biting a person and is found running free during this quarantine period, shall be guilty of a misdemeanor.
Penalty, see ' 91.99

' 91.10 RESISTING OFFICERS.

No person shall hinder, resist or oppose the animal control officer or any police officer in the performance of their duties under this chapter, or conceal or secrete any animal from any such officer or person, authorized to enforce the provisions of this chapter.
Penalty, see ' 91.99

' 91.11 ANIMAL EXCREMENT.

(A) No person shall allow any animal under his or her ownership or control to leave its excrement on any private or public property unless that excrement is promptly and thoroughly removed from the property. Provided, however, a person may fail to remove the excrement from private property which that person owns or in which he or she has a lawful possessory interest.

(B) It shall be unlawful for any person to appear with any animal on any private or public property unless that person has then in his or her possession on appropriate device for the immediate and thorough removal of any animal excrement. Provided, however, the owner or lawful occupant of a vacant parcel of real property or a parcel of real property on which there is located a single-family residence, may appear on

his or her property with an animal without possessing such a device.

' 91.12 KEEPING OF FEMALE CHICKENS OR DUCKS (PULLETS OR HENS ONLY)

- (A) Notwithstanding this ordinance, private restrictions on the use of property shall remain enforceable. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws and covenant deeds.
- (B) Mitigation: The keeping of hens or pullets shall be done in a manner to mitigate any potential adverse impacts on surrounding properties. Hens & pullets are restricted to the back & side yards of associated properties. Hens & pullets shall not cause disruptions of traffic flow.
- (C) Maximum Hens/Residential Lot: A maximum of four (4) hens may be kept per Lot if the Lot is at least ten thousand (10,000) square feet. One (1) hen per one-tenth (.10) acre may be added with a maximum of ten (10) hens per Village residential lot.
- (D) Roosters and Cockerels are prohibited in the Village of Fruitport residential, mixed use, or commercial areas.
- (E) Enclosure (Coup): Hens shall be provided with a covered enclosure (walled coup), and must be kept in the covered enclosure, or an adjoining fenced enclosure at all times.
- (F) Coup Location: Coups shall be located in the Back or Rear Yard, shall be no closer than five (5) feet to any Lot line, and shall be located a minimum of twenty (20) feet from any Dwelling on an adjacent Lot.
- (G) Enclosure/Run Location: Covered enclosures/runs, or adjacent fenced enclosures may be located in the Back or Side yard of the associated property, but shall be no closer than five (5) feet to any Lot line, and shall be located a minimum of twenty (20) feet from any Dwelling on an adjacent Lot.
- (H) Enclosure Site: The total square footage of the walled coup shall not exceed eighty (80) square feet and shall be a maximum of eight (8) feet in height. This square footage shall not count against the total allowable Accessory Building square footage, or number of allowable Accessory Buildings, per Section 3.10 of the Village of Fruitport Land Use Zoning Ordinance.
- (I) Construction: The walled coups for the hens will be constructed and maintained to prevent rodents (rats, mice, squirrels, etc.) & other vermin (skunks, possums, racoons, etc.) from gaining access to the inside of the coup, or from building nests under the coup.
- (J) Protection: All feed, and other items associated with the keeping of hens, that attracts rats, mice, other rodents or vermin, shall be secured and protected in sealed containers to prevent access by stated rats, mice, other rodents, or vermin.
- (K) State Compliance: Hens shall be kept in compliance with all applicable Generally Accepted Agricultural and Management Practices, as established & updated periodically by the State.

(L) A fine for Roosters or Cockerels found on the property will be \$35 per Rooster, if not culled within 7 days of notification of non-compliance by Village administrators or Law Enforcement officers.

(M) An owner, landlord, tenant or other person in a residence who fails to comply with this section of the Code of Ordinances will be in violation of the ordinance. Enforcement may be by affected/adjacent neighbor complaint, Village administrator, or Law Enforcement observation/confirmation & civil citation. Civil infractions may be issued under this section after investigation.

(Ord., passed 8-15-2024, effective date 9-8-2024)

' 91.99 PENALTY.

(A) Unless a section in this chapter specifically provides otherwise, a first violation of any provision of this chapter, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$50.

(B) Unless a section in this chapter specifically provides otherwise, a second violation of any provision of this chapter, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$150.

(C) Unless a section in this chapter specifically provides otherwise, a third violation of any provision of this chapter, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$300.

(D) In addition to a fine, a person determined to be responsible for a municipal civil infraction under this chapter shall be assessed the cost of prosecution of not less than \$9 but not to exceed \$500.

(E) The fourth and any subsequent violation of any provision of this chapter, by any person, is a misdemeanor which shall, upon conviction, be punishable in accordance with section ' 10.99.

(F) In addition to the penalties provided by this section, the district court shall have equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or the granting of any injunctive relief.

(G) (1) A violation of ' 91.11 shall constitute a municipal civil infraction which, upon an admission or finding of responsibility, shall result in a fine of not less than \$50.

(2) A second violation of this provision within two years shall constitute a municipal civil infraction which, upon an admission or finding of responsibility, shall result in a fine of not less than \$100.

(3) A third or subsequent violation of this provision within two years of the first such violation shall constitute a municipal civil infraction which upon an admission or finding of responsibility shall result in a fine of not less than \$300.

CHAPTER 92: PARKS AND RECREATION

Section

- 92.01 Short title
- 92.02 Definitions
- 92.03 Park property
- 92.04 Pollution of waters and refuse disposal
- 92.05 Traffic and parking
- 92.06 Bicycles
- 92.07 Use of waterways
- 92.08 Picnic areas and use
- 92.09 Other actions prohibited
- 92.10 Vending, peddling and advertising
- 92.11 Park operating policy

- 92.99 Penalty

' 92.01 SHORT TITLE.

This chapter shall be known and may be cited as the AVillage of Fruitport Ordinance Regulating Conduct in Public Parks@.

(Prior Code, ' 84.001) (Ord. 14, passed - -)

' 92.02 DEFINITIONS.

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

CHAIRPERSON. A person immediately in charge of any park area and its activities, and to whom all park attendants of such areas are responsible. The ***CHAIRPERSON*** is designated by a majority vote of the Village Council.

PARK. A park, playground, beach, recreation center or any other area in the village owned or used by the village and devoted to active or passive recreation.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE. Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of village parks.

VILLAGE. The Village of Fruitport.
(Prior Code, ' 84.002) (Ord. 14, passed - -)

' 92.03 PARK PROPERTY.

No person in a park shall:

(A) Buildings and other property.

(1) Wilfully deface, injure, tamper with or remove, any building, bridges, tables, benches, fireplace, railings, paving, water lines or other public utilities or parts of appurtenances thereof, signs, notices whether temporary or permanent, monuments, stakes, or other boundary markers, or other park property whatsoever, either real or personal;

(2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex;

(3) Remove any beach sand, whether submerged or not, soil, rocks, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means; or

(4) Construct any structure whatsoever, whether permanent or temporary in character, or run any public service utility into, or across such lands, except on special written permit issued hereunder.

(B) Trees, shrubbery, lawns. Damage or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. A person shall not dig in or otherwise disturb grass areas; or

(C) Wild animals, birds and the like.

(1) Hunt, molest, kill, tease, any animal, reptile or bird; nor shall he or she remove or have in his or her possession the young of any reptile or birds eggs or nest, or the young of any wild animal. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, water moccasins or other deadly reptiles, may be killed on sight; or

(2) Give or offer to any animal or bird any noxious substances.
(Prior Code, ' 84.003) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.04 POLLUTION OF WATERS AND REFUSE DISPOSAL.

No person in a park shall:

(A) Throw or discharge in the waters of any body of water in or adjacent to any park or any tributary, stream, storm sewer or drain, any substance which may result in the pollution of said waters.

(B) Leave any dirt, rubbish, garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Prior Code, ' 84.004) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.05 TRAFFIC AND PARKING.

No person in a park shall:

(A) Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances;

(B) Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever needed in the parks and on the streets immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Chairperson;

(C) Fail to observe carefully all traffic signs and all others posted for proper control and safety;

(D) Ride or drive a motorized vehicle at a rate of speed exceeding ten mph, except upon such roads as the Chairperson may designate, by posted signs, for speedier travel;

(E) Drive any motorized vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Chairperson; or

(F) (1) Park a vehicle or mode of conveyance such as a bicycle in other than an established or designated parking area, and such use shall be in accordance with the posted directions;

(2) Leave any vehicle anywhere in the park with one or more wheels chained, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand; or

(3) Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(Prior Code, ' 84.005) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.06 BICYCLES.

No person in a park shall:

(A) Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

(B) Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

(C) Ride with any other person on a bicycle.

(D) Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(E) Ride a bicycle on any road between 30 minutes after sunset or earlier than 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red reflector plainly visible from at least 200 feet from the rear of, such bicycle.

(Prior Code, ' 84.006) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.07 USE OF WATERWAYS.

No person in a park shall:

(A) (1) Swim in any waters in any park, except in such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any places customarily designated for the purpose of swimming or congregate thereat when such activity is prohibited by the Chairperson upon a finding that such use of the water would be dangerous or inadvisable.

(2) Frequent any places designated for the purpose of swimming, except between such hours as shall be designated by the Chairperson for each individual area.

(3) Allow himself or herself to be so covered with a bathing suit as to indecently expose his or her person. No person shall appear in bathing costume at any place except within the limits of designated bathing places, and all bathing costumes shall conform to commonly accepted standards.

(4) Dress or undress on any beach, except in such bathing houses or structures as may be provided for that purpose.

(B) Boating:

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(1) Operate any boat or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Chairperson. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted; or

(2) Handle any boat in such a manner as to unjustifiably annoy or endanger the occupants of any other boat.

(C) *Fishing.*

(1) Engage in commercial fishing, or the buying or selling of fish caught in any waters.

(2) Fish off-shore from the beaches except where staked off and posted therefor, nor shall any person fish in any area where bathing is permitted.

(D) *Hunt, trap or pursue wildlife at any time.* No person shall use or possess firearms of any descriptions, or air rifles, spring guns, bow-and-arrow slings, or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(Prior Code, ' 84.007) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.08 PICNIC AREAS AND USE.

No person in a park shall:

(A) Picnic in a place other than those designated for that purpose.

(B) Use of the individual fireplaces together with tables and benches follow the rule of Afirst come first served@.

(C) Leave a picnic area before the fire is completely extinguished and before all trash is placed in disposal receptacles. If no such trash receptacles are available, then refuse shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(D) Set up tents or other temporary shelter for the purpose of overnight camping.

(E) The playing of games such as football, baseball and quoits, or any games involving thrown objects is prohibited, except on the fields or areas provided therefor.

(F) Ride a horse except on designated bridle trails. Where permitted, horses shall be properly restrained, and shall not be unattended.

(G) Produce an audible disturbance more than 60 decibels.

(Prior Code, ' 84.008) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.09 OTHER ACTIONS PROHIBITED.

No person in a park shall:

(A) *Intoxicating beverages.*

(1) Have brought alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park; or

(2) Be under the influence of intoxicating liquor.

(B) *Fireworks and explosives.* Have in his or her possession or set off any firecrackers or other fireworks or explosives or throw them into any such area from land adjacent thereto.

(C) *Domestic animals.* Domestic animals are permitted in the park pursuant to rules and regulations adopted from time to time by the village council.

(D) *Fires.* Build or attempt to build a fire except in such areas and under such regulations designated by the Chairperson. No person shall drop lighted matches, burning cigarettes or cigars, or other inflammable materials, within any park area or on any street abutting or contiguous thereto.

(E) *Closed areas.* Enter an area posted as "Closed to the Public" nor shall any person use or abet the use of any area in violation of posted notices.

(F) *Loitering and boisterousness.* Engage in loud, boisterous, abusive or indecent language or engage in any disorderly conduct.

(G) *Exhibit permits.* Fail to produce a permit that is claimed to be had from the Chairperson upon request of any authorized person who shall desire to inspect the permit for the purpose of enforcing compliance with an ordinance or rule.

(H) *Interference with permittees.* Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

Adopted: January 15, 2018

Published: January 30, 2018

Effective Date: January 30, 2018

(Prior Code, ' 84.009) (Ord. 14, passed - - as amended on 1-15-2018) Penalty, see ' 92.99

' 92.10 VENDING, PEDDLING AND ADVERTISING.

No person in a park shall:

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(A) Offer for sale any article, nor shall he or she place any stand or vehicle for the transportation or display of any such article. Exception is here made as to any regularly licensed concessionaire or any other party acting by the authority of the Chairperson.

(B) Advertise, or call the public attention in any way to any article or service for sale.

(C) Post any sign, or inscription whatever, nor shall any person erect any sign whatever on any public lands or roads adjacent to a park.

(Prior Code, ' 84.010) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.11 PARK OPERATING POLICY.

(A) *Hours.* Except for unusual emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(B) *Closed areas.* Any section of any park may be declared closed to the public by the Chairperson at any time as the Chairperson shall find reasonably necessary.

(C) *Lost and found articles.* The finding of lost articles by park attendants shall be reported to the Chairperson who shall make every reasonable effort to locate the owners. The Chairperson shall make every reasonable effort to find articles reported as lost.

(Prior Code, ' 84.011) (Ord. 14, passed - -) Penalty, see ' 92.99

' 92.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 93: FIREWORKS

Section

- 93.01 Definitions
- 93.02 Sale, possession, transportation, use prohibited
- 93.03 Exceptions
- 93.04 Permit for use of fireworks, application, purpose of use, age limitation

- 93.99 Penalty

Cross-references:

General nuisances, see Chapter 94

Parks and recreation, see Chapter 92

' 93.01 DEFINITIONS.

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

CLASS B FIREWORKS. Toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices.

CLASS C FIREWORKS. Toy smoke devices, toy caps containing not more than 0.25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, very signal cartridges, sparklers, explosive auto alarms and other similar devices.

FIREWORKS. A device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both; by combustion, deflagration or detonation.

FIREWORKS includes Class B fireworks and Class C fireworks.

(Prior Code, ' 101.001) (Ord. 5, passed - -)

' 93.02 SALE, POSSESSION, TRANSPORTATION, USE PROHIBITED.

Except as provided in ' 93.03, a person, firm, partnership or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode or cause to explode any of the following:

(A) A blank cartridge, blank cartridge pistol, toy cannon, toy cane or toy gun in which explosives are used;

(B) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft;

(C) Firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction; or

(D) Fireworks containing an explosive or flammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium antimony, arsenic, mercury, nitroglycerine, phosphorus or a compound containing these or other modern explosives.

(Prior Code, ' 101.002) (Ord. 5, passed - -) Penalty, see ' 93.99

' 93.03 EXCEPTIONS.

The following are excepted from this chapter:

(A) Flat paper caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap;

(B) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps as described in division (A) above are used and which are so constructed that the hand cannot come into contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion;

(C) Sparklers containing not more than 0.0125 pounds of burning portion per sparkler;

(D) Flitter sparklers in paper tubes not exceeding 7/8 inch in diameter, cone fountains and cylinder fountains;

(E) 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;

(F) Possession, transportation, sale or use of signal flares of a type approved by the Director of the Department of State Police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations, and all items described in ' 93.02 used by railroads for emergency signal purposes; and

(G) Other Class C fireworks, except as limited above.

(Prior Code, ' 101.003) (Ord. 5, passed - -) Penalty, see ' 93.99

' 93.04 PERMIT FOR USE OF FIREWORKS, APPLICATION, PURPOSE OF USE, AGE LIMITATION.

(A) The Village Council, upon application in writing, on forms provided by the Director of the Department of State Police, may grant a permit for the use of fireworks otherwise prohibited by this chapter within the village, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks or other organizations or groups of individuals approved by the Village Council, if the applicable provisions of this chapter are complied with. The permits shall be on forms provided by the Director of the Department of State Police.

(1) After a permit has been granted, sales, possession or transportation of fireworks for the purposes described in the permit only may be made.

(2) A permit granted under this chapter shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(B) The Village Council, upon application in writing, may grant a permit, on forms provided by the Director of the Department of State Police, to a resident dealer or jobber to have in his or her possession within the village, fireworks otherwise prohibited for sale only to holders of permits as provided for in this section. A permit granted under this division (B) is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(C) Before a permit for a pyrotechnic display is issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the Village Council to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm or corporation, or an agent or employee thereof, in the amount, character and form the Council determines necessary for the protection of the public, which shall also carry the village, its agents and employees, and its Council as insured parties.

(D) A permit shall not be issued under this chapter to a nonresident person, firm or corporation for conduct of a pyrotechnic display in this state until the person, firm or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his or her legal representative upon which all process in an action or proceeding against him or her may be served.

(E) The Village Council shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his or her application form, and on the time, place and safety aspects of the displays before granting permits.

(F) The use of Class B fireworks shall be subject to this section.
(Prior Code, ' 101.004) (Ord. 5, passed - -) Penalty, see ' 93.99

' 93.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 94: PUBLIC NUISANCES

Section

Vehicles, Non-Operable

- 94.01 Definitions
- 94.02 No junk cars
- 94.03 Last registered owner
- 94.04 Notice of violation
- 94.05 Service of notice
- 94.06 Notice effective if received

Debris Accumulation

- 94.20 Accumulation of debris; unlawful
- 94.21 Accumulation of debris declared a nuisance
- 94.22 Abatement of nuisance; cost to be paid by owner

Noxious Weeds and Vegetation

- 94.35 Dense, noxious growth prohibited
- 94.36 Cutting required
- 94.37 Work done at owner=s expense

- 94.99 Penalty

VEHICLES, NON-OPERABLE

' 94.01 DEFINITIONS.

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

DISMANTLED or ***PARTIALLY DISMANTLED MOTOR VEHICLES***. Any motor vehicle from which some part or parts which are ordinarily a component of such motor vehicle has or have been removed or is/are missing.

MOTOR VEHICLE. Any wheeled vehicle which is self-propelled or intended to be self-propelled.

NON-OPERABLE MOTOR VEHICLE. Any motor vehicle which, by reason of dismantling, disrepair or other cause whatsoever is incapable of being propelled under its own power.

UNLICENSED MOTOR VEHICLE. Any motor vehicle not bearing current license plates issued by the Secretary of State when such license plates are required to authorize the operation of said motor vehicle upon any public street or highway.

(Prior Code, ' 70.001) (Ord. 25, passed - -)

' 94.02 NO JUNK CARS.

Except within an authorized vehicle repair facility or junkyard, no person shall park, store or permit to be parked or stored, any unlicensed, dismantled, partially dismantled or non-operable motor vehicle upon any private premises in the village for a period of time exceeding ten days after receiving a violation notice as herein set forth, unless said vehicle shall be stored wholly within a building and not visible from any public street or highway.

(Prior Code, ' 70.002) (Ord. 25, passed - -) Penalty, see ' 94.99

' 94.03 LAST REGISTERED OWNER.

For the purpose of this section, a person shall be deemed to be engaged in the parking or storage of a motor vehicle if such person is the last registered owner of such vehicle or the owner or lessee of the premises upon which such vehicle is parked or stored, except that such owner or lessee who is not the last registered owner of the vehicle shall not be deemed to be so engaged if such premises owner or lessee shall notify the Village Zoning Administrator in writing that such vehicle is on such premises without the consent of such premises owner or lessee.

(Prior Code, ' 70.003) (Ord. 25, passed - -)

' 94.04 NOTICE OF VIOLATION.

A violation notice under this section shall be given by the Village Zoning Administrator, in writing, clearly notifying the last registered owner of such vehicle and the premises owner or lessee of the premises of the description and location of such vehicle, and further notifying such person or persons that failure to comply with this section within ten days of receipt of such notice shall constitute a misdemeanor.

(Prior Code, ' 70.004) (Ord. 25, passed - -) Penalty, see ' 94.99

' 94.05 SERVICE OF NOTICE.

Such notice of violation may be served by personal service or by certified mail, and if by certified mail, it shall be addressed as follows:

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(A) To the last registered owner of the vehicle at the last shown address of such owner as reflected by the records of the office of the Secretary of State;

(B) To the owner of the subject premises at the last address of said owner as reflected by the tax assessment records of the village; and

(C) To the lessee of the subject premises at the mailing address of such premises.
(Prior Code, ' 70.005) (Ord. 25, passed - -)

' 94.06 NOTICE EFFECTIVE IF RECEIVED.

Violation notices mailed as above set forth shall be deemed effective if actually received by the addressee, whether or not such notice is addressed as set forth above.
(Prior Code, ' 70.006) (Ord. 25, passed - -)

DEBRIS ACCUMULATION**' 94.20 ACCUMULATION OF DEBRIS; UNLAWFUL.**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

(A) Noxious weeds, including Canada thistle, dodders, mustards, milkweed, wild carrot, bindweed, perennial sowthistle, hoary alyssum, ragweed, poison ivy, poison sumac, bellis perennis and goldenrod, all of which are hereby declared to be a public nuisance, together with all other noxious weeds as designated by state statute. All grass that is not cut to a height of less than six inches;

(B) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things;

(C) Any condition which provides harborage for rats, mice, snakes and other vermin;

(D) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;

(E) All disagreeable or obnoxious odors and stench, including any privy, cesspool or septic tank, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench;

(F) The carcasses of animals or fowl not disposed of within a reasonable time after death;

(G) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances;

(H) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;

(I) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground; or

(J) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
(Prior Code, ' 69.001) (Ord. 26, passed 4-18-1988) Penalty, see ' 94.99

' 94.21 ACCUMULATION OF DEBRIS DECLARED A NUISANCE.

Conditions which violate ' 94.20 are hereby declared to be nuisances. On order from the Village Council or an authorized village official, any owner, occupant or person in control of any lot or land which is declared a nuisance shall abate same within ten days. If said condition is not abated within that time the Village Council or any authorized village official may at any time enter into said premises and abate or remove any such nuisance in such a manner as the village official deems best.

(Prior Code, ' 69.002) (Ord. 26, passed 4-18-1988) Penalty, see ' 94.99

' 94.22 ABATEMENT OF NUISANCE; COST TO BE PAID BY OWNER.

All expenses incurred in the abatement of such nuisances shall be paid by the owner or owners of said land. The village shall have a lien upon such land for such expense, which may be enforced in the same manner as the enforcement of tax liens through entry upon the next tax roll of the village as a general village tax. Such expense shall be subject to all interest and penalties provided for taxes due and collectible within the village under the general tax laws of the state. In addition to the foregoing, the village may sue the owner or owners in an appropriate court of law for the collection of the debt.

(Prior Code, ' 69.003) (Ord. 26, passed 4-18-1988)

NOXIOUS WEEDS AND VEGETATION**' 94.35 DENSE, NOXIOUS GROWTH PROHIBITED.**

No owner of any parcel of land within the village or the agent of such owner shall permit on such parcel of land or upon any sidewalk abutting the same, or upon that portion of any street or alley adjacent to the same between the property line and the curb or traveled portion of such street or alley, any growth of weeds, grass or other rank vegetation to a greater height than ten inches on the average, or any accumulation of dead weeds, grass or brush; nor shall such owner or agent permit on such land poison ivy, ragweed or any other poisonous, noxious or unhealthful growths.

(Prior Code, ' 68.001) (Ord. 27, passed 8-15-1988) Penalty, see ' 94.99

Statutory reference:

Authority and related provisions, see M.C.L.A. " 247.61 - 247.72

' 94.36 CUTTING REQUIRED.

The village is authorized to notify, by certified mail with return receipt requested, the owner of any parcel of land or the agent of the owner to cut, destroy and/or remove the material and vegetation referred to in ' 94.35 and to keep it cut, destroyed and/or removed following the giving of said notice. The notice shall state that the material and vegetation not cut, may be destroyed by the village.

(Prior Code, ' 68.002) (Ord. 27, passed 8-15-1988)

' 94.37 WORK DONE AT OWNER=S EXPENSE.

(A) If the owner, agent or occupant refuses to destroy the material and vegetation referred to in ' 94.35, the village shall enter upon the land and destroy the material and vegetation or cause it to be destroyed. The village may cut the material and vegetation as many times as is necessary.

(B) Any expense incurred in the destruction shall be paid by the owner or owners of the land, and the village shall have a lien against the land for the amount of the expense, which lien shall be enforced in the same manner as that of a mechanic=s lien. Any owner who refuses to destroy the material and vegetation shall be subject to a fine of not more than \$100, which fine when collected shall become a part of the Noxious Weed Control Fund of the village.

(Prior Code, ' 68.003) (Ord. 27, passed 8-15-1988)

' 94.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) (1) Whenever a person fails to abate a nuisance in accordance with the notice in " 94.20 through 94.22, the village shall do so and the cost thereof shall be charged against the owner or occupant as a special assessment. Performance of such work by the village, or the owner or occupant of any premises, shall not relieve any person from the penalty prescribed in section ' 10.99.

(2) Whenever any officer of the village shall determine that there exists a nuisance within the meaning of " 94.20 through 94.22, such officer shall cause a notice to be served on the owner or occupant of the premises on which the nuisance exists, requiring such person to abate the nuisance within the time specified in the notice. Service of the notice shall be made:

(a) By delivering the notice to the owner or occupant, personally, or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion;

(b) By mailing the notice by certified mail to such owner or occupant at his or her last known address; or

(c) If the owner or occupant is unknown, by posting the notice in some conspicuous place on the premises for five days.

1. Unless a section in " 94.20 through 94.22 specifically provides otherwise, a first violation of any provision, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$50.

2. Unless a section in " 94.20 through 94.22 specifically provides otherwise, a second violation of any provision, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$150.

3. Unless a section in " 94.20 through 94.22 specifically provides otherwise, a third violation of any provision, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than \$300.

4. In addition to a fine, a person determined to be responsible for a municipal civil infraction under" 94.20 through 94.22 shall be assessed the cost of prosecution of not less than \$9 but not to exceed \$500.

5. The fourth and any subsequent violation of any provision of this chapter, by any person, is a misdemeanor which shall, upon conviction, be punishable in accordance with ' 10.99.

6. In addition to the penalties provided division, the district court shall have equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or granting any injunctive relief.

(Prior Code, ' 69.004)

(Ord. 26, passed 4-18-1988)

CHAPTER 95: STREETS AND SIDEWALKS

Section

Snow Removal

- 95.01 Deposit of snow on public property
- 95.02 Removal by village; expense

Drains and Drainage Ditches

- 95.15 Prohibited acts
- 95.16 Expense of removal of obstruction
- 95.17 Natural obstructions
- 95.18 Driveways

- 95.99 Penalty

SNOW REMOVAL

' 95.01 DEPOSIT OF SNOW ON PUBLIC PROPERTY.

(A) No person, whether as owner or occupant of any house, building or other private property, or as the agent of such owner or occupant, shall remove, or permit to be removed, any snow from any private property and deposited upon any public sidewalk, street or other right-of-way, and further, that for a lineal distance of 30 feet back from all street corners, intersections and all rights-of-way, said snow shall in no case be piled to exceed the height of four feet.

(B) The measurements as set forth herein shall be determined as follows: the 30 feet shall be measured back from the intersection of the right-of-way lines and along such right-of-way lines; the height of four feet shall be measured above the center of each intersecting roadway at a point along the center of the roadway which has the shortest perpendicular distance to the snowbank being measured.

(Prior Code, ' 86.001) (Ord. 18, passed 12-18-1967) Penalty, see ' 95.99

' 95.02 REMOVAL BY VILLAGE; EXPENSE.

Snow, ice or other material moved, piled or dumped in violation of this subchapter may be moved by the village and the expense of such removal charged to the party found in violation of this subchapter. (Prior Code, ' 86.002) (Ord. 18, passed 12-18-1967) Penalty, see ' 95.99

DRAINS AND DRAINAGE DITCHES**' 95.15 PROHIBITED ACTS.**

(A) No person shall obstruct or permit the obstruction of any established drain or drainage ditch within the village.

(B) Any lessening of the area of a drain, or drainage ditch, which area shall be determined by a cross-section of the drain or drainage ditch, shall be deemed an obstruction.

(C) Without in any way limiting the foregoing, the depositing of leaves, trash or any other material in the drain or drainage ditch shall be deemed to create an obstruction. (Prior Code, ' 115.001) (Ord. 20, passed 5-5-1975) Penalty, see ' 95.99

' 95.16 EXPENSE OF REMOVAL OF OBSTRUCTION.

(A) Whenever any person shall obstruct or permit the obstruction of any established drain or drainage ditch within the village, it shall be the duty of the Village Street Department to cause this obstruction to be removed.

(B) The person causing such obstruction shall be liable for the expense attendant upon removal thereof, and the same shall be a lien upon the land of the party causing or permitting such obstruction.

(C) The expense of the removal of any obstruction shall be reported by the Village Street Department to the Village Council, together with the report of the work done by the Village Street Department in removing same; provided that the offending party causing such obstruction shall be given notice in writing to remove such obstruction at least five days, or such further reasonable time as the Village Street Department shall allow, prior to the removal of the obstruction by the Village Street Department. (Prior Code, ' 115.002) (Ord. 20, passed 5-5-1975) Penalty, see ' 95.99

' 95.17 NATURAL OBSTRUCTIONS.

The provisions of this subchapter shall not apply to any obstruction caused by natural causes. (Prior Code, ' 115.003) (Ord. 20, passed 5-5-1975)

' 95.18 DRIVEWAYS.

No person shall construct any driveway or other crossing within any drain or drainage ditch without first obtaining approval from the Village Street Department. The approval or disapproval of any such driveway or crossing by the Village Street Department shall be based on regulations, promulgated by the Village Street Department and approved by the Village Council, providing for proper drainage of the drains and drainage ditches within the village, including, but not limited to, the installation of culverts, drain tiles or other suitable means of drainage.

(Prior Code, ' 115.004) (Ord. 20, passed 5-5-1975) Penalty, see ' 95.99

' 95.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 96: NOISE

Section

- 96.01 Restricted generally
- 96.02 Exceptions
- 96.03 Horns and signal devices
- 96.04 Musical instruments; electronically amplified sound
- 96.05 Shouting and whistling
- 96.06 Hawking
- 96.07 Animal and bird noises
- 96.08 Whistle or siren
- 96.09 Engine exhaust
- 96.10 Construction noises
- 96.11 Handling merchandise
- 96.12 Devices to attract attention
- 96.13 Noise or commotion in vehicles
- 96.14 Sound tracks
- 96.15 Sound system in parked or moving motor vehicle

- 96.99 Penalty

' 96.01 RESTRICTED GENERALLY.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise that is over 60 decibels from any property line, which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the village, including, but not limited to the noises enumerated in this chapter.

Penalty, see ' 96.99

' 96.02 EXCEPTIONS.

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

- (A) Any authorized emergency vehicle when responding to an emergency call;

(B) Necessary excavations or repairs of bridges, streets or highways by or on behalf of the village, county or state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day; or

(C) The reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are noncommercial in character.

' 96.03 HORNS AND SIGNAL DEVICES.

The sound of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud, over 60 decibels, or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time is unlawful.

Penalty, see ' 96.99

' 96.04 MUSICAL INSTRUMENTS; ELECTRONICALLY AMPLIFIED SOUND.

It shall be unlawful to play any musical instrument or allow any electrically or electronically produced, reproduced or amplified sound to emanate from any place or premises between the hours of 9:00 p.m. and 7:00 a.m., so as to be heard more at more than 60 decibels from the property line of such place or premises or so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling or other residence, or other place of employment or repose. This provision shall not be applicable to community events approved by resolution of the Village Council.

Penalty, see ' 96.99

' 96.05 SHOUTING AND WHISTLING.

Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at over 60 decibels at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any person in the vicinity is unlawful.

Penalty, see ' 96.99

' 96.06 HAWKING.

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

Penalty, see ' 96.99

' 96.07 ANIMAL AND BIRD NOISES.

The keeping of any animal or bird which, by causing frequent or long continued noise, over 60 decibels shall disturb the comfort or repose of any person is unlawful.

Penalty, see ' 96.99

' 96.08 WHISTLE OR SIREN.

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

Penalty, see ' 96.99

' 96.09 ENGINE EXHAUST.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noise over 60 decibels from a property line is unlawful.

Penalty, see ' 96.99

' 96.10 CONSTRUCTION NOISES.

It shall be unlawful to erect, excavate, demolish, alter or repair any structure, or excavate any street or highway, other than between the hours of 7:00 a.m. and 9:00 p.m., without first obtaining a permit from the Village Council or authorized agent.

Penalty, see ' 96.99

' 96.11 HANDLING MERCHANDISE.

The creation of a loud and excessive noise over 60 decibels at any property line in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is unlawful.

Penalty, see ' 96.99

' 96.12 DEVICES TO ATTRACT ATTENTION.

The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention is unlawful.

Penalty, see ' 96.99

' 96.13 NOISE OR COMMOTION IN VEHICLES.

To make a commotion or make unnecessarily loud noises in vehicles, whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed is unlawful.

Penalty, see ' 96.99

' 96.14 SOUND TRUCKS.

To operate or cause to be operated a sound truck with radio or amplifier within the village, without first having obtained a permit therefor from the village is unlawful.

Penalty, see ' 96.99

' 96.15 SOUND SYSTEM IN PARKED OR MOVING MOTOR VEHICLE.

No person operating or in control of a parked or moving motor vehicle (including motorcycles and mopeds) shall operate or permit the operation of an electronically-amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a level of 60 decibels at any property line. Penalty, see ' 96.99

' 96.99 PENALTY.

Unless a section of this chapter specifically provides otherwise, a violation of any provision of this chapter, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine in the amount set forth in section ' 10.99 of this code.

TITLE X: STORMWATER

Chapter

100. STORMWATER MANAGEMENT

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CHAPTER 100: STORMWATER MANAGEMENT

Section

- 100.01 Statutory Authority
- 100.02 Findings
- 100.03 Purpose
- 100.04 Applicability and General Provisions
- 100.05 Definitions
- 100.06 Prohibited Discharges
- 100.07 Prohibited Illicit Connections
- 100.08 Authorized Discharges
- 100.09 Storage of Hazardous or Toxic Materials in Drainageway
- 100.10 Inspection and Sampling
- 100.11 Stormwater Monitoring Facilities
- 100.12 Accidental Discharges
- 100.13 Record Keeping Requirement
- 100.14 Sanctions for Violation
- 100.15 Failure to Comply; Completion
- 100.16 Emergency Measures
- 100.17 Cost Recovery for Damage to Stormwater Drainage System
- 100.18 Collection of Costs; Lien
- 100.19 Suspension of Access to the Stormwater Drainage System
- 100.20 Judicial Relief
- 100.21 Cumulative Remedies
- 100.22 Responsibility to Implement Best Management Practices (BMPs)
- 100.23 Interpretation
- 100.24 Catch-Line Headings

‘ 100.01 STATUTORY AUTHORITY

The Village of Fruitport shall administer, implement, and enforce the provisions of this ordinance. Any powers granted, or duties imposed, upon the Village may be delegated in writing by the Village to persons or entities acting in the beneficial interest of or in the employment of the Village of Fruitport.
(No Prior Code) (Ord. 100, passed 2-19-2016) Penalty, see ' 110.99

‘ 100.02 FINDINGS

The Village finds that:

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- (1) Illicit discharges contain pollutants that will significantly degrade the waterbodies and water resources, thus threatening the health, safety, and citizen welfare.
- (2) Illicit discharges enter the storm water drainage system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., contaminated infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this Ordinance and implementing the same will address many of the deleterious effects of illicit discharges.
- (4) Any condition caused or permitted to exist in violation of any provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance,

‘100.03 PURPOSE

It is the purpose of this Ordinance to establish minimum storm water quality requirements and controls to accomplish, among others, the following objectives:

- (1) To regulate the contribution of pollutants to the stormwater drainage system and waterbodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connections to the storm water drainage system and waterbodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.
- (4) To provide appropriate remedies for failure to comply with this Ordinance.

‘ 100.04 APPLICABILITY AND GENERAL PROVISIONS

This Ordinance shall apply to all discharges entering the stormwater drainage system and waterbodies generated on any developed and undeveloped lands.

‘ 100.05 DEFINITONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized Enforcement Agency. The Village of Fruitport and/or any persons or agencies designated to

act as the Authorized Enforcement Agency by the Village of Fruitport.

Best Management Practices {BMPs}. Structural devices or nonstructural practices that are designed to prevent pollutants from entering storm water flows, to direct the flow of storm water, or to treat polluted storm water flows. BMPs may include, but shall not be limited to, those described in the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan watersheds. Equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) shall be as determined by the Village of Fruitport Engineer.

Clean Water Act The Federal Water Pollution Control Act, 33 USC Section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Discharge. Means the introduction (intentionally or unintentionally, and directly or indirectly) of any liquid, substance, pollutant, or other material into a storm water drainage system or water body.

Discharger. Any person who directly or indirectly discharges storm water from any premises. Discharger also includes any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission that is, or results in, a violation of this Ordinance.

Drain: Any and all conduits, facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water or groundwater, either on a temporary or permanent basis.

Drainage. The collection, conveyance, or discharge of groundwater and/or surface water.

Drainageway. A drain, water body, or floodplain.

EPA: The U.S. Environmental Protection Agency (EPA).

Floodplain: The area, usually low lands, adjoining the channel of a river, stream, watercourse, lake, or other body of standing water, which has been or may be covered by floodwater.

Hazardous Materials. Any solid, liquid, semisolid, or gaseous substance or material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

IllicitConnectioJT. Any method, means, or conduit for conveying an illicit discharge into a water body or a storm water drainage system.

Illicit Discharge. Any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of an NPDES permit, or that is not an authorized discharge as defined by this Ordinance.

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MDEQ. Michigan Department of Environmental Quality.

National Pollutant Discharge Elimination System {NPDES} Permit A permit issued by the EPA or a state under authority delegated pursuant to the Clean Water Act that authorized the discharge of pollutants to waters United States.

Non-Storm Water Discharge. Any discharge to the storm water drainage system or a water body that is not composed entirely of storm water.

Person: An individual, firm, partnership, association, public or Private Corporation, public agency, instrumentality, or any other legal entity.

Pollutant The term pollutant includes, but is not limited to, the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, hazardous materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act. Pollutant also includes properties or characteristics of water, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises. Any building, structure, lot, parcel of land, or portion of land, or property, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property Owner. Any person having legal or equitable title to premises or any person having or exercising care, custody, or control over any premises.

State o, Michigan Water Quality Standards. All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

Storm Water Drainage System: Storm sewers, conduits, curbs, gutters, catch basins, drains, ditches, pumping devices, parking lots, roads, or other man-made channels that are designed or used, singly or together in combination with one another, for collecting or conveying storm water.

Storm Water Pollution Prevention Plan. A document, that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, a storm water drainage system, and/or a water body to the maximum extent practicable.

Storm Water Runoff {or Storm Water} The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Toxic Material. Any pollutant or combination of pollutants that is or can potentially be harmful to the public health or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or as otherwise provided by local, state, or federal

laws, rules, or regulations.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a premise. The term includes any water that has in any way been used and degraded or physically or chemically altered.

Water Body. A river, lake, stream, creek, or other watercourse or wetlands.

‘ 100.06 PROHIBITED DISCHARGES

- (1) It is unlawful for any person to discharge, or cause to be discharged, to a storm water drainage system or water body any substance or material, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water or an authorized discharge. This prohibition includes the commencement, conducting, or continuance of any illicit discharge by any person to a storm water drainage system or water body.
- (2) Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (3) The Authorized Enforcement Agency is authorized to require dischargers to implement pollution prevention measures, using Storm Water Pollution Prevention Plans and BMPs, as determined necessary by the Authorized Enforcement Agency to prevent or reduce the discharge of pollutants to a storm water drainage system or water body.
- (4) The discharge prohibitions of this section shall not apply to any non-storm water discharge authorized under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the EPA authority, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

‘ 100.07 PROHIBITED ILLICIT CONNECTIONS

- (1) It is unlawful for any person to construct, use, maintain (or to allow the construction, use, maintenance or continued existence of) an illicit connection.
- (2) This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this Ordinance, and regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

‘ 100.08 AUTHORIZED DISCHARGES

The following non-storm water discharges are permissible, but only if they do not result in a violation of State of Michigan water quality standards and provided that they are undertaken in compliance with any applicable or required BMPs:

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- (1) Water supply line flushing.
- (2) Landscape irrigation runoff
- (3) Diverted stream flows.
- (4) Rising groundwater.
- (5) Uncontaminated groundwater infiltration to storm drains.
- (6) Uncontaminated pumped groundwater.
- (7) Discharges from portable water sources.
- (8) Foundation drains.
- (9) Air conditioning condensate.
- (10) Irrigation water.
- (11) Springs.
- (12) Water from crawl space pumps.
- (13) Footing drains and basement sump pumps.
- (14) Lawn watering runoff.
- (15) Waters from non-commercial car washing.
- (16) Flows from riparian habitats and wetlands.
- (17) Residential swimming pool water and other dechlorinated swimming pool water, provided that any filter backwash water that is present is treated.
- (18) Residual Street wash water.
- (19) Discharges or flows from emergency fire fighting activities.
- (20) Discharges specifically authorized in writing by the Authorized Enforcement Agency as being necessary to protect public health, welfare, and safety or the environment.

‘ 100.09 STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGEWAY

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a drainageway, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a storm water drainage system or water body.

‘ 100.10 INSPECTION AND SAMPLING

The Authorized Enforcement Agency may inspect and/or obtain samples from any discharger's premises as necessary to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow properly identified Authorized representatives or Enforcement Agency to enter the premises of the discharger at all hours necessary for the purposes of such inspection or investigation, including, but not limited to, smoke/dye testing, televising pipes, sampling, and excavation. The Authorized Enforcement Agency shall provide the discharger reasonable advance notice of the need for such access, if possible and consistent with protection of public health and safety and the environment. The properly identified representatives may place on the discharger's premises the equipment or devices used for such sampling or inspection.

‘ 100.11 STORM WATER MONITORING FACILITIES

If directed in writing to do so by the Authorized Enforcement Agency, a discharger of storm water runoff from any premises used for commercial or industrial purposes shall provide and operate equipment or devices for the monitoring of storm water runoff to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water drainage system, as specified by the Authorized Enforcement Agency. The Authorized Enforcement Agency may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained at the discharger's expense in accordance with applicable laws, ordinances, and regulations.

‘ 100.12 ACCIDENTAL DISCHARGES

Any discharger who accidentally discharges into a storm water drainage system or a water body any substance other than storm water or an authorized discharge shall immediately notify the Authorized Enforcement Agency of the discharge. If the notification is given orally, a written report concerning the discharge shall be filed with the Authorized Enforcement Agency within 5 days. The written report shall specify all of the following:

- (1) The composition of the discharge and the cause thereof.
- (2) The exact date, time, and estimated volume of the discharge.
- (3) All measures taken to clean up the discharge, all measures taken or proposed to be taken to mitigate any known or potential adverse impacts of the discharge, and all measures proposed to be taken to reduce and prevent any recurrences.

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- (4) The name(s) and telephone number(s) individual(s) making the report, and (if different) the individual(s) who may be contacted for additional information regarding the discharge.

‘ 100.13 RECORD KEEPING REQUIREMENT

- (1) Any person that violates any requirement of this Ordinance or that is subject to monitoring under this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any premises connected with the violation or subject to monitoring.
- (2) Any person who (1) at the time of a violation knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Authorized Enforcement Agency under this Ordinance, or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Authorized Enforcement Agency regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall upon conviction, be guilty of a misdemeanor punishable by a fine of \$500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion court.

‘ 100.14 SANCTIONS FOR VIOLATION

- (1) A person who violates any provision of this Ordinance upon conviction shall be guilty of a misdemeanor punishable by a fine of \$500 per violation or imprisonment for up to 90 days, or both.
- (2) Authorized Local Official Notwithstanding any other provision of Village laws, ordinances, and regulations to the contrary, the Building Inspector is designated as the authorized local official to issue citations for violations of this Ordinance.
- (3) Any person who aids or abets another person in a violation of this Ordinance shall be subject to the sanctions provided in this section.

‘ 100.15 FAILURE TO COMPLY; COMPLETION

The Authorized Enforcement Agency is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for the

costs for work to be reimbursed. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Authorized Enforcement Agency under other sections of this Ordinance.

‘ 100.16 EMERGENCY MEASURES

If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Authorized Enforcement be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Village of Fruitport for all of such costs.

‘ 100.17 COST RECOVERY FOR DAMAGE TO STORM WATER DRAINAGE SYSTEM

Any person who discharges to a storm water drainage system or a water body, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a storm water drainage system, or causes or contributes to a violation of any federal, state, or local law governing the Village of Fruitport, shall be liable to and shall fully reimburse the Village of Fruitport for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Village of Fruitport as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedance or noncompliance. The costs that must be reimbursed to the Village of Fruitport shall include, but shall not be limited to, all following;

- (1) All costs incurred by the Village of Fruitport in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedance or noncompliance.
- (2) All costs to the Village of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedance, or noncompliance.
- (3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Village, or any Village representative, by any governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedance, or noncompliance.
- (4) The full value of any Village staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the Village legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedance or noncompliance, or otherwise enforcing the requirements of this Ordinance.

‘ 100.18 COLLECTION OF COSTS; LIEN

Costs incurred by Village pursuant to this chapter shall constitute a lien on the premises. Any such charges that are delinquent for 6 months or more may be certified annually to the Village Treasurer, who shall enter the lien on the next tax roll against the premises, the costs shall be collected, and the lien shall

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be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes.

‘ 100.19 SUSPENSION OF ACCESS TO THE STORM WATER DRAINAGE SYSTEM

- (1) The Authorized Enforcement Agency may, without prior notice, suspend access to the storm water drainage system to any person or premises when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm water drainage system or a water body. If the person fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or the environment, or to minimize danger to persons, and bill the person for the costs to the Village in taking such steps.
- (2) Suspension due to the detection of illicit discharge. Any person discharging to the storm water drainage system in violation of this Ordinance may have their access to the system terminated, if the Authorized Enforcement Agency determines that such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a violator of the proposed termination of its access. It shall be unlawful for any person to reinstate access of storm water drainage system to a premises terminated pursuant to this section without the prior written approval Authorized Enforcement Agency.

‘ 100.20 JUDICIAL RELIEF

The Authorized Enforcement Agency may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief damages, penalties, costs, and any other relief; at law or equity that a court may order. The Authorized Enforcement Agency may also seek collection of fines, penalties and any other amounts due to the Village that a person has not paid.

‘ 100.21 CUMULATIVE REMEDIES

The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the Village, the Authorized Enforcement Agency, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

‘ 100.22 RESPONSIBILITY TO IMPLEMENT BMPS

The owner or operator of a premises used for commercial or industrial purposes shall provide, at the

owner or operator's own expense, reasonable protection from an accidental discharge of prohibited materials or other wastes into the storm water drainage system or water body through the use of structural and nonstructural BMPs. Further, any person responsible for a premises that is, or may be, the source of an illicit discharge may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm water drainage system or water body. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

‘ 100.23 INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that those words and phrases defined herein shall be construed according to the respective definitions given. Technical words and technical phrases not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage, shall be construed according to such meanings.

‘ 100.24 CATCH-LINE HEADINGS

The catch-line headings, articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation text articles or sections to which they may refer.

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. JUNK DEALERS**
- 111. OIL AND GAS WELLS**
- 112. TELECOMMUNICATIONS**
- 113. PROHIBITION OF MARIJUANA ESTABLISHMENTS**
- 114. RENTAL UNIT REGISTRATION**
- 115. MOBILE FOOD BUSINESS**

CHAPTER 110: JUNK DEALERS

Section

- 110.01 Junk dealers; unlawful
- 110.02 License application
- 110.03 Definition of second-hand dealer and junk dealer
- 110.04 Record-keeping
- 110.05 Purchase or sale of articles
- 110.06 License fees

- 110.99 Penalty

' 110.01 JUNK DEALERS; UNLAWFUL.

No person, firm, co-partnership or corporation shall carry on the business of dealing in second-hand goods or the business of junk dealing, or maintain a junk yard, or salvage yard in the village without first having obtained a license in accordance with the terms of this chapter.
(Prior Code, ' 11.001) (Ord. 16, passed 8-6-1956) Penalty, see ' 110.99

' 110.02 LICENSE APPLICATION.

(A) Application for a license to engage in the business of second-hand or junk dealer, or to maintain a junk yard or salvage yard, shall be in writing addressed to the Village Council, and filed with the Village Clerk.

(B) Each application shall indicate where the said business is proposed, and in case the business is proposed in a residential area, the same shall be accompanied by the written consent of 65% or more of the property owners within a radius of 600 feet from the proposed location.
(Prior Code, ' 11.002) (Ord. 16, passed 8-6-1956)

' 110.03 DEFINITION OF SECOND-HAND DEALER AND JUNK DEALER.

Any person, firm, co-partnership or corporation whose principal business is that of purchasing, selling, exchanging or receiving second-hand articles of any kind, and/or iron, tool, steel, aluminum, copper, brass, lead pipe or lighting and plumbing fixtures and the like is hereby defined to be a ***SECOND-HAND DEALER*** or ***JUNK DEALER***.

(Prior Code, ' 11.003) (Ord. 16, passed 8-6-1956) Penalty, see ' 110.99

' 110.04 RECORD-KEEPING.

(A) Such second-hand dealer or junk dealer as defined in the previous section shall keep a separate book open to inspection by members of the police force, the Village President or Marshal.

(B) In this book shall be written, in English language, at the time of the purchase or exchange of such articles, a description thereof, the name, description and residence of the person from whom the same was purchased and received, and the day and hour when such purchase or exchange was made. Each entry shall be numbered consecutively, commencing with the number one.

(Prior Code, ' 11.004) (Ord. 16, passed 8-6-1956) Penalty, see ' 110.99

' 110.05 PURCHASE OR SALE OF ARTICLES.

No person shall purchase or receive by sale, barter, exchange or otherwise, any of the articles mentioned in this chapter from any person between the hours of 9:00 p.m. and 7:00 a.m., nor from any person who is at the time intoxicated, nor from any person known by said second-hand dealer or junk dealer to be a thief or an associate of thieves or receiver of stolen property from any person he or she has reason to suspect of being a thief.

(Prior Code, ' 11.005) (Ord. 16, passed 8-6-1956) Penalty, see ' 110.99

' 110.06 LICENSE FEES.

Upon the granting of such license, the Village Clerk shall issue a license to said applicant upon payment of an annual license fee of \$50, which shall be renewed annually on April 1 of each year thereafter. There shall be no proration of such license fee for licenses issued for less than a year.

(Prior Code, ' 11.006) (Ord. 16, passed 8-6-1956)

' 110.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 111: OIL AND GAS WELLS

Section

- 111.01 Requirements for drilling
- 111.02 Pipeline conduits
- 111.03 Gas burning appliances
- 111.04 Nitroglycerine
- 111.05 Loading of receptacles
- 111.06 Surveys
- 111.07 Permits
- 111.08 Smoking prohibited
- 111.09 Nuisance per se

- 111.99 Penalty

' 111.01 REQUIREMENTS FOR DRILLING.

It is hereby declared to be unlawful and a nuisance for any person, firm, association, corporation, trust or syndicate, either as a principal, agent, servant, employee or otherwise:

(A) To hereafter locate or drill a well for the production of oil or gas in the village, except in the center as near as possible of 20 acres or more of land in a square form as near as practical. No wells can be drilled within the village limits, except one well to each 20 acres as near as practical in accordance with a map of record of numbered 20-acre plats as near as practical from one to 31; provided the majority of land owners of all lands embraced in drilling blocks one to 31 or anyone given plat, consent to the drilling of said oil or gas well, or such owners are granted equal rights with all other owners according to acreage in oil or gas produced therefrom;

(B) To locate or drill a well for the production of oil or gas within 200 feet of any building, except upon the written consent of the owner and occupants of said building;

(C) To proceed in locating or drilling a well for the production of oil or gas in said village without having obtained a permit so to do authorized by the Village Council of said village signed by the President and Clerk of said village;

(D) To fail to entirely clean up any oil spilled within 150 feet of any oil well, oil derrick, oil storage tank or oil sump or slush pit, within 24 hours after such spill occurs;

(E) To weld or permit any open flame or other source of ignition of any kind whatsoever within 50

feet of any producing well, or within 50 feet of any oil tank or oil sump containing petroleum, or any of its inflammable or fluid by-products;

(F) To maintain or to allow upon any premises any unused or abandoned oil derrick, rigging or other equipment which has been abandoned, and the filing of notice of abandonment with the State Supervisor of Wells shall be deemed evidence of abandonment; provided, however, that nothing herein contained shall prevent the storage of new drilling equipment or supplies for commercial purposes;

(G) To erect or to permit to be erected any wooden derrick for the drilling of oil or gas wells to be located nearer to any building than the height in feet of such derrick;

(H) To shoot any well being drilled for oil or gas with nitroglycerine;

(I) To use or permit to be used any boilers for the drilling or operation of oil or gas wells which have not been provided with spark protectors;

(J) To use storage tanks for the storage of oil without first having protected the surrounding property by means of an embankment or dike around said tank or tanks having capacity of not less than one and one-half times the capacity of tank surrounded, but in no case higher than one-fourth the height of the tank when height of tank exceeds 16 feet. Such embankment or dike shall be made of earth work or re-enforced concrete or such other material as shall be approved by said Village Council and State Supervisor of Wells. Earthwork embankment shall be firmly and compactly built of good earth from which stones, vegetable and other loose matter have been removed, and shall have a slope of at least two to one on both sides, and a flat section top of not less than two feet. Such embankments or dikes shall be continuous, with no openings or piping or roadways. Piping shall be preferably laid over or under the embankment. If it is necessary to install pipes through embankments, concrete wing walls shall be provided. Brick or concrete steps shall be used where it is necessary to pass over. In the event that in before provided at the location of well or tanks heretofore constructed, such other structure as shall provide adequate protection for surrounding property may be installed and erected as shall be approved by the Village Council and State Supervisor of Wells. Location of said tanks shall be approved of by the Village Council;

(K) To drill or permit to be drilled, directly or indirectly, any oil or gas well within 200 feet of any building within the limits of said village or to erect or cause to permit to be erected directly or indirectly, any oil tank within 200 feet from any oil well or building;

(L) To drill or operate any oil well or to perform any work in or upon the constructions, drilling or operation of any oil well in such manner as to disturb the peace, quiet or comfort of any person or persons residing in the neighborhood thereof between the hours of 9:00 p.m. of any day and 6:00 a.m. of the day following or at the discretion of the Village Council;

(M) To deposit, place, discharge or conduct, or to cause to permit to be deposited, placed, discharged or conducted, any oil, petroleum, naphtha, tar or liquid petroleum or any kind of products thereof, or any kindred substances, or any refuse from any oil well in, into or upon any public street, alley or public place, or any drain, water course, stream, sewer, lake or river, of the said village, or upon any private property in said village in such manner that the same will run into or upon any public street, alley or other public place, or any drain, water course, sewer, lake or river of said village;

(N) To maintain or permit any abandoned or unused sump hole upon any lot or premises. Cash bond of \$25 shall be deposited at time of actual drilling commenced and such bond will be held until such time as the sump hole is cleaned and the well abandoned in a manner satisfactory to committee;

(O) To discharge or permit the discharge of natural gas from any oil well or tanks into the open air in said village;

(P) To deposit, discharge or to cause or permit to be deposited or discharged, any salt water from any oil well in any public street or public place, or in any private property in said village, river, lake or sewer of said village, or upon any private property, except only into a suitable and adequate sump provided therefor approved by the Village Council and State Supervisor of Wells; or

(Q) To install or maintain any electric power switch in any pump house or tank house. All switches shall be placed in a suitable, safe place outside of any building or structure located near any oil or gas well or used in connection therewith.

(Prior Code, ' 12.001) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.02 PIPELINE CONDUITS.

It shall be unlawful to conduct natural gas from any oil well or tank into or through any building or structure except the same being conducted through sound, tight pipes free from leaks and in accordance with such rules and regulations as may be prescribed from time to time by the Village Council of said village. An approved automatic regulator shall be installed at readily accessible point in every pipe line for gas connected to any oil or gas well or tank.

(Prior Code, ' 12.002) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.03 GAS BURNING APPLIANCES.

It shall be unlawful to have, use, operate or maintain, or permit or suffer the possession, use, operation or maintenance of any natural gas burning appliances, except such as shall have been approved by the National Board of underwriters, subject to such further regulations as may from time to time by said Village Council of said village.

(Prior Code, ' 12.003) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.04 NITROGLYCERINE.

It shall be unlawful to transport any nitroglycerine within the limits of the village over or upon any street or public place, except as such time or times and under such conditions and restrictions as shall be determined and promulgated from time to time by said Village Council of said village.

(Prior Code, ' 12.004) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.05 LOADING OF RECEPTACLES.

It is hereby declared to be unlawful to load any tank wagon, tank car or other receptacle, excepting only stationary tanks used for storage at oil wells with petroleum or any of its inflammable or fluid products within the limits of said village, except at such time or times or under such conditions and restrictions as shall be determined and promulgated from time to time by the Village Council of said village. Any person, firm or corporation proposing to load any tank wagon, tank car or other receptacle with petroleum or any of its inflammable or fluid by-products within the limits of said village, shall before commencing such loading, procure a permit therefor approved by the Village Council of said village, signed by the President and Clerk of said village, upon written application therefor, the said applicant in an application covenanting and agreeing to abide by and perform all rules and regulations prescribed by said Village Council.

(Prior Code, ' 12.005) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.06 SURVEYS.

Before any drilling permit shall be issued by said village, the operator or majority lease owner shall have surveyed by a registered surveyor the block to be drilled in such a manner as to show who are the owners of each parcel making up said block and showing what percentage of the entire block each such parcel constitutes, which percentage shall be carried out to three decimal points, and shall prepare a fractional royalty division agreement based on such survey. Such survey shall be at the expense of the operator or majority lease owner. A certified copy of such survey and the royalty division order shall be filed with the Clerk of said village.

(Prior Code, ' 12.006) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.07 PERMITS.

(A) Permits shall be issued for gas wells for the production of dry gas such as is commonly encountered in the Michigan Stray or Marshall series, as nearly as practical upon the basis of one gas well to 160 acres. Permits for gas wells will be issued as near the centers of the four quarter sections of Section 36, Town 9 North, Range 16 West, as is practical.

(B) Where commercial gas production develops from wells originally drilled for oil, away from such central points, further permits will be issued in view of such locations, complying to 160 acres as in this section above set forth. Before such gas well permits shall be issued, a survey of such gas drilling block shall be made and filed, together with the royalty division agreement, all as set forth in ' 111.06.

(Prior Code, ' 12.007) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.08 SMOKING PROHIBITED.

It is hereby declared to be unlawful and a nuisance for any person to smoke or throw, place or deposit any lighted or smouldering cigar, cigarette, ash, match or other lighted or smouldering substance within 25

feet of any public place.

(Prior Code, ' 12.008) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.09 NUISANCE PER SE.

Each and every violation of this chapter is hereby declared to be a public nuisance per se, and may be abated by appropriate proceedings provided by law.

(Prior Code, ' 12.009) (Ord. 24, passed - -) Penalty, see ' 111.99

' 111.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 112: TELECOMMUNICATIONS

Section

- 112.01 Purpose
- 112.02 Conflict
- 112.03 Definitions
- 112.04 Permit required
- 112.05 Issuance of permit
- 112.06 Construction/engineering permit
- 112.07 Conduit or utility poles
- 112.08 Route maps
- 112.09 Repair of damage
- 112.10 Establishment and payment of maintenance fee
- 112.11 Modification of existing fees
- 112.12 Savings clause
- 112.13 Use of funds
- 112.14 Annual report
- 112.15 Cable television operators
- 112.16 Existing rights
- 112.17 Compliance
- 112.18 Reservation of police powers
- 112.19 Authorized village officials
- 112.20 Municipal civil infraction

' 112.01 PURPOSE.

The purposes of this chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002) (AAct@), being M.C.L.A. " 484.3101 et seq. 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.

(Prior Code, ' 29.1)

' 112.02 CONFLICT.

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

(Prior Code, ' 29.2)

' 112.03 DEFINITIONS.

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

ACT. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Public Act 48 of 2002), as amended from time to time.

PERMIT. A non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the village for its telecommunications facilities.

VILLAGE. The Village of Fruitport.

VILLAGE COUNCIL. The Village Council of Fruitport, 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. The Village Council President, or his or her designee.

(B) All other terms used in this chapter shall have the same meaning as defined or as provided in the Act, including, without limitation, the following.

AUTHORITY. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority, created pursuant to ' 3 of the Act.

MPSC. 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. An individual, corporation, partnership, association, governmental entity or any other legal entity.

PUBLIC RIGHT-OF-WAY. 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.

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TELECOMMUNICATION FACILITIES or **FACILITIES**. 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 ' 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 C.F.R. ' 20.3, and service provided by any wireless, two-way communication device.

TELECOMMUNICATIONS PROVIDER, PROVIDER and **TELECOMMUNICATIONS SERVICES**. Those terms as defined in ' 102 of the Michigan Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. ' 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 ' 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 C.F.R. ' 20.3 or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter only, a **PROVIDER** also includes all of the following:

- (a) A cable television operator that provides a telecommunications service;
 - (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way; and
 - (c) A person providing broadband internet transport access service.
- (Prior Code, ' 29.3)

' 112.04 PERMIT REQUIRED.

(A) *Permit required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the village for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

(B) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with ' 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village President and one copy with the Village Attorney. Upon receipt, the Village Clerk shall make two copies of the application and distribute a copy to the Department of Public Works and the Building Inspector. 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 ' 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 secrets, proprietary or confidential information, which is exempt from the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. " 15.231

to 15.246, pursuant to ' 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.

(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 ' 6(2) of the Act.

(F) *Previously issued permits.* Pursuant to ' 5(1) of the Act, authorizations or permits previously issued by the village under ' 251 of the Michigan Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. ' 484.2251 and authorizations or permits issued by the village to telecommunications providers prior to the 1995 enactment of ' 251 of the Michigan Telecommunications Act, but after 1985 shall satisfy the permit requirements of this chapter.

(G) *Existing providers.* Pursuant to ' 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 ' 251 of the Michigan Telecommunications Act, Public Act 179 of 1991, being M.C.L.A. ' 484.2251, shall submit to the village an application for a permit in accordance with the requirements of this chapter. Pursuant to ' 5(3) of the Act, a telecommunications provider submitting an application under this division (G) is not required to pay the \$500 application fee required under division (D) above. A provider under this division (G) shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in ' 5(4) of the Act.
(Prior Code, ' 29.4)

' 112.05 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 ' 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 ' 112.04(B) for access to a public right-of-way within the village. Pursuant to ' 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.

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(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 " 6(1), 6(2) and 15 of the Act.

(C) *Conditions.* Pursuant to ' 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 ' 15(3) of the Act, and without limitation on division (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.

(Prior Code, ' 29.5)

' 112.06 CONSTRUCTION/ENGINEERING PERMIT.

(A) A telecommunications provider shall not commence construction upon, over, across or under the public rights-of-way in the village without first obtaining any required construction or engineering permit for construction within the public rights-of-way.

(B) No fee shall be charged for such a construction or engineering permit.

(Prior Code, ' 29.6)

' 112.07 CONDUIT OR UTILITY POLES.

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

(Prior Code, ' 29.7)

' 112.08 ROUTE MAPS.

(A) Pursuant to ' 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.

(B) The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with ' 6(8) of the Act.

(Prior Code, ' 29.8)

' 112.09 REPAIR OF DAMAGE.

Pursuant to ' 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.

(Prior Code, ' 29.9)

' 112.10 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.

In addition to the non-refundable application fee paid to the village set forth in division ' 112.04(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 ' 8 of the Act.

(Prior Code, ' 29.10)

' 112.11 MODIFICATION OF EXISTING FEES.

(A) In compliance with the requirements of ' 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.

(B) In compliance with the requirements of ' 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 ' 8 of the Act.

(C) The village shall provide each telecommunications provider affected by the fee with a copy of this chapter, in compliance with the requirement of ' 13(4) of the Act.

(D) 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.

(Prior Code, ' 29.11)

' 112.12 SAVINGS CLAUSE.

Pursuant to ' 13(5) of the Act, if ' 8 of the Act is found to be invalid or unconstitutional, the modification of fees under ' 112.11 shall be void from the date the modification was made.

(Prior Code, ' 29.12)

Telecommunications

' 112.13 USE OF FUNDS.

(A) Pursuant ' 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.

(B) 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 Public Act 51 of 1951, being M.C.L.A. " 247.651 - 247.675.

(Prior Code, ' 29.13)

' 112.14 ANNUAL REPORT.

Pursuant to ' 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.

(Prior Code, ' 29.14)

' 112.15 CABLE TELEVISION OPERATORS.

Pursuant to ' 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.

(Prior Code, ' 29.15)

' 112.16 EXISTING RIGHTS.

Pursuant to ' 4(2) of the Act, except as expressly provided herein with respect to fees, this chapter 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.

(Prior Code, ' 29.16)

' 112.17 COMPLIANCE.

(A) The village hereby declares that its policy and intent in adopting this chapter 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.

(B) 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, Public Act 442 of 1976,

being M.C.L.A. " 15.231 to 15.246, as provided in ' 112.04(C);

(2) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with ' 112.04(F);

(3) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with ' 112.04(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 ' 112.05(A);

(5) Notifying the MPSC when the village has granted or denied a permit, in accordance with ' 112.05(A);

(6) Not unreasonably denying an application for a permit, in accordance with ' 112.05(A);

(7) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in ' 112.05(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 ' 112.05(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 ' 112.05(D);

(10) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with ' 112.06;

(11) Providing each telecommunications provider affected by the village=s right-of-way fees with a copy of this chapter, in accordance with ' 112.11;

(12) Submitting an annual report to the Authority, in accordance with ' 112.14; and

(13) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with ' 112.15.

(Prior Code, ' 29.17)

' 112.18 RESERVATION OF POLICE POWERS.

Pursuant to ' 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.

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(Prior Code, ' 29.18)

' 112.19 AUTHORIZED VILLAGE OFFICIALS.

The Village President or his or her designee is hereby designated as the authorized village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the Municipal Chapter Violations Bureau) for violations under this chapter as provided by the village code.

(Prior Code, ' 29.20)

' 112.20 MUNICIPAL CIVIL INFRACTION.

A person who violates any provision of this chapter or the terms or conditions of a permit is responsible for municipal civil infraction fines. Nothing in this section shall be construed to limit the remedies available to the village in the event of a violation by a person of this chapter or a permit.

(Prior Code, ' 29.21)

Cross-reference:

Municipal violations and the like, see ' 10.99

Prohibition of Marijuana Establishments

CHAPTER 113: PROHIBITION OF MARIJUANA ESTABLISHMENTS

Section

- 113.01 Intent of Ordinance
- 113.02 Name of Ordinance
- 113.03 Definitions
- 113.04 Prohibition of Marijuana Establishments
- 113.05 Violations and Penalties
- 113.06 Severability
- 113.07 Repeal
- 113.08 Effective Date

‘ 113.01 INTENT OF ORDINANCE.

This ordinance is intended to define words; to prohibit marijuana establishments within the boundaries of the Village of Fruitport pursuant to Initiated Law 1 of 2018, MCL 333.27002 et. Seq., as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

(No Prior Code) (Ord. 2019-1, passed 1-12-2019) Penalty, see ' 110.99 and ‘113.05.

‘ 113.02 NAME OF ORDINANCE.

This ordinance shall be known as and may be cited as the “Village of Fruitport Prohibition of Marijuana Establishments Ordinance.”

(No Prior Code) (Ord. 2019-1, passed 1-12-2019) Penalty, see ' 110.99 and ‘113.05.

‘ 113.03 DEFINITIONS.

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27002 et seq., as may be amended

(No Prior Code) (Ord. 2019-1, passed 1-12-2019) Penalty, see ' 110.99 and ‘113.05.

‘ 113.04 PROHIBITION OF MARIHUANA ESTABLISHMENTS.

The Village of Fruitport hereby prohibits all marihuana establishments within the boundaries of the Village pursuant to Initiated Law 1 of 2018, MCL 333.27002 et seq., as may be amended.

‘ 113.05 VIOLATIONS AND PENALTIES.

- A. Any person who disobeys neglects or refuses to comply with any provisions of this ordinance or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Village or by such other person(s) as designated by the Village Board from time to time.

(No Prior Code) (Ord. 2019-1, passed 1-12-2019) Penalty, see ' 110.99 and ‘113.05.

‘ 113.06 SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

(No Prior Code) (Ord. 2019-1, passed 1-12-2019) Penalty, see ' 110.99 and ‘113.05.

‘ 113.07 REPEAL.

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

(No Prior Code) (Ord. 2019-1, passed 1-12-2019) Penalty, see ' 110.99 and ‘113.05.

‘ 113.08 EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after the date of publication.

(No Prior Code) (Ord. 2019-1, passed 1-12-2019) Penalty, see ' 110.99 and ‘113.05.

Prohibition of Marijuana Establishments

RENTAL UNIT REGISTRATION ORDINANCE

Section

- 114.01 Definitions
- 114.02 Required Registration
- 114.03 Certificate of Compliance
- 114.04 Inaccurate of Complete Information
- 114.05 Change in Registration Information
- 114.06 Owner's Responsibilities
- 114.07 Inspections
- 114.08 Village Correspondence
- 114.09 Municipal Civil Infraction

‘ 114.01 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.

Owner means the legal title holder of a rental unit or the premises within which the rental unit is situated. In those cases in which the owner is not a natural person, the owner shall be the president, general manager, or other chief executive officer of the organization. Where more than one natural person has an ownership interest, each person with an ownership interest shall be considered the owner. An owner may designate an agent to undertake any of the owner's duties or to receive notices pursuant to this article.

Rental unit means ***Dwelling (or residence)*** means a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons or families, but not including hotels, motels, tourist cabins, boardinghouses and/or rooming houses, or basement dwellings.

A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single-family complying to the following standards:

- (1) Having a minimum living area of 860 square feet for a one- or two-bedroom dwelling, three bedrooms or more 1,040 square feet of living area and with a minimum floor to ceiling height of 7.5 feet;
- (2) A dwelling must have a depth of not less than 24 feet;
- (3) Firmly attached to a solid foundation constructed on the site having a pitched roof and otherwise be in accordance with the township building code and having the same perimeter dimensions as the dwelling, which attached shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured

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to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act No. 419 of the Public Acts of 1976, as amended.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the township building code;

- (4) No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted.
Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling;
- (5) The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department;
- (6) The dwelling must contain steps connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;
- (7) The dwelling must contain no additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure;
- (8) The dwelling, except mobile home, complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, those standards or regulations shall apply and supersede any such standards or regulations imposed by the township building code;
- (9) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternating with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, contains firmly attached steps connected to the exterior door areas or to porches connected to the door areas where a difference of design and appearance shall be determined in the first instance by the township building inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the township planning commission within a period of 15 days from the receipt of notice of the building inspector's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of "dwelling" as well as the character of residential development outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the area; or where the area is not so developed, by the character of residential development outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home;
- (10) Prior to locating a dwelling as herein defined on the property, application for a building permit, including plot plan and construction plans shall be provided to the building inspector;
- (11) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state law or otherwise specifically required in division 6 of this chapter pertaining to such parks;

- (12) The definition of "dwelling or residence" shall also include the energy-saving earth shelter home either constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run or constructed with a roof which is not completely earth-covered having a slope with at least a five-inch rise for each 12 inches of run, and, in either case, containing at least one exposed vertical exterior elevation not less than 7 1/2 feet in height by 24 feet in width designed and constructed in accordance with standard building code regulations pertinent thereto and without any accommodations for any dwelling units above ground.

Dwelling multiple-family, means a building used or designed as a residence for three or more families living independently of each other.

Dwelling, single-family, means a detached building designed for or occupied exclusively by one family.

Dwelling, two-family, means a detached building, designed for or occupied by two families living independently of each other.

Dwelling unit means one or more rooms designed for or occupied by not more than one family and one roomer or boarder.

‘ 114.02 REQUIRED REGISTRATION.

- (a) No owner shall lease, rent, or otherwise allow a rental unit to be occupied unless the rental unit is registered with the village and maintains a valid certificate of compliance.

Registration of a rental unit shall include the following:

- (1) Completion and processing of a rental application;
 - (2) A scheduled inspection of the rental unit, if necessary; and
 - (3) Payment of all fees pursuant to this article;
- (b) The application shall be created by the Village and shall be available at the Village. It shall include at least the following information:
- (1) The address of the rental unit;
 - (2) The names and addresses of all owners of the rental unit;
 - (3) The name, address, and telephone number of the person authorized to collect rent from the individuals occupying the rental unit;
 - (4) The designation of a responsible local agent, if applicable, including the responsible local agent's name, local address, email, and telephone number;
 - (5) The number of rental units in each building, if applicable; and
 - (6) The signatures of all the owners as well as the responsible local agent, if applicable.

‘ 114.03 CERTIFICATE OF COMPLIANCE.

After the registration is complete, the village shall issue a certificate of compliance for the rental unit. The

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certificate of compliance shall be valid from the date of issuance until the end of the calendar year, at which point the certificate must be renewed. There shall be a fee of \$10, payable upon receipt of the first certificate and subsequently payable upon an annual basis at the time of certificate renewal.

‘ 114.04 INACCURATE OF INCOMPLETE INFORMATION.

It shall be a violation of this article for an owner to provide inaccurate information for the registration of rental units or to fail to provide information required by the township for such registration.

‘ 114.05 CHANGE IN REGISTRATION INFORMATION

The Village must be informed of any change in registration information, including a transfer of ownership of the rental unit, within 60 days of the change.

‘ 114.06 OWNER’S RESPONSIBILITIES.

The owner shall be responsible for the following:

- (1) Maintaining the rental unit in accordance with this article and all other applicable township, county, state, and federal rules and regulations;
- (2) Maintaining a list of the number of occupants of the rental unit and each of their names;
- (3) Being available or having an agent available within 24 hours for emergency situations; and
- (4) Ensuring that the rental unit complies with all standards of this code, as well as all other local, state, and federal laws and regulations.

‘ 114.07 INSPECTIONS.

All rental units may be inspected by the Village upon request by the owner or occupant. The Village shall also perform inspections of rental units pursuant to all other local, state, and federal laws and regulations. In any event, rental units shall be inspected at least every four years.

Owners shall be assessed a cost for inspections, which shall not exceed the township’s actual, reasonable cost to provide the inspection. The amount of the inspection charge shall be the amount charged by the contractor performing inspections for the Village, with prior notice from the contractor to the village.

‘ 114.08 VILLAGE CORRESPONDENCE.

Annually, the Village shall attempt to send letters to the owners registered with the Village which shall outline the rights and responsibilities of the owners and occupants pursuant to the international property maintenance code, as adopted by the Village, or all other applicable local, state, and federal authority.

‘ 114.09 MUNICIPAL CIVIL INFRACTION.

Any person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine.

(No Prior Code) (Ord. 2019-2, passed 6-17-2019) Penalty, see ' 110.99

Rental Unit Registration

MOBILE FOOD BUSINESS

Section

- 115.01 Purpose
- 115.02 Mobile Food Service Provider Defined
- 115.03 Special Event
- 115.04 Permit Requirements
- 115.05 Number of Permits, Duration, Transferability
- 115.06 Insurance
- 115.07 Applications
- 115.08 Regulations
- 115.09 Impoundment
- 115.10 Written Complaints
- 115.11 Revocation and Appeal
- 115.12 Other Permits
- 115.13 Violation
- 115.14 Effective Date

‘ 115.01 PURPOSE.

The purpose of this ordinance is to manage mobile food businesses in the Village of Fruitport (the "village"); to permit and regulate mobile food service providers in the village; to reduce vehicular and pedestrian traffic congestion; to promote the safe use of streets and sidewalks; and to protect the health, safety and welfare of the people of the Village.

‘ 115.02 MOBILE FOOD SERVICE PROVIDER DEFINED.

For the purposes of this article "mobile food service provider" or "mobile food vehicle" means a vehicle which, upon the issuance of a permit by the village, may temporarily park upon a public street, private property, or other approved public area to engage in the preparation, service, sale or distribution of ready to eat food to the general public directly from the vehicle.

‘ 115.03 SPECIAL EVENT.

For the purposes of this article a "special event" means a community sponsored type event in which the sponsor of the event has obtained permission from the village to hold the event.

‘ 115.04 PERMIT REQUIREMENTS

Unless allowed by the sponsor to operate a mobile food vehicle during a special event, mobile food providers may engage in the preparation, service, sale, or distribution of food in the village only on publicly owned areas and areas zoned business with a permit from the village. The permit fee shall be set from time to time by resolution of the Village of Fruitport Council. All fees must be paid to the

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village at the time the application is submitted. All permits must be available on site for inspection upon request by the village or law enforcement officer.

‘ 115.05 NUMBER OF PERMITS, DURATION, AND TRANSFERABILITY

- (a) Mobile food provider permits are available on a first-come, first-served basis. The number of permits shall be established by the Village of Fruitport Council. Mobile food provider permits shall only be for the calendar year in which such a permit is issued.
- (b) Each mobile food provider permit is valid only for each individual vehicle or trailer operated by a mobile food provider and shall not be transferred among vehicles or trailers.

‘ 115.06 INSURANCE

All mobile food providers who obtain a permit must obtain and maintain a policy of liability insurance by a company licensed to do business in the State of Michigan. Insurance coverage must be in the minimum amount of \$1,000,000.00 for personal injury and property damage arising out of the permitted operation. Proof of insurance must be provided to the village before a permit can be granted and thereafter upon reasonable request. The insurance policy shall name the Village of Fruitport, its officers, employees, and agents as additional insureds and shall provide that the insurance be primary. The policy shall provide 30 days' prior written notice of revocation, cancellation, or amendment, to the village. All mobile food providers agree to hold harmless and protect the Village of Fruitport and its officers, employees, and agents from any liability, claims, costs, expenses or attorney fees arising out of the permitted operation that is not covered by the insurance policy required herein.

‘ 115.07 APPLICATIONS.

An application to operate a mobile food provider shall provide a written application for a permit to the village office. Applications for a permit shall be on forms provided by the village and shall include the following:

- 1. Name, signature, phone number, email contact, and business address of the applicant;
- 2. Information on the mobile food vehicle including the VIN, year, make and model and its dimensions;
- 3. Proposed hours of operation and areas of operation;
- 4. Detailed plans for power access, water supply, waste disposal and wastewater disposal;
- 5. Copies of all necessary licenses and permits issued by the Muskegon County Health Department and/or the State of Michigan;
- 6. A certificate of insurance evidencing coverage consistent with this article;
- 7. A signed statement or acknowledgment that the permit holder shall hold harmless the village, its employees, officers and agents and shall indemnify the village, its employees, officers and agents;
- 8. Copy of the applicant's state-issued Michigan sales tax license.

‘ 115.08 REGULATIONS.

The following regulations must be always followed by any mobile food provider:
Business may only be conducted between the hours of 9:00 a.m. and 10:00 p.m.

1. A valid permit must be presented promptly for inspection or examination when requested by the village or law enforcement officer. Inability to present a valid permit will require that the mobile food provider cease its operations until a permit can be provided.
2. While operating, a mobile food provider shall operate in such a manner as to not interfere with pedestrian or vehicular traffic. If directed by the village or law enforcement officer, the mobile food provider shall promptly relocate.
3. The operator of a mobile food service vehicle shall direct exhaust away from the service side of the vehicle.
4. A mobile food provider shall only serve customers while parked.
5. A mobile food provider shall serve customers only on the curb, lawn or sidewalk side of the mobile food service vehicle while in an authorized parking space.
6. No mobile food service vehicle shall be in motion while food preparation devices are in use (e.g. fryers, stoves, faucets, etc.).
7. A mobile food provider shall be completely self-contained and is prohibited from utilizing any municipally-owned utilities, including but not limited to electrical outlets, hydrants, or sewers.
8. No mobile food service vehicle shall be left unattended while food is in the vehicle or the food preparation devices are in use (e.g. fryers, stoves, faucets, etc.).
9. A mobile food provider shall keep the area in which it operates free of trash, clean, and tidy. The mobile food provider shall place a trash receptacle immediately outside the mobile food service vehicle, in plain sight at all times. The receptacle shall be emptied at an appropriate trash collection location as needed. No liquid waste of any kind may be emptied into municipal storm or sanitary sewers.
10. Mobile food providers shall comply with all applicable laws, rules and regulations in licensing or permit requirements including but not limited to those issued by Muskegon County, the Muskegon County Health Department or the Michigan Department of Agriculture and Rural Development or any successor agency, the Michigan Secretary of State, and any other agency with licensing or regulatory jurisdiction over the mobile food provider, a mobile food service vehicle or the services provided by a food vendor.
11. No mobile food provider shall make or cause to be made any unreasonable or excessive noise, including by the use of a generator. The operation of all mobile food vehicles shall meet any noise ordinance imposed by the village.
12. All signage for the mobile food provider must only appear directly on the mobile food service vehicle. No additional signage is permitted.
13. There shall be no flashing, blinking or ultra-bright lights allowed on mobile food service vehicles or related signage. All exterior lights over 60 watts shall contain opaque hood shields directing illumination downward.
14. No lines, wires, cables, or other hazards may be extended across any street, alley or sidewalk in the village.
15. Mobile food providers permitted under this article may operate on public property and private property zoned business district in accordance with the terms of their permit.
16. Any mobile food provider desiring to locate in a public park shall comply with all village regulations for parks and recreational spaces.
17. Mobile food vehicles, when parked on public streets, shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other

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vehicles.

18. Mobile food providers shall not be located within 300 feet (as measured from the service window to the lot line) of a permanent business with a food license during that business' hours of operation, unless waived by the owner of the business in writing.
19. Mobile food providers shall not operate outside of the locations designated by this article, or in areas not authorized under the required permit.
20. No mobile food provider shall operate within 300 feet (as measured from the service window to the lot line) of any fair, festival, civic event, or other special event that is licensed or sanctioned by the village, unless the mobile food provider has obtained the permission of the event sponsor.
21. No mobile food provider shall operate within 30 feet of any intersection or driveway.

‘ 115.09 IMPOUNDMENT.

Any equipment associated with the mobile food vehicle that is not in compliance with this article and is left on public property may be impounded at the owner's sole expense.

‘ 115.10 WRITTEN COMPLAINTS.

If a written complaint is filed with the village alleging that a mobile food provider or a mobile food vehicle has violated the provisions of this article a copy of the written complaint and a notice of investigation shall be sent to the mobile food provider at the address provided in the permit application. The investigation shall then be made by the village and/or a law enforcement officer, if needed, to determine the truth of the complaint. The mobile food provider shall have the opportunity to respond to the complaint, as well as the opportunity to provide contrasting evidence. If the village and/or a law enforcement officer, after reviewing all materials, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. A certified complaint may give rise to revocation, suspension or nonrenewal.

‘ 115.11 REVOCATION AND APPEAL.

A permit may be revoked, suspended or not renewed by the village for failure to comply with the provisions of this article or any rules or regulations promulgated by the village. Immediately upon revocation, the village shall provide written notice to the permit holder by certified mail to the address indicated on the application. The permit shall become immediately null and void upon revocation. If a permit is denied or revoked or if a written complaint is certified pursuant to this article, the applicant or permit holder may appeal to the village council in writing, at which point the village council shall make a written determination on the validity of the denial, revocation or complaint after reviewing all evidence related to the appeal. The village council shall consider whether the decision is supported by a preponderance of the evidence and, if so, it shall be sustained. The applicant or permit holder may appeal the decision of the village council to a court of competent jurisdiction.

‘ 115.12 OTHER PERMITS.

A permit obtained under this section shall not relieve any mobile food provider of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this article.

‘ 115.13 VIOLATION.

A violation of this article shall be a municipal civil infraction and, in addition thereto, the Village of Fruitport shall be entitled to enforce this article by seeking injunctive relief or any other remedy allowed by law.

‘ 115.14 EFFECTIVE DATE.

This ordinance shall take effect 15 days after publication.

Adopted: February 20, 2023

Published: February 28, 2023

Effective Date: March 12, 2023

(No Prior Code) (Ord. passed 2-20-2023) Penalty, see ' 110.99

TITLE XIII: GENERAL OFFENSES

Chapter

130. DISORDERLY CONDUCT

131. ALCOHOLIC BEVERAGES

CHAPTER 130: DISORDERLY CONDUCT

Section

- 130.01 Name
- 130.02 Offenses/definitions
- 130.99 Penalty

' 130.01 NAME.

This chapter shall be known and cited as the AVillage of Fruitport Disorderly Conduct Ordinance@.

(Prior Code, ' 43.001) (Ord. 8, passed 5-1-1978)

' 130.02 OFFENSES/DEFINITIONS.

(A) No person shall conduct himself or herself in a disorderly manner in the village.

(B) For the purpose of this chapter, a person conducts himself or herself in a disorderly manner when he or she does any act or engage in any practice hereinafter listed, or aids or abets any person who does any such act or engages in any such practice hereinafter listed:

(1) Engage in any indecent, immoral or obscene conduct in any public place;

(2) Swim or bathe in the nude in any public place or on private property without specific permission of the owner;

(3) Verbalize or gesture, any offensive, blasphemous, vulgar or obscene language in any public place or in such a way as to subject the public to such language;

(4) Use intimating store of eye-contact;

(5) Tell or pretend to tell fortunes for hire, gain, reward or profit whether by means of cards, token trances, inspection of the hands or skull, mind reading, consulting the movements of the heavenly bodies, or otherwise; or for hire, gain, reward or profit, pretend to enable another to recover lost or stolen property, pretend to give success in any business enterprise, speculation or game of

chance, or by improper means induce any person to dispose of property in favor of another;

(6) Wilfully destroy, damage, deface, injure or tamper with any property of another, or without proper authority, or in any manner mar the walls of any building or any fence, tree or pole within the village, or 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, standing or stored, without authority from the official custodian of said property;

(7) Collect or stand in crowds for illegal or mischievous purposes in any public place;

(8) Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public;

(9) Permit any place occupied or controlled by him or her to be unreasonably noisy, boisterous or to be occupied by persons acting in a disorderly manner as herein defined;

(10) Disturb the public peace and quiet by loud, boisterous or vulgar conduct; or make, aid, give countenance to, or assist in making any improper noise, disturbance, breach of the peace or diversion tending to a breach of the peace, in any place within the village;

(11) Disturb any service of worship or any other assembly gathered for lawful purposes;

(12) Permit any loud or boisterous noise, congregation, disturbance or sound by which the peace and good order of the village are disturbed, in or about his or her premises, or premises controlled by such person;

(13) Race or increase the number of engine rotations per minute beyond a reasonable amount of any motor vehicle, including any motorcycle, or motor driven cycle, or run or operate a motor vehicle, motorcycle or motor driven cycle without a muffler in good working order (one which in constant operation prevents excessive or unusual noise and annoying smoke); a person shall not remove, destroy or damage any of the baffles contained in the muffler, nor shall a person use a muffler cut-out, bypass or similar device upon a motorcycle or motor driven cycle in any place within the village;

(14) Shout, yell, hoot, whistle, sing or make any loud noises over 60 decibels on the public streets or public or municipal parks between the hours of 11:00 p.m. and 7:00 a.m.;

(15) Create any loud noises or use any loud speaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound at any place or places within the village in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort or repose of any person or persons between the hours of 12:00 a.m. and 7:00 a.m.;

(16) Create any loud noises by the erection, including excavation, demolition, alteration, maintenance or repair of any property or the excavation of any streets or highways at any time, except between the hours of 6:00 a.m. and 9:00 p.m. or except as may be necessary for emergency construction operations or repairs;

(17) Knowingly sell, give or furnish liquor, wine or beer to any drunken, intoxicated or disorderly person; or do or engage in any act relating to traffic in alcoholic liquors without such licenses as may be required under the laws of the state;

(18) Disobey any validly posted signs in any public park or other public place;

(19) Trespass or unlawfully enter or remain on the premises of another to the annoyance or disturbance of the lawful owner or occupant thereof;

(20) Consume ethyl alcohol in or upon any public street, or other public place, or place or parking lot open to the public, unless such place is duly licensed to sell alcoholic liquor for consumption on the premises, or furnish alcoholic liquor to any person not of the lawful age to possess it;

(21) Enter into any place, area or building or any part thereof, without having first paid any fee, charge or other consideration required for admission;

(22) Knowingly furnish to any police officer, or other official of the village a false name or address in connection with an arrest for the commission of any crime or misdemeanor;

(23) Possess any knife, dagger, dirk, razor, stiletto or machete, with a blade over three inches long, or a club, nightstick, bludgeon, weapon of the martial arts, or any other deadly weapon or instrument without a legitimate cause related to the person=s occupation or business; except on the person=s own private property;

(24) Drive or ride any motorized vehicle, any horse or other animal, on any sidewalk in said village; or to drive or ride any of the aforementioned through any streets or alleys of the said village;

(25) No person shall use any revolver, pistol, rifle, shotgun, air gun, spring gun, slingshot or other implement or weapon designed for shooting or throwing missiles of any kind within the village, except as hereinafter provided, and no person occupying or having control of any house, yard or premises of any character within the village shall permit in or about the same the use of any of the weapons previously mentioned. Nothing in this chapter shall be construed to prevent the Police Department of the village or any other governmental agency from establishing weapons practice ranges at such place or places in this village as shall be approved from time to time; or

(26) Go upon private residences for the purpose of soliciting, hawking, peddling or selling goods or merchandise, or engage in the practice of transient or itinerant vending, without having been invited or requested by the owner or occupant of said private residence to do so.

(Prior Code, ' 43.002) (Ord. 8, passed 5-1-1978) Penalty, see ' 130.99

' 130.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 131: ALCOHOLIC BEVERAGES

Section

General Provisions

- 131.01 Definitions
- 131.02 Adoption of state law
- 131.03 Restrictions on sale of food
- 131.04 Consumption on premises
- 131.05 Gifts of alcoholic liquor by vendor prohibited
- 131.06 Sale to intoxicated person prohibited
- 131.07 Age of purchaser
- 131.08 Possession, transportation in motor vehicle, boat or other conveyance by person under 21
- 131.09 Possession by person under age 21 prohibited
- 131.10 Appearance ticket for violation of ' 131.09
- 131.11 Fraudulent identification
- 131.12 Consumption in public places

Emergency Responses

- 131.25 Payment of costs incurred by emergency responses to alcohol-related accidents
- 131.26 Definitions
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GENERAL PROVISIONS

' 131.01 DEFINITIONS.

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

ALCOHOL. The product by distillation or fermented liquid, whether rectified or diluted with water or not, whatever may be the origin thereof. It does not mean ethyl and/or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

ALCOHOLIC LIQUOR. Any spirituous, vinous, malt or fermented liquor, liquids and

compounds, whether or not medicated, proprietary, patented and by whatever name called, containing .5% or more of alcohol by volume which are fit for use for beverage purposes.

BEER. Any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops and/or other cereal in potable water.

COMMERCIAL MOTOR VEHICLE. A bus, a school bus, a school transportation vehicle, a motor vehicle, except a motor home, having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.F.R. parts 100 to 199. A **COMMERCIAL MOTOR VEHICLE** does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

CONVICTION. A final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court order of disposition for child found to be within the provisions of Chapter XII of Public Act 288 of 1939, being M.C.L.A. " 712A.1 to 712A.28, or a traffic law violation charge, regardless of whether the penalty is rebated or suspended.

LAW OF ANOTHER STATE. A law or ordinance enacted by another state or by a local unit of government in another state.

PROSECUTING ATTORNEY. The attorney general, the prosecuting attorney of a county or the attorney representing a local unit of government.

SPIRITS. Any beverage which contains alcohol obtained by distillation, mixed with potable water and other substances in solution and includes among other things, wine containing an alcoholic content of over 16% by volume.

VENDOR. A person licensed by the State Liquor Control Commission to sell alcoholic liquor.

WINE. The product made by the normal alcoholic fermentation of the juice of grapes or any other fruit with the usual cellar treatment, and containing not more than 16% of alcohol by volume. The term **WINE** shall include fruit (fermented) juices other than grapes.

Statutory reference:

Similar definitions, see M.C.L.A. ' 436.2

' 131.02 ADOPTION OF STATE LAW.

No person shall do or engage in any act relating to traffic in alcoholic liquors for which a license is required under the laws of the state, without first obtaining a license therefor pursuant to and under the laws of the state. No person, directly or indirectly, himself/herself or by his/her clerk, agent or employee shall manufacture for sale, sell, offer or keep for sale, barter, furnish or import, import for sale, transport for hire or transport, or possess any beer, wine, spirits and/or alcoholic liquor unless such person shall have fully complied with the laws of the state and/or the rules and regulations of the

state liquor control commission. A person who violates this section shall be guilty of a misdemeanor under this chapter.

Penalty, see ' 131.99

Statutory reference:

State liquor licenses, see M.C.L.A. " 436.17 et seq.

' 131.03 RESTRICTIONS ON SALE OF FOOD.

No regulation shall be made by any vendor requiring the purchase or serving of food with the purchase of any alcoholic liquor, nor shall any food of any kind be given away in connection with the sale of alcoholic liquor.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.27

' 131.04 CONSUMPTION ON PREMISES.

Alcoholic liquor sold by vendors for consumption on the premises shall not be removed therefrom.

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.28

' 131.05 GIFTS OF ALCOHOLIC LIQUOR BY VENDOR PROHIBITED.

No vendor shall give away any alcoholic liquor of any kind or description at any time in connection with his or her business.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.29

' 131.06 SALE TO INTOXICATED PERSON PROHIBITED.

No vendor shall sell any alcoholic liquor to any person in an intoxicated condition.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.29

' 131.07 AGE OF PURCHASER.

(A) Alcoholic liquor shall not be sold or furnished to a person unless the person has attained 21 years of age. A person who knowingly sells or furnishes alcoholic liquor to a person who is less than 21 years of age, or who fails to make diligent inquiry as to whether the person is less than 21 years of age is guilty of a misdemeanor. A suitable sign which describes this section and the penalties for violating this section shall be posted in a conspicuous place in each room where alcoholic liquors are sold. The signs shall be approved and furnished by the State Liquor Control Commission.

(B) In an action for the violation of this section, proof that the defendant or the defendant=s agent or employee demanded and was shown, before furnishing alcoholic liquor to a person under 21 years of age, a motor vehicle operator=s license or a registration certificate issued by the federal selective service, or other bona fide documentary evidence of the age and identity of that person, shall be a defense to an action under this section.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.33

' 131.08 POSSESSION, TRANSPORTATION IN MOTOR VEHICLE, BOAT OR OTHER CONVEYANCE BY PERSON UNDER 21.

(A) A person less than 21 years of age shall not knowingly transport or possess, in a motor vehicle, boat or other conveyance on any public highway, street, waterway, alley, cemetery, parking lot, school grounds, place of amusement or recreation, or any other public place within the village, or any such private place open to the general public, any alcoholic liquor unless the person is employed by a licensee under the State Liquor Control Act, the Liquor Control Commission, or an agent of the Liquor Control Commission and is transporting or having the alcoholic liquor under the person=s control during regular working hours and in the course of the person=s employment.

(B) If a person is convicted under division (A) for transporting or possessing any alcoholic liquor in a motor vehicle, within 30 days after the conviction of a person for the violation of division (A), which conviction has become final, complaint may be made by the arresting officer or the officer=s superior before the district court from which the warrant was issued, which complaint shall be under oath and shall contain a description of the motor vehicle in which alcoholic liquor was possessed or transported by the person less than 21 years of age in committing the offense and praying that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue an order to the owner of the motor vehicle to show cause why the motor vehicle shall not be impounded. The order to show cause shall have a date and time fixed in the order for a hearing, which date shall not be less than ten days after the issuance of the order and shall be served by delivering a true copy to the owner not less than three full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the Michigan Secretary of State as provided in Section 403 of Public Act 300 of 1949, being M.C.L.A. ' 257.403, as amended.

(C) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the Commission of the offense the motor vehicle was being driven by the person less than 21 years of age with the express or implied consent or knowledge of the owner, and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner=s employment or the actual operation of the owner=s business, the court shall authorize the impounding of the vehicle for a period to be determined by the court, of not less than 15 days nor more than 30 days. The court=s order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. Appeal shall lie from the order to the Circuit Court of the county and the provisions governing the taking of appeals from judgments for damages shall be applicable to the appeal. This section shall not prevent a bona fide lienholder from exercising rights under a lien.

(D) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is guilty of a misdemeanor.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.33a

' 131.09 POSSESSION BY PERSON UNDER AGE 21 PROHIBITED.

(A) A person less than 21 years of age shall not purchase alcoholic liquor, consume alcoholic liquor in a licensed premises, or possess alcoholic liquor on or in any other public or private premises, except as provided in ' 131.08(C). A person less than 21 years of age who violates this division is liable for the civil fines listed in ' 131.99.

(B) Fifty percent of the fines collected under ' 131.99(B) shall be deposited with the State Treasurer for deposit in the general fund to the credit of the Department of Public Health for substance abuse treatment and rehabilitation services as required by Pubic Act 531 of 1978, being M.C.L.A. ' 436.336.

(C) This section shall not be construed to prohibit a person less than 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the State Liquor Control Commission, or by an agent of the Liquor Control Commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(D) This section shall not be construed to limit the criminal liability of any person, regardless of age, who shall possess an open receptacle or container of alcoholic liquor in a public place or motor vehicle; and the civil fine provisions set forth in this section shall have no application in such cases.

(E) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor=s clerk, servant, agent or employee for a violation of this chapter.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.33b

' 131.10 APPEARANCE TICKET FOR VIOLATION OF ' 131.09.

(A) An officer of the Police Department who witnesses a person violating ' 131.09 for which a civil fine is prescribed, may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic beverages and issuing an appearance ticket.

(B) As used in this section, Appearance ticket@ means a complaint or written notice issued and subscribed by a law enforcement officer directing a designated person to appear in the district court at a designated time in connection with the alleged violation for which a civil fine is prescribed. The appearance ticket shall consist of the following parts:

(1) The original which shall be a complaint or notice to appear by the officer and filed with the court;

(2) The first copy which shall be the abstract of court record;

(3) The second copy which shall be delivered to the alleged violator;

(4) The third copy which shall be retained by the Police Department;

(5) A judge may accept an admission of the allegations of an appearance ticket defendant and the judge shall then direct the civil sanctions imposed by ' 131.09(A). If the defendant denies the allegations of the appearance ticket the judge shall set a date for trial. If a person fails to appear on the date specified on the appearance ticket the judge shall enter a default judgment against the defendant.

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.33c

' 131.11 FRAUDULENT IDENTIFICATION.

A person who furnishes fraudulent identification to a person less than 21 years of age, or a person less than 21 years of age who uses a fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. ' 436.33b

' 131.12 CONSUMPTION IN PUBLIC PLACES.

(A) No alcoholic liquor or alcoholic beverage shall be consumed on or in any public highway, street, alley, sidewalk, waterway, park, cemetery, parking lot, school grounds, place of amusement or recreation, or any other public place within the village, or any such private place open to the general

public. No person, regardless of age, shall possess an open receptacle or container containing any alcoholic beverage or alcoholic liquor in such public place or private place open to the general public. Provided, however, alcoholic liquor and alcoholic beverages may be consumed on village-owned property at such times and under such conditions as may from time to time be approved by resolution of the Village Council.

(B) A person shall not transport or possess any alcoholic liquor or alcoholic beverage in a receptacle or container which is open, uncapped, or upon which the seal is broken, within the passenger compartment of a vehicle on any public highway, street, alley, cemetery, parking lot, school grounds, place of amusement or recreation, or any other public place within the village, or any such private place open to the general public. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a receptacle or container which is open, uncapped, or upon which the seal is broken shall be encased or enclosed. This section shall not apply to any chartered passenger vehicle licensed by the State Public Service Commission.

Penalty, see ' 131.99

Statutory reference:

Similar provisions, see M.C.L.A. " 436.34 and 436.34a

EMERGENCY RESPONSES

' 131.25 PAYMENT OF COSTS INCURRED BY EMERGENCY RESPONSES TO ALCOHOL-ELATED ACCIDENTS.

The village finds that a significant number of traffic arrests and traffic accidents in the village involve drivers who were operating a motor vehicle while under the influence of alcoholic liquors and/or a controlled substance. In addition, the village finds that in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic liquors and/or a controlled substance there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and/or financial burden is placed upon the village police, public service, firefighting and rescue services by persons who are operating a motor vehicle while under the influence of alcoholic liquors and/or a controlled substance.

' 131.26 DEFINITIONS.

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

ALCOHOLIC LIQUOR. The same meaning given to it under ' 131.01.

CONTROLLED SUBSTANCE: The same meaning given to it under Article 7 of the Michigan Public Health Code, being M.C.L.A. " 333.1101 et seq., as amended.

EMERGENCY RESPONSE. The providing, sending and/or utilizing public service, police, fire fighting and/or rescue services by the village to an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle while under the influence of an alcoholic liquor or any controlled substance or the combined influence of an alcoholic liquor and any controlled substance; or the making of a traffic stop and arrest by a police officer when the driver was operating a motor vehicle while under the influence of an alcoholic liquor or any controlled substance.

EXPENSES FOR AN EMERGENCY RESPONSE. Include the following:

(1) The salaries or wages, including overtime pay, of law enforcement personnel associated with an emergency response, including arresting an individual, processing the person after arrest, preparing reports on the arrest, investigating the incident, and collecting and analyzing evidence, including the administration, provision and analysis of any chemical tests to determine blood alcohol content or the presence of a controlled substance;

(2) The salaries, wages, or other compensation, including overtime pay, of fire department and emergency medical service personnel, for time spent responding to and providing fire fighting, rescue, and emergency medical services in relation to an emergency response set forth above;

(3) The cost of medical supplies lost or expended by fire department and emergency medical service personnel in providing services in relation to an emergency response; and

(4) All legal costs, including attorney fees and the payment of village personnel to attend court hearings, incurred by the village in prosecuting charges filed as a result of an emergency response.

' 131.27 LIABILITY FOR EXPENSE OF AN EMERGENCY RESPONSE.

(A) *Person responsible.* Any person who, while under the influence of an alcoholic liquor or any controlled substance or the combined influence of an alcoholic liquor and any controlled substance, operates a motor vehicle which results in an emergency response as defined in this section shall be responsible and/or liable for the expenses of the emergency response.

(B) *Presumptions.* For the purpose of this section, a person is under the influence of an alcoholic liquor or controlled substance, or the combined influence of an alcoholic liquor and any controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an alcoholic liquor if a chemical analysis of his or her blood, urine or breath indicates that the amount of alcohol in his or her blood was in excess of 0.07%.

(C) *Charge against person.* The expenses incurred by the village as a result of an emergency response shall be charged to the person liable for the expenses under the terms of this section. The charge constitutes a debt of that person and is collectible by the village in the same manner as in the

case of an obligation under a contract, expressed or implied.

(D) *Cost recovery schedule.* The Village Council shall, by resolution, adopt a schedule of costs specifying the expenses associated with an emergency response. This schedule shall be available to the public from either the Village Clerk or the Chief of Police or his/her designee.

(E) *Billing.* The Chief of Police, or his/her designee, shall, within ten days of receiving itemized costs, or any part thereof, incurred by the village for an emergency response, submit a bill for the costs by first class mail or personal service to the person liable for the expenses as enumerated under this section. The bill(s) shall require full payment in 30 days from the date of service.

(F) *Failure to pay; procedure to recover costs.* Any failure by the person described in this section as liable for the expense of an emergency response, to pay the bill within 30 days of service shall be considered in default. In case of default, the village may commence civil suit to recover the expenses and any costs allowed by law.

(G) *Conflict with criminal laws.* Nothing in this section shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge under the Michigan Vehicle Code on a driver for operating a motor vehicle under the influence of an alcoholic liquor and/or a controlled substance.

' 131.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

TITLE XV: LAND USAGE

Chapter

150. DANGEROUS BUILDINGS

151. MOBILE HOMES

152. SIGN REGULATIONS

153. ZONING CODE

CHAPTER 150: DANGEROUS BUILDINGS

Section

- 150.01 Dangerous buildings
- 150.02 Repair of damaged buildings
- 150.03 Blighted buildings

' 150.01 DANGEROUS BUILDINGS.

(A) No dangerous building shall be kept or maintained on any property.

(B) For purposes of this section, the term ***DANGEROUS BUILDING*** means any building or structure which is defined in M.C.L.A. ' 125.539, as from time to time amended.

(Prior Code, ' 100.001) (Ord. 28, passed - -) Penalty, see ' 10.99

' 150.02 REPAIR OF DAMAGED BUILDINGS.

(A) The owner of any building or structure which has been damaged or destroyed by fire, windstorm or other casualty shall repair such damage within one year after its occurrence.

(B) In the event the building or structure is damaged beyond repair, any part left standing after such damage or destruction shall be razed by and at the expense of the owner thereof, within one year after the occurrence of such damage or destruction.

(Prior Code, ' 100.002) (Ord. 28, passed - -) Penalty, see ' 10.99

' 150.03 BLIGHTED BUILDINGS.

(A) All dwellings and other buildings in the village which have been abandoned by the owner, or which are in a run-down and dilapidated condition, and which shall have been left open and unoccupied, and which have been determined by the Village Building Inspector to be an attractive nuisance to children, shall be declared a nuisance per se.

(B) All such buildings or dwellings shall, within 30 days from the receipt of notice, be removed, altered, remodeled or reconstructed, as the case may be, upon written notice from the Village Clerk to the owner that the said buildings have been determined to be a nuisance.

(Prior Code, ' 100.003) (Ord. 28, passed - -) Penalty, see ' 10.99

CHAPTER 151: MOBILE HOMES

Section

151.01 Regulations applicable to mobile homes and prefabricated housing

151.02 Regulations applicable to site-built dwellings

151.99 Penalty

' 151.01 REGULATIONS APPLICABLE TO MOBILE HOMES AND PREFABRICATED HOUSING.

Mobile homes are prohibited in the village, however, prefabricated housing shall be allowed in all districts in which conventional site-built single- or multiple-family dwellings are allowed, provided, that such mobile homes or prefabricated housing must comply with all of the following requirements.

(A) The dwelling must comply with the minimum square footage requirements for the district in which it is proposed to be located, and the lot on which it is proposed to be located must comply with area and yard requirements for the district.

(B) The ratio of the width of the dwelling (measured at its narrowest point) to the length of the dwelling shall not be less than two to five.

(C) The dwelling must comply with the design and manufacturing standards of the U.S. Department of Housing and Urban Development, as contained at 24 C.F.R. part 3280, in effect at the time of manufacture of the dwelling; provided, however, that any dwelling manufactured prior to January 1, 1974 must comply with the regulations adopted in 1974 if it is to be located in the village at a location other than in a mobile home park. If the above-mentioned federal standards are not applicable, then the dwelling must comply with the regulations of the State of Michigan Construction Code.

(D) The dwelling must be firmly attached to a permanent foundation constructed on the site in accordance with the Village Building Code and shall have walls of the same perimeter dimensions of the dwelling. The foundation and walls shall be constructed of the materials and type as required by applicable building codes for single-family dwellings.

(1) No Askirting@ is permitted.

(2) The dwelling must be connected to a public sewer and water supply or to private facilities approved by the Muskegon Environmental Health Department.

(3) Each section of the dwelling and any additions or rooms annexed to it must have similar quality workmanship and similar quality and appearance of materials. Any additions or rooms annexed to the dwelling must be upon a foundation as described above.

(4) The dwelling must contain permanent steps at entrances when the difference in elevation between ground level and the entrance is greater than eight inches. The steps shall be attached to the foundation wall.

(5) The dwelling shall be compatible in design, appearance and condition with the design, appearance and condition of other dwellings in the general vicinity of its proposed location.

(a) The Building Inspector shall determine whether or not a dwelling is compatible by reviewing the plans submitted for a particular dwelling, photographs or drawings of it (if available), and may even inspect the actual dwelling prior to location on site (if reasonably available). He or she shall review the design, appearance and condition of other dwellings in the general vicinity of the proposed location. His or her decision shall be appealable to the Zoning Board of Appeals as in the case of any other appealable decision.

(b) The comparison area shall be the area within a one-half-mile radius of the proposed location, provided that at least 20% of the lots in this area are developed with dwellings, not excluding any mobile home parks from the 20% calculation. If at least 20% of the lots in the comparison area are not developed with dwellings, then the comparison area shall be the area within a one-mile radius of the proposed location. If at least 20% of the lots in this larger comparison area are not developed with dwellings, then the comparison area shall be the entire village.

(c) A proposed dwelling shall be compatible in design, appearance and condition if it satisfies all of the following:

1. *Design.* The proposed dwelling has a design which is the same as or substantially similar to the design of another dwelling in the comparison area (excluding any dwelling located in a mobile home park);

2. *Appearance.* The proposed dwelling has architectural features such as roof, roof overhang, window treatment, door arrangement and similar features which are the same as or substantially similar to the architectural features of another dwelling in the comparison area (excluding any dwelling located in a mobile home park); and

3. *Condition.* The overall exterior condition of the proposed dwelling is the same as or substantially similar to the overall exterior condition of another dwelling in the comparison area (excluding any dwelling located in a mobile home park).

(Prior Code, ' 116.001) (Ord. 15, passed - -) Penalty, see ' 151.99

' 151.02 REGULATIONS APPLICABLE TO SITE-BUILT DWELLINGS.

In addition to the requirements of other sections of this chapter pertaining to building permits and building codes, minimum square footage of dwellings constructed or erected on site must comply with all of the following requirements.

(A) The ratio of the width of the dwelling (measured at its narrowest point) to the length of the dwelling shall not be less than two to five.

(B) Each section of the dwelling and any additions or rooms annexed to it must have similar quality workmanship and similar quality and appearance of materials.
(Prior Code, ' 116.002) (Ord. 15, passed - -) Penalty, see ' 151.99

' 151.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 152: SIGN REGULATIONS

Section

Temporary and Non-Permanent Signs

- 152.01 Definition
- 152.02 Requirements
- 152.03 Limitations
- 152.04 Removal
- 152.05 Date of effect

- 152.99 Penalty

TEMPORARY AND NON-PERMANENT SIGNS

' 152.01 DEFINITION.

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

TEMPORARY AND NON-PERMANENT SIGNS. Those signs which are intended to be used only temporarily, are not permanently mounted, and are not regulated by other village ordinances. (Prior Code, ' 89.001) (Ord. 29, passed 7-20-1992)

' 152.02 REQUIREMENTS.

Temporary and non-permanent signs shall comply with the following requirements.

(A) *Placement.* No sign may be erected or placed within or on a public right-of-way or on public property, except with the prior approval of the Village Council. No sign may be attached to a utility pole or structure, tree, shrub, rock or other natural object.

(B) *Height.* No sign, together with any supporting framework, shall extend to a height above six feet.

(C) *Safety.* No sign may be erected or maintained which is structurally unsafe or which constitutes

a hazard to public safety and health by reason of inadequate maintenance, dilapidation, abandonment or because of the location in which it is placed. No sign in residential districts shall be electrically operated or lighted.

(D) *Size.* No sign shall exceed nine square feet of surface area.

(Prior Code, ' 89.002) (Ord. 29, passed 7-20-1992) Penalty, see ' 152.99

' 152.03 LIMITATIONS.

Signs to publicize an event or election may be erected no earlier than 30 days prior to the event or election and shall be removed within five days after the event or election.

(Prior Code, ' 89.003) (Ord. 29, passed 7-20-1992) Penalty, see ' 152.99

' 152.04 REMOVAL.

Any sign which is erected or maintained in violation of this chapter may be removed by the village.

(Prior Code, ' 89.004) (Ord. 29, passed 7-20-1992)

' 152.05 DATE OF EFFECT.

(A) The Clerk shall certify to the adoption of this chapter and the cause the same to be published as required by law.

(B) This chapter shall take full force and effect 20 days after the date of final passage and approval.

(Prior Code, ' 89.006) (Ord. 29, passed 7-20-1992)

' 152.99 PENALTY.

See ' 10.99 of this code of ordinances for information regarding civil infractions.

CHAPTER 153: ZONING CODE

Section

153.01 Zoning Code adopted by reference

' 153.01 ZONING CODE ADOPTED BY REFERENCE.

The Village of Fruitport Zoning Ordinance is hereby adopted by reference and made a part of this code as if set forth at length herein.

TABLE OF SPECIAL ORDINANCES

Table

- I. FRANCHISES**
- II. LAND USAGE**
- III. RENAMING OF STREETS**

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	- -	Grants non-exclusive cable television franchise to CC Michigan, LLC, doing business as Charter Communications
3	2-19-1979	Grants a non-exclusive cable TV franchise to Centel Corporation, Inc.
31	9-19-1994	Repealed due to expiration date. Grants a gas franchise to Utilicorp United, Inc., under the assumed name Michigan Gas Utilities
2024-01	6-16-2025	Grants a non-exclusive gas franchise to Michigan Gas Utilities.
32	9-19-1994	Grants a non-exclusive franchise to C-Tec Cable Systems of Michigan, Inc. for cable television
-	12-16-2002	Grants to Consumers Energy Company the right, power and authority to construct, maintain and commercially use electric lines

GAS FRANCHISE
MICHIGAN GAS UTILITIES CORPORATION
ORDINANCE NO. 2024-01
Adopted: June 16, 2025

An Ordinance granting to Michigan Gas Utilities, its successors and assigns, the right, power, authority and permission to use the highways, streets and alleys of the Village of Fruitport, County of Muskegon, State of Michigan, for the purpose of laying and maintaining gas pipes, mains, conduits, valves, drips and all necessary appurtenances in, under and along the highways, streets, and alleys of said Village, and the right, power and permission to conduct and operate a general gas business and distribution system in said Village of Fruitport, County of Muskegon, State of Michigan, for a period of thirty (30) years.

THE VILLAGE OF FRUITPORT ORDAINS:

Sec. 1. Granting of Franchise to Use Highways, Streets, Alleys and Public Places;
Conditions.

- (a) Granting of Franchise. The Village of Fruitport, County of Muskegon, State of Michigan, (hereinafter called “Grantor” or “Village”), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation (hereinafter called "Grantee"), its successors and assigns, a non-exclusive franchise to use the highways, streets, alleys of the Village of Fruitport, County of Muskegon, State of Michigan, for the purpose of constructing, maintaining and operating a gas distribution system in said Village with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Village of Fruitport, County of Muskegon, State of Michigan, for the purpose of supplying and distributing to said Village and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, and alleys of said Village and

lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said Village and for the purpose of conducting and operating a gas business in said Village subject to the terms and conditions hereinafter provided.

- (b) Consideration. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.
- (c) Compliance with Laws. Grantee shall comply with all applicable laws, statutes, ordinances, rules and regulations regarding construction, maintenance, and operation of a gas distribution system, whether federal, state, or local, now in force or which hereafter may be promulgated.
- (d) Easements, Land Use. Any easements over or under property owned by the Village, other than the Public Ways, shall be separately negotiated with the Village. Said easements shall be recorded with the Muskegon County Register of Deeds. Grantee accrues no rights under this franchise which would impair the rights of the Village to vacate or consent to the vacation of a Public Way nor does Grantee accrue rights of possession, adversely or otherwise, by use of Village-owned property or the Public Ways.
- (e) Relocation. Any relocation of utilities due to changes in Village-owned property or rights of way shall be at the sole expense of the Grantee. Any relocation shall be pursuant to the standards and profiles developed and adopted by the Muskegon County Road Commission, and the Village shall be given notice by Grantee of the same.
- (f) In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, and alleys, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening at Grantee's sole expense. While any portion of the highways, streets, and alleys is open, Grantee shall maintain reasonable barriers and lights at night and other

warnings to the users of said highways, streets, and alleys.

Sec. 2. Hold Harmless.

Grantee shall at all times hold the Village harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances. However, Grantee need not save Village harmless from claims, losses and expenses arising out of the negligence of the Village, its employees, contractors or agents.

Sec. 3. Rates Established by Michigan Public Service Commission.

The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

Sec. 4. Term: Effective Date.

The rights granted in this non-exclusive franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this non-exclusive franchise shall be the latter of the date of the acceptance of the non-exclusive franchise by Grantee, which if accepted, shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this ordinance or the day following the date of publication of the ordinance.

Section 5. Franchise Revocable.

The franchise herein granted is subject to revocation upon sixty (60) days written notice by the party desiring such revocation. Neither revocation nor expiration shall release any liability which accrued during the term of this ordinance.

Section 6. Repeal of Prior Ordinance.

The Franchise Ordinance adopted on September 19, 1994 by this Village, known as Ordinance Number 31 and all amendments thereto, are hereby repealed. The repeal of the

above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 7. Severability.

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

Presented by:	Vanderstelt
Seconded by:	Guiles
Voting in Favor:	Guiles
	LaFaive
	Overkamp
	Rothenberger
	Vanderstelt
Voting Against:	None

I hereby attest that the foregoing Ordinance was adopted by the Village Board of the Village of Fruitport, County of Muskegon, State of Michigan at a regular meeting held on the 16th day of June, 20225.

Dated: June 18, 2025	Amy Haack <i>Amy Haack</i>
	Fruitport Village Clerk

I further certify that the foregoing Ordinance was published and filed as follows:

Published in:	Grand Haven Tribune
Date of Publication:	June 19, 2025
(Newspaper Proof of Publication Attached)	
Date of Filing with the Muskegon County Clerk:	NA
Ordinance No.: 2024-01	Date recorded in the Village Book of Ordinances: July 7, 2025
Dated:	July 7, 2025, Fruitport Village Clerk

TABLE II: LAND USAGE

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
29	10-15-1990	Authorized private sale of nine feet of real estate, beginning at a point that is on the west line of Third Avenue

TABLE III: RENAMING OF STREETS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
23	2-19-1957	Changes the name of 12 different streets

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Prior Code
References to Ordinances

REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

<i>M.C.L.A. Section</i>	<i>Code Section</i>
15.231 to 15.246	112.04, 112.17
63.3	30.30
125.539	150.01
247.61 through 247.72	94.35
247.651 through 247.675	112.13
257.403	131.08
257.952 through 257.954	70.01
281.1001 through 281.1199	90.01
324.82101 through 324.82160	72.02
333.1101 et seq.	131.26
333.6107	131.99
433.11 et seq.	91.03
433.51 et seq.	91.03
436.2	131.01
436.17 et seq.	131.02
436.27	131.03
436.28	131.04
436.29	131.05, 131.06
436.33	131.07
436.33a	131.08
436.33b	131.09, 131.11
436.33c	131.10
436.34	131.11
436.34a	131.11
436.336	131.09
445.408	110.99
484.2102	112.03
484.2251	112.04
484.3101 et seq.	112.01
600.8396	10.99
712A.1 to 712A.28	131.01

REFERENCES TO PRIOR CODE

<i>Prior Code Section</i>	<i>2014 Code Section</i>
1.001	30.01
1.002	30.02
1.003	30.03
2.001	30.15
2.002	30.16
2.003	30.17
3.001	30.30
3.002	30.31
3.003	30.32
3.004	30.33
3.006	30.34
11.001	110.01
11.002	110.02
11.003	110.03
11.004	110.04
11.005	110.05
11.006	110.06
12.001	111.01
12.002	111.02
12.003	111.03
12.004	111.04
12.005	111.05
12.006	111.06
12.007	111.07
12.008	111.08
12.009	111.09
29.1	112.01
29.2	112.02
29.3	112.03
29.4	112.04
29.5	112.05
29.6	112.06

Fruitport - Parallel References

<i>Prior Code Section</i>	<i>2014 Code Section</i>
29.7	112.07
29.8	112.08
29.9	112.09
29.10	112.10
29.11	112.11
29.12	112.12
29.13	112.13
29.14	112.14
29.15	112.15
29.16	112.16
29.17	112.17
29.18	112.18
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29.21	112.20
33.001	70.01
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33.003	70.03
34.001	71.01
34.002	71.02
34.003	71.03
34.004	71.04
34.005	71.05
35.001	72.01
35.002	72.02
35.003	72.03
35.004	72.04
35.005	72.05
36.001	73.01
36.002	73.02
36.003	73.03
36.004	73.04
36.005	73.05
36.006	73.06
36.007	73.07
36.008	73.08
43.001	130.01
43.002	130.02
68.001	94.35

References to Prior Code

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<i>Prior Code Section</i>	<i>2014 Code Section</i>
68.002	94.36
68.003	94.37
69.001	94.20
69.002	94.21
69.003	94.22
69.004	94.99
70.001	94.01
70.002	94.02
70.003	94.03
70.004	94.04
70.005	94.05
70.006	94.06
71.001	90.01
71.002	90.02
71.003	90.03
71.004	90.04
71.005	90.05
71.006	90.06
71.007	90.07
83.001	31.01
83.002	31.02
83.003	31.03
83.004	31.04
83.005	31.05
83.006	31.06
83.007	31.07
83.008	31.08
83.009	31.09
83.010	31.10
83.011	31.11
83.012	31.12
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83.015	31.15
83.016	31.16
83.017	31.17
83.018	31.18
83.019	31.19
83.020	31.20

Fruitport - Parallel References

<i>Prior Code Section</i>	<i>2014 Code Section</i>
83.021	31.21
83.022	31.22
83.023	31.23
83.024	31.24
83.025	31.25
83.026	31.26
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84.003	92.03
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84.009	92.09
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85.003	50.03
85.004	50.04
85.005	50.05
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87.003	51.03
88.001	90.20
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88.003	90.22
88.006	90.23
89.001	152.01
89.002	152.02

<i>Prior Code Section</i>	<i>2014 Code Section</i>
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89.004	152.04
89.006	152.05
90.001	90.35
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90.003	90.37
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100.001	150.01
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-	--	TSO, Table I
5	--	93.01 - 93.04
14	--	92.01 - 92.11
15	--	151.01, 151.02
24	--	111.01 - 111.09
25	--	94.01 - 94.06
28	--	150.01 - 150.03
16	8-6-1956	110.01 - 110.06
23	2-19-1957	TSO, Table III
11	3-18-1963	71.01 - 71.05
18	12-18-1967	95.01, 95.02
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19	4-21-1975	51.01 - 51.03
20	5-5-1975	95.15 - 95.18
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12	7-24-1978	90.01 - 90.07
3	2-19-1979	TSO, Table I
21	2-4-1980	50.01 - 50.08
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13	2-18-1985	72.01 - 72.05
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27	8-15-1988	94.35 - 94.37
29	10-15-1990	TSO, Table II
29	7-20-1992	152.01 - 152.05
30	6-20-1994	90.20 - 90.23
31	9-19-1994	TSO, Table I
32	9-19-1994	TSO, Table I
33	8-17-1998	30.15 - 30.17
34	12-18-2000	30.30 - 30.33
-	12-16-2002	TSO, Table I
-	2-17-2003	30.34

Fruitport - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
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-	6-20-2011	10.99

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