

VILLAGE OF ORTONVILLE, MICHIGAN

CODE OF ORDINANCES

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432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

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§ 10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the Village of Ortonville Code.

Statutory reference:

Codification authority, see M.C.L.A. § 66.3a

§ 10.02 DEFINITIONS.

(A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.

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

CODE. The village code as designated in § 10.01.

COMPUTATION OF TIME. The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it

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shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

COUNCIL. The legislative body of the Village of Ortonville, consisting of the President and Trustees.

COUNTY. County of Oakland, Michigan.

JUVENILE. Any person under 17 years of age.

MINOR. A person under 21 years of age.

MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by this code or any ordinance of the village, but which is not a crime under this code or any other ordinance of the village, and for which civil sanctions, including without limitation, fines, damages, expenses and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, being M.C.L.A. § 600.8701 et seq. A **MUNICIPAL CIVIL INFRACTION** is not a lesser included offense of any criminal offense in this code.

OFFICER, DEPARTMENT, BOARD and the like. Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words “of the Village of Ortonville, Michigan.” Whenever, by the provisions of this code, any officer of the village is assigned any duty or empowered to perform any act or duty, reference to that officer shall mean and include the officer or his or her deputy or authorized subordinate.

ORDINANCES. The ordinances of the village and all amendments thereto.

PERSON. Any natural individual, firm, trust, partnership, association or corporation. Whenever the word **PERSON** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners, or members thereof, and as applied to corporations the word includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE. The term **THE STATE** or **THIS STATE** shall be construed to mean the State of Michigan.

VILLAGE. The Village of Ortonville, Michigan.

§ 10.03 SECTION CATCHLINES AND OTHER HEADINGS.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of the sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed

when any of the sections, including the catchlines, are amended or reenacted. No provision of this code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, subchapter or division.

§ 10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(A) Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. The ordinances are on file in the Village Clerk/Treasurer's office.

(B) (1) Promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness, or any contract or obligations assumed by the village;

(2) Containing any administrative provisions of the Village Board;

(3) Granting any right or franchise;

(4) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like, any street or public way in the village;

(5) Making any appropriation;

(6) Levying or imposing taxes;

(7) Establishing or prescribing grades in the village;

(8) Providing for local improvements and assessing taxes therefor;

(9) Dedicating or accepting any plat or subdivision in the village;

(10) Extending or contracting the boundaries of the village;

(11) Prescribing the number, classification or compensation of any village officers or employees;

(12) Prescribing specific parking restrictions, no-parking zones; specific speed zones; parking meter zones; and specific stop or yield intersections or other traffic ordinances pertaining to specific streets;

(13) Pertaining to rezoning; and

(14) Any other ordinance, or part thereof, which is not of a general and permanent nature.

§ 10.05 CONTINUATION OF ORDINANCES.

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of the ordinances and not as new enactments.

§ 10.06 PRIOR RIGHTS, OFFENSES AND THE LIKE.

Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this code shall not be affected by the adoption, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the adoption had not been effected.

§ 10.07 ORDINANCES REPEALED NOT REENACTED.

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

§ 10.08 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code shall be made by amending those provisions by specific reference to the section number of this code in the following language: "That section _____ of the Village of Ortonville Code is hereby amended to read as follows: [. . .]" The new provisions shall then be set out in full as desired.

(B) If a new section not heretofore existing in the code is to be added, the following language shall be used: "That the Village of Ortonville Code is hereby amended by adding a section, to be numbered _____, which section reads as follows: [. . .]" The new section shall then be set out in full as desired.

§ 10.09 SUPPLEMENTATION OF CODE.

(A) By contract or by village personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Village Council. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become

obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

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

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

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in the catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," and the like, as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

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

§ 10.10 SEPARABILITY OF PROVISIONS.

Each section, paragraph, sentence, clause and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

§ 10.99 GENERAL PENALTY.

Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be guilty of a misdemeanor punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or by both the fine and imprisonment; unless there is a

fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, the greater penalty shall control. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not the penalty is re-enacted in the amendatory ordinance.

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30. FORM OF GOVERNMENT

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ELECTIONS

§ 30.01 BIENNIAL ELECTION OF TRUSTEES.

(A) It has been concluded that, in the interest of efficiency and effectiveness in village government, and in the interest of the village, it would be appropriate to provide for the biennial election of Trustees, rather than continuing with the current practice of annual election. By Village Charter, village elections are to be held biennially unless, prior to January 1, 1974, the Village Council adopted a resolution providing for annual elections. By inference, the Council has determined that such a resolution had been passed prior to January 1, 1974, and, pursuant to Charter provision 62.5(3), the Council desires now to provide for biennial elections of Trustees, with 3 Trustees to be elected for 4-year terms at each biennial election.

(B) This subchapter shall be known as the ordinance to establish biennial elections of Trustees in the Village of Ortonville.
(Ord. 56, passed 4-26-1993; Am. Ord. 56-A, passed 1-10-1994)

§ 30.02 DEFINITIONS.

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

THE PRESIDENT. The chief executive officer of the village known as the Village President.

VILLAGE TRUSTEES. Means and includes the 6 Trustees of the Village of Ortonville: Trustee No. 1, Trustee No. 2, Trustee No. 3, Trustee No. 4, Trustee No. 5 and Trustee No. 6.
(Ord. 56, passed 4-26-1993; Am. Ord. 56-A, passed 1-10-1994)

§ 30.03 BIENNIAL ELECTIONS.

(A) Commencing with the election conducted in March 1994, the electors in the village shall elect Trustees biennially.

(B) Each election shall include a primary election, as provided by law, if more than 2 candidates have been nominated to fill 1 office. In the case of Village Trustees, a primary shall be required if there has been a nomination of more than 2 times the total number of vacancies being filled in the general election.
(Am. Ord. 56-A, passed 1-10-1994)

(C) All elections after 2002 shall be held biennially, with a President being elected at each biennial election, and 3 Trustees elected for 4-year terms at each biennial election.
(Ord. 56, passed 4-26-1993)

Section

Officials; Generally

CHAPTER 31: VILLAGE OFFICIALS

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OFFICIALS; GENERALLY

§ 31.01 AUTHORIZATION TO ISSUE APPEARANCE TICKETS.

(A) (1) The persons holding the following offices, being public servants of the village, shall be, and they are hereby, authorized to issue and serve upon persons appearance tickets with respect to alleged violations of ordinances and codes of the Village of Ortonville in such cases as the public servants have reasonable cause to believe that those persons have committed violations of an ordinance or code of the village.

(2) The authorized public servants are as follows:

(a) Village President;

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- (b) Village President pro tempore;
- (c) Village Manager;
- (d) Village Building Inspector; and
- (e) Village Fire Code Inspector.

(B) (1) For purposes of this section, the term *APPEARANCE TICKET* shall mean a complaint or written notice issued and subscribed by a public servant, authorized above, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his or her alleged commission of a specified violation or violations of a village ordinance or code for which the maximum permissible penalty does not exceed 90 days in jail and a fine of \$500. The appearance tickets shall be numbered consecutively, be in such form as determined by the Attorney General, the State Court Administrator, and the Director of the Department of State Police and shall consist of the following parts:

- (a) The original which shall be a complaint or notice to appear, filed with the court;
- (b) A copy which shall be the abstract of court record;
- (c) A copy which shall be retained by the village and/or its attorney; and
- (d) A copy which shall be delivered to the alleged violator.

(2) With prior approval of the Attorney General, the State Court Administrator and the Director of the Department of State Police, the appearance ticket may be appropriately modified as to content or number of copies to accommodate enforcement and local court procedures and practices.

(C) Effective date of this section is June 12, 1985.
(Ord. 41, passed 2-11-1985; Am. Ord. 41-A, passed 5-13-1985)

VILLAGE MANAGER**§ 31.15 INTENT, PURPOSE AND SHORT TITLE; EFFECTIVE DATE.**

(A) It is the intent and purpose of this subchapter formally to establish the position of Village Manager, and to provide for the appointment, compensation and discharge of that position, and to specify the activities, authorization, rights, powers and duties of that position.

(B) This subchapter shall be known and may be cited as the “Village of Ortonville Village Manager Ordinance,” and may hereinafter be referred to as this subchapter.

(C) Effective date of this subchapter is June 26, 1987.
(Ord. 48, passed 5-11-1987)

§ 31.16 DEFINITIONS.

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

COUNCIL. The legislative body of the Village of Ortonville, consisting of the President and Trustees.

PRESIDENT. The Chief Elected Officer of the Village of Ortonville. The President presides over, and is a member of, the Council.

TRUSTEE. An elected officer of the village who is a member of the Council.
(Ord. 48, passed 5-11-1987)

§ 31.17 ESTABLISHMENT OF OFFICE.

In accordance with the authority for the appointment of such village officers as the Council shall deem necessary for the execution of the powers granted to the village, contained in Public Act 3 of 1895, § 2 of Chapter II, being M.C.L.A. § 71.1 and § 8 of Chapter V, being M.C.L.A. § 65.8, as amended, which is the charter of the village, there is hereby established the position of Village Manager.

(Ord. 48, passed 5-11-1987)

§ 31.18 APPOINTMENT.

(A) The President may, with the concurrence of 4 or more Trustees, appoint a Village Manager for an indefinite term. The Council may, by contract, enter into such other terms and conditions as the Manager and Council deem appropriate. The Manager shall serve at the pleasure of the Council and may be removed by the affirmative vote of 4 or more Trustees, but only after a hearing before the Council. The President may, for cause, suspend the Manager with full pay, until the hearing.

(B) The Manager shall be selected on the basis of administrative and executive abilities with special reference to training and experience.

(C) The Manager need not be a resident of the village at the time of appointment but shall become a resident within 180 days, with extensions permitted upon approval of Council. The Manager shall

reside in the village thereafter during the term of office. The Council may, with a 2/3 vote of the Council, approve a permanent extension.
(Ord. 48, passed 5-11-1987)

§ 31.19 ACTING VILLAGE MANAGER.

The President, with the concurrence of 4 or more Trustees, may appoint or designate an acting Manager during a vacancy in the office of Village Manager, with the exact authority and responsibility to be established as part of the appointment.
(Ord. 48, passed 5-11-1987)

§ 31.20 COMPENSATION.

The Village Manager shall receive such compensation as the Council shall determine by resolution or contract.
(Ord. 48, passed 5-11-1987)

§ 31.21 DUTIES.

(A) The Village Manager shall be the Chief Administrative Officer of the village and shall be responsible to the Village Council for the efficient administration of all affairs of the village and shall exercise management supervision over all departments and over all public property belonging to the Village.

(B) The Manager shall have the following authorities, functions and duties:

- (1) Attend all meetings of the Village Council and committees of the Council;
- (2) Take part in deliberations of Council and committees, provided the Manager shall not be entitled to vote;
- (3) Be responsible for personnel management;
- (4) Establish personnel rules applicable to all village employees, subject to approval of the Council;
- (5) Make recommendations to Council on the appointment, suspension, removal and salaries and/or wages of all employees of the village. All such recommendations shall be based on merit and shall be consistent with the personnel rules approved by the Council;
- (6) Exercise supervisory control over all departments;

(7) Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing and related management functions of the Village Clerk and Village Treasurer;

(8) Shall be authorized to attend all meetings of village boards and commissions, including the Village Planning Commission with the right to take part in deliberations but shall not be entitled to vote. The Council may direct the Manager to attend specified meetings;

(9) Prepare, present for approval, and administer the budget as provided for in the Uniform Budgeting and Accounting Act, Public Act 2 of 1968, being M.C.L.A. §§ 141.421 et seq., as amended;

(10) Be the purchasing agent of the village;

(11) Prepare and maintain an administrative code defining the duties and functions of the several officers and departments of the village, subject to approval by Council;

(12) Investigate all complaints concerning the administration of the village;

(13) Inspect the books, records and papers of any agent, employee or officer of the village at any time;

(14) Make recommendations to the Council for the adoption of such measures as may deemed necessary or expedient for the improvement or betterment of the village; and

(15) Perform other duties as required by the Village Council.
(Ord. 48, passed 5-11-1987)

§ 31.22 PURCHASING RESPONSIBILITIES.

(A) The Village Manager shall act as purchasing agent for all village offices and departments. The Manager may delegate some or all of the duties as purchasing agent to another officer or employee, provided that this delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties.

(B) The Village Manager shall have the authority to purchase any product or service, the cost of which does not exceed an amount to be set by Council, provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as hereinafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

(C) The Village Manager shall have the authority to purchase any product or service regardless of its cost when the purchase is necessitated by an emergency condition. *EMERGENCY CONDITION* is

defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a village service which is essential to the public health or safety.

(Ord. 48, passed 5-11-1987)

§ 31.23 DEALING WITH EMPLOYEES.

Neither the Council nor the Village President shall attempt to interfere in the management of the departments under the jurisdiction of the Manager. Except for purpose of informational inquiry, the President and Council and its members shall deal with departments under the jurisdiction of the Village Manager through the Manager.

(Ord. 48, passed 5-11-1987)

COMPENSATION

§ 31.35 COMPENSATION OF COUNCIL.

(A) *Purpose and intent.* It is the purpose and intent of this section to provide for compensation to be paid to Village Council members for the performance of their duties of office as President, President pro tempore, and Trustee, by specifying and establishing the manner and method that compensation will be determined, due and payable to those officers by the Village of Ortonville.

(B) *Compensation.*

(1) *Meeting attendance.* The Village Council members shall be entitled to compensation for each regular or special meeting of the Village Council attended, and for each meeting attended as a designated representative of the Village Council. The President, and in the absence of the President, the President pro tempore, shall be considered designated representatives of the Village Council. A Trustee's entitlement to compensation for attendance at non-Council meetings in a representative capacity requires Village Council approval prior to the meeting.

(2) *Meeting compensation.* Compensation for meeting attendance shall be based on a per meeting rate, without regard to the length or location of the meeting attended, which shall be established, and may be amended from time to time by resolution of the Village Council. The per meeting rate for the President and President pro tempore may be more than the per meeting rate for Trustees.

(3) *Payment.* The per meeting compensation that is due the Village Council members shall be paid to them on a quarterly basis.

(4) *Other duties and extraordinary expenses.* In addition to compensation for meeting attendance, the Village Council may, by resolution in specific cases, approve the payment of additional or different compensation to its members for performance of the duties of office, where it is determined

that the personal expense to the member in performing the duty was or would be unreasonably burdensome.

(5) *Mileage and out-of-pocket expenses.* Village Council members shall not be entitled to payment or reimbursement of out-of-pocket expenses or a mileage allowance except by resolution of the Village Council in specific cases, as provided in division (B)(4) of this section.

(C) *Effective date.* Effective date of this section is November 25, 1992.
(Ord. 3A, passed 10-26-1992)

Section

Downtown Development Authority

CHAPTER 32: VILLAGE ORGANIZATIONS

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DOWNTOWN DEVELOPMENT AUTHORITY

§ 32.01 SHORT TITLE AND FINDINGS.

(A) This subchapter shall be known and may be cited and referred to as the “Village of Ortonville Ordinance to Create a Downtown Development Authority,” and hereinafter shall be referred to as this subchapter.

(B) In deliberations toward the adoption of this subchapter, the Village Council has found and determined the following: there is property value deterioration in the downtown development district of the Village of Ortonville, as hereinafter defined, and that it is necessary for the best interest of the public to halt further property value deterioration in the downtown development district, and to eliminate the causes of such deterioration; it is in the further interest of the public to promote economic growth in the downtown business district consistent with the village plan guidelines, as set forth below. (Ord. 44, passed 3-31-1986)

§ 32.02 ESTABLISHMENT AND ORGANIZATION.

(A) For the purpose of carrying out the objectives of this subchapter, as set forth in § 32.01(B), above, and the objectives of Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 et seq., as amended, a Downtown Development Authority is hereby established, to be known as the Downtown Development Authority–Village of Ortonville.

(B) The Authority shall be under the supervision and control of a Board consisting of the Village President and 8 members appointed by the Village Council President subject to the approval of the Village Council. At least 5 of the members shall be persons having an interest in property located in the downtown district. A member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the Village Council President for an unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(C) The Chairperson of the Board shall be elected by the Board.

(D) Before assuming the duties of office, each member shall qualify by taking and subscribing to the constitutional oath of office.

(E) Meetings of the Board shall be conducted in accordance with the Open Meetings Act.

(F) The Board shall adopt rules governing its procedure, subject to approval by the Village Council.
(Ord. 44, passed 3-31-1986)

§ 32.03 DUTIES OF AUTHORITY.

The Downtown Development Authority–Village of Ortonville shall be charged with the following duties:

(A) Prepare an analysis of economic changes taking place in the downtown district;

(B) Study and analyze the impact of area growth upon the downtown district;

(C) Plan and propose construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the downtown district;

(D) Develop long-range plans, in cooperation with the Village Planning Commission, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible;

(E) Implement any plan of development in the downtown district necessary to achieve the purposes of the Act, in accordance with the powers of the authority as granted by the Act;

(F) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties;

(G) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper, or own, convey or otherwise dispose of, or lease as lessor lessee, land and other property, real or personal, or rights or interests therein, which the Authority determines is reasonably necessary to achieve the purposes of the Act, and to grant or acquire licenses, easements and options with respect thereto;

(H) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, including multiple family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof;

(I) Fix, charge and collect fees, rents and charges for the use of any buildings or property under its control or part thereof, payment of revenue bonds issued by the Authority;

(J) Lease any building or property under its control, or any part thereof;

(K) Accept grants and donations of property, labor or other things of value from a public or private source; and

(L) Acquire and construct public facilities.
(Ord. 44, passed 3-31-1986)

§ 32.04 FINANCING.

The activities of the Authority shall be financed from 1 or more of the following sources:

(A) Donations to the Authority for the performance of its functions;

(B) Monies borrowed and to be repaid as authorized by § 13 of Public Act 197 of 1975, being M.C.L.A. § 125.1663;

(C) Revenues from any property, building or facility owned, leased, licensed or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements;

(D) Proceeds of a tax increment financing plan, established under §§ 14 through 16 of Public Act 197 of 1975, being M.C.L.A. §§ 125.1664 et seq.;

(E) Monies obtained from other sources approved by the Village Council of the Village of Ortonville; and

(F) Monies received by the Authority and not covered under § II, Subsection 1 of Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 et seq., shall be immediately deposited to the credit of the Authority, subject to disbursement pursuant to Public Act 197 of 1975. Except as provided in Public Act 197 of 1975, the village shall not obligate itself, nor shall it ever be obligated to pay any sums from public monies, other than monies received by the village pursuant to this section, for or on account of the activities of the Authority.
(Ord. 44, passed 3-31-1986)

§ 32.05 DEVELOPMENT PLANS.

(A) When the Board decides to finance a project in the downtown district by the use of revenue bonds as authorized in § 13, being M.C.L.A. § 125.1663, or tax increment financing as authorized in §§ 14, 15, and 16 of Public Act 197 of 1975, being M.C.L.A. §§ 125.1664, 125.1665 and 125.1666, as amended, it shall prepare a development plan.

(B) The development plan shall contain:

(1) The designation of boundaries of the development area in relation to highways, streets, streams or otherwise;

(2) The location and extent of existing streets and other public facilities within the development area and shall designate the location, character and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational and other uses, and shall include a legal description of the development area;

(3) A description of the existing improvements in the development area to be demolished, repaired or altered, a description of any repairs and alterations, and an estimate of the time required for completion;

(4) The location of existing improvements in the development area;

(5) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage;

(6) Description of any parts of the development area to be left as open space and the use contemplated for the space;

(7) A description of any portions of the development area which the Authority desires to sell, donate, exchange or lease to or from the municipality and the proposed terms;

(8) A description of any desired zoning changes and changes in streets, street levels, intersections and utilities;

(9) An estimate of the cost of the development, a statement of the proposed method of financing and development and the ability of the Authority to arrange the financing;

(10) Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the Authority;

(11) The procedures for bidding for the leasing, purchasing or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the Authority and persons, natural or corporate, that all or a portion of the development will be leased, sold or conveyed in any manner to those persons;

(12) A plan for compliance with Public Act 227 of 1972, being M.C.L.A. §§ 213.321 et seq.; and

(13) Other material which the Authority, local public agency or governing body deems pertinent.
(Ord. 44, passed 3-31-1986)

§ 32.06 GOVERNING PROCEDURES.

The Downtown Development Authority–Village of Ortonville shall have all the power and duties prescribed by Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 et seq., as amended. Any questions of interpretation of the powers and duties and responsibilities of the Authority shall be resolved by reference to Public Act 197 of 1975, as amended. The Authority shall provide the Village Council and Planning Commission with all reports and studies regulating the information and implementation of project development plans. The Authority shall submit the proposed development plan to the Village Council prior to the hearing specified in § 18 of Public Act 197 of 1975, being M.C.L.A. § 125.1668. (Ord. 44, passed 3-31-1986)

§ 32.07 DOWNTOWN DISTRICT DEFINED.

The Authority shall exercise its powers within the boundaries of the downtown district, as described as follows:

Beginning at the intersections of the west right-of-way line of Ortonville Road and the Ortonville Corporate line and proceeding thence westerly along the corporate boundary of the Village of Ortonville approximately 266.5 feet; thence generally northwesterly approximately 410 feet along Duck Creek; thence northeasterly approximately 413 feet along the northerly property line of parcel number 03-18-152-002 extended to the centerline of Ortonville Road; thence northwesterly along said centerline of Ortonville Road to a point of intersection with the

westerly extension of the north property line of parcels 03-18-153-001 and 03-18-153-004; thence westerly along said north property line approximately 265 feet; thence southerly along west property line of parcel 03-18-153-002 extended south approximately 211 feet; thence easterly along north property line of parcel 03-18-153-005 approximately 150 feet to the west right-of-way line of South Street; thence generally northeasterly along said westerly right-of-way line approximately 1,786 feet to point of intersection with the south property line of parcel 03-07-380-018; thence westerly along said property line 103 feet; thence northerly along said property line 21.5 feet; thence westerly along said property line 318.3 feet; thence northerly along the east property line of parcel 03-07-380-001 approximately 517.07 feet; thence westerly along the southerly right-of-way line of Mill Street to point of intersection with the easterly right-of-way line of Narrin Street; thence southerly along said easterly right-of-way line approximately 605.9 feet to point of intersection with the easterly right-of-way line of Ortonville Road; thence northwesterly along said easterly right-of-way line to point of intersection with the west corporate limit of the Village of Ortonville; thence northerly along said corporate limit approximately 870 feet; thence generally east 181.5 feet; thence northerly along the west property line of parcel 03-07-301-004 approximately 553 feet; thence easterly 292.55 feet along the north property line of parcel 03-07-301-009, thence northerly 89.22 feet; thence southeasterly along the general line of Kearsley Creek approximately 150 feet; thence south approximately 550 feet; thence west approximately 236.75 feet to the east right-of-way line of Narrin Street; thence south along said east right-of-way line to point of intersection with south right-of-way line of Myron Street; thence west along said south right-of-way line of Myron Street approximately 201.58 feet to point of intersection with west property line of parcel 03-07-351-003; thence southerly 185.25 feet; thence easterly 66 feet; thence southerly 198 feet to point of intersection with the north right-of-way line of Mill Street; thence easterly along said north right-of-way line to point of intersection with west property line of parcel 03-07-379-014; thence northerly along said west property line 170 feet; thence easterly along northerly property; line of said parcel extended easterly for a total of approximately 146 feet; thence southerly along west property line of parcel 03-07-379-012; thence easterly along south property line of said parcel 03-07-379-012 to a point of intersection with the west right-of-way line of Cedar Street; thence northerly along said right-of-way line approximately 50 feet; thence easterly to north property line of parcel 03-07-379-020 and continuing easterly along north property line of parcels 03-07-379-020 and 03-07-379-021; thence northerly 160.8 feet along west property line of parcel 03-07-379-010; thence east along north property line of said parcel 03-07-379-010 and parcel 03-07-452-004 approximately 349.1 feet; thence southerly along east property line of said parcel 03-07-452-004 approximately 199 feet; thence easterly along south property line of parcel 03-07-452-016 approximately 267 feet to the east right-of-way line of Church Street; thence southerly along said east right-of-way line to point of intersection with north right-of-way line of Mill Street; thence easterly along said right-of-way line approximately 80 feet; thence southerly across Mill Street along the east property line of parcel 03-07-453-001; thence easterly along north property line of parcel 03-07-453-003 to east boundary line of Leece Subdivision; thence southerly following said subdivision boundary to a proposed right-of-way line extended from the southeast corner of Church Street to the northeast corner of the Edward Street right-of-way; thence easterly approximately 200 feet along the west extension of the north property line of parcel 03-18-253-025; thence southerly approximately 765 feet; thence easterly approximately 250 feet to point of intersection with west

right-of-way line of Edward Street; thence northerly along said west right-of-way line approximately 760 feet; thence generally northwesterly along a line 66 feet west of and parallel to the southeasterly extension of Church Street connected to Edward Street; thence westerly along south right-of-way line of Church Street for approximately 200 feet; thence southwesterly along the east property line of parcels 03-18-128-017 and 03-18-128-018; thence southwesterly along the general line of Kearsley Creek to the south property line of parcel 03-18-128-014; thence northwesterly along said property line approximately 118 feet; thence southerly 66 feet; thence northwesterly 165 feet to the easterly right-of-way line of South Street; thence southerly along said right-of-way line of South Street to the north right-of-way line of Varsity Drive; thence easterly along said right-of-way line of Varsity Drive approximately 400 feet; thence crossing Varsity Drive to intersection with north line of parcel 03-18-178-022; thence easterly approximately 65 feet and southerly 348.27 feet around said parcel; thence generally westerly along south property lines of parcels 03-18-178-022; 03-18-178-021 and 03-18-178-019; thence southerly along east property line of parcel 03-18-178-003 and southerly extension of said property line to centerline of Granger Road; thence westerly along centerline of Granger Road to point of intersection with the west right-of-way line of Ortonville Road, the point of beginning.
(Ord. 44, passed 3-31-1986)

§ 32.08 EFFECTIVE DATE.

The effective date of this subchapter shall be April 10, 1986.
(Ord. 44, passed 3-31-1986)

VILLAGE PLANNING BOARD

§ 32.20 SHORT TITLE.

This subchapter shall be known and cited as the “Village of Ortonville Planning Board Ordinance” or this subchapter, and it shall be deemed sufficient in any action for enforcement of the provisions hereof; to define the same by such title and reference to the numbers hereof.
(Ord. 24, passed 1-30-1976)

§ 32.21 PURPOSE.

The purpose of this subchapter is declared to be for the following:

(A) That whereas the Village Council has duly considered the adoption of an ordinance to create a planning commission and to carry out a municipal plan as so permitted and provided for by Public Act 285 of 1931, being M.C.L.A. §§ 125.31 et seq., as added to and amended; and

(B) Whereas the Village Council does deem it to be for the best interest of the Village of Ortonville that this subchapter be adopted.
(Ord. 24, passed 1-30-1976)

§ 32.22 COMMISSION ADOPTED.

(A) Pursuant to the authority vested in it by Public Act 285 of 1931, being M.C.L.A. §§ 125.31 et seq., as added to or amended, and known as the City, Village and Municipal Planning Act, the village does hereby resolve to adopt a municipal plan and create a planning commission, to be known as the Ortonville Village Planning Commission.

(B) The same shall be established as provided for and with all authority, terms, powers and duties as contained in Act 285 of Public Acts of 1931, for the physical development of the Village of Ortonville.
(Ord. 24, passed 1-30-1976)

§ 32.23 EFFECTIVE DATE.

This subchapter shall become effective upon posting following the date of passage thereof.
(Ord. 24, passed 1-30-1976)

Section

- 33.01 Short title
- 33.02 Purpose and **CHAPTER 33: EMERGENCY MANAGEMENT**
- 33.03 Duty to perform normal functions
- 33.04 Definitions
- 33.05 Organization for emergency services; creation; Coordinator
- 33.06 Emergency operations center; emergency services forces
- 33.07 President; powers, duties
- 33.08 When President may declare emergency or disaster
- 33.09 Declaration of state of emergency and state of disaster
- 33.10 Powers of President; Council approval
- 33.11 Establishment by President of procedures for succession of government; Council approval
- 33.12 Waiver of procedure and formalities by President or Council
- 33.13 Emergency Preparedness Coordinator; duties; power; responsibilities
- 33.14 Appointment or authorization of emergency services volunteers
- 33.15 Volunteer citizens for special services; enlistment by Emergency Preparedness

Coordinator

- 33.16 Rights of village employees
- 33.17 Performance of governmental function; immunity
- 33.18 Immunity for volunteer
- 33.19 Suspension of conflicting ordinances, orders, rules and regulations
- 33.20 Limitation to availability of resources
- 33.21 Violations
- 33.22 Effective date

- 33.99 Penalty

§ 33.01 SHORT TITLE.

This chapter shall be known and may be cited as the “Village of Ortonville Emergency Preparedness Ordinance” and shall hereinafter be referred to as this chapter.
(Ord. 42, passed 4-22-1985)

§ 33.02 PURPOSE AND INTENT.

It is the purpose and intent of this chapter to establish an organization that will ensure the complete and efficient utilization of all municipal resources during periods of emergency and disaster.
(Ord. 42, passed 4-22-1985)

§ 33.03 DUTY TO PERFORM NORMAL FUNCTIONS.

This chapter will not relieve any elected officials or municipal departments of the normal responsibilities of authority given by general law or local ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in a natural disaster.
(Ord. 42, passed 4-22-1985)

§ 33.04 DEFINITIONS.

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

COUNCIL. The Village Council of the village.

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

EMERGENCY OPERATIONS CENTER. The Ortonville Fire Department, Station No. 1, located at 53 South Street, Ortonville, Michigan, 48462, where heads of departments or agencies, or their representatives, will be assembled during disasters to facilitate coordinated disaster responses and recovery, or any secondary facility designated by the Disaster Coordinator.

EMERGENCY OPERATIONS PLAN or **DISASTER PLAN.** The Village Emergency Operations Plan which has been prepared under § 33.13 to coordinate disaster response and recovery within the village. The **EMERGENCY OPERATIONS PLAN** is also called the **EMERGENCY PREPAREDNESS PLAN** for the purpose of Public Act 390 of 1976, § 19, being M.C.L.A. § 30.419, as amended.

EMERGENCY PREPAREDNESS COORDINATOR or **DISASTER COORDINATOR.** The Village President, or in the event the Village President is unable to act, a person appointed by the Village Council, or the Village Council, to coordinate emergency planning services within the village, and to protect the public health, safety and welfare during emergency situations and disasters.

EMERGENCY SERVICES. A broad meaning to include preparations for, and relief from, the effects of natural and manmade disasters as defined herein, and to include Civil Defense.

EMERGENCY SERVICES FORCES or COMMAND OFFICERS. All disaster relief forces; all departments or agencies of this municipal government, private and volunteer personnel, public officers and employees; and all other persons or groups of persons having duties or responsibilities under this chapter or pursuant to a lawful order or directive authorized by this chapter.

EMERGENCY SERVICES VOLUNTEER. Any person duly registered and appointed by the Coordinator and assigned to participate in the emergency services activity.

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

PERSON. Any individual, firm, partnership, association, public or private corporation, or other entity to which the law attributes rights and liabilities, and or any 1 or more in combination of these.

PRESIDENT. That person duly elected to the office of Village President of the village.

SECONDARY EMERGENCY OPERATIONS CENTER. The Ortonville Fire Station No. 2, located at 3560 Sashabaw Road, Ortonville, Michigan, and the municipal offices located at 395 Mill Street, Ortonville, Michigan.

STATE OF DISASTER. A declaration by executive order or proclamation by the Governor under the provisions of Public Act 390 of 1976, being M.C.L.A. §§ 30.401 et seq., as amended, which activates the disaster response and recovery aspects of state, local and interjurisdictional disaster emergency plans authorized by the employment and use of any municipal forces to which the plan applies.

STATE OF EMERGENCY. A declaration by the President pursuant to this chapter which activates the disaster response and recovery aspects of the Village Emergency Operations Plan and authorizes the employment and use of any municipal forces to which the plan applies. (Ord. 42, passed 4-22-1985)

§ 33.05 ORGANIZATION FOR EMERGENCY SERVICES; CREATION; COORDINATOR.

The President, with the approval of the Council, is hereby authorized and directed to create an organization to prepare for community disasters and institute the Emergency Operations Plan utilizing to the fullest extent existing agencies within the municipality. The President, as executive head of the village government, shall be the Emergency Preparedness Coordinator of the village. (Ord. 42, passed 4-22-1985)

§ 33.06 EMERGENCY OPERATIONS CENTER; EMERGENCY SERVICES FORCES.

The organization for providing emergency services shall consist of the following:

(A) An Emergency Operations Center, and a Secondary Emergency Operations Center, established within the village. The President shall be the head of the organization, as the Emergency Preparedness Coordinator. Such command officers and other employees as are deemed necessary for the proper functioning of the organization may be employed.

(B) The employees, equipment and facilities of all municipal departments, boards, institutions and commissions suitable for or adaptable to emergency services activities may be designated as part of the total emergency services forces. Such designations shall be by the President with the approval of the Council.

(Ord. 42, passed 4-22-1985)

§ 33.07 PRESIDENT; POWERS, DUTIES.

The President may exercise the emergency power and authority as specified herein. Whenever a situation requires, or is likely to require, that the President invoke this power and authority, he or she shall, as soon as reasonably possible, convene the Council to perform its legislative and administrative duties as the situation demands, and shall report to that Council relative to emergency activities. Nothing in this chapter shall be construed as abridging or curtailing the powers of the Council unless specifically provided herein.

(Ord. 42, passed 4-22-1985)

§ 33.08 WHEN PRESIDENT MAY DECLARE EMERGENCY OR DISASTER.

Under the following circumstances, the President may declare that a major emergency or disaster exists in the village and may assemble and utilize the emergency service forces in accordance with the Village Emergency Operations Plan, and he or she may prescribe the manner and conditions of the use of the emergency services forces:

(A) Whenever, on the basis of information received from authoritative sources, he or she feels that a large-scale disaster or emergency situation in the village or state is imminent; and

(B) During any period of disaster in the village or state and thereafter as long as he or she shall deem necessary.

(Ord. 42, passed 4-22-1985)

§ 33.09 DECLARATION OF STATE OF EMERGENCY AND STATE OF DISASTER.

Whenever the President deems that any condition in the village is beyond the control of local public or private agencies or has attained or threatens to attain the proportions of a major disaster, he or she may request assistance from Oakland County Division of Emergency Services and Disaster Control. If necessary, the Oakland County Executive will declare a State of Emergency. If the disaster or emergency is beyond the control of both the village and the county, the Oakland County Disaster Coordinator shall request state assistance through the District Disaster Coordinator. The District Coordinator shall advise the Governor on further action. If necessary the Governor shall declare that a state of disaster exists.

(Ord. 42, passed 4-22-1985)

§ 33.10 POWERS OF PRESIDENT; COUNCIL APPROVAL.

The President, with the approval of the Council, is hereby empowered and has the authority:

(A) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposes;

(B) To provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster;

(C) To assign and make equipment available for duty, the employees, property or equipment of the municipality relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction and similar items or services for disaster relief purposes within or without the physical limits of the municipality;

(D) In the event of a foreign attack upon this state, to waive procedures and formalities otherwise required by law pertaining to the performance of public work entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials and facilities, and the appropriation and expenditure of public funds.

(Ord. 42, passed 4-22-1985)

§ 33.11 ESTABLISHMENT BY PRESIDENT OF PROCEDURES FOR SUCCESSION OF GOVERNMENT; COUNCIL APPROVAL.

The President, with the approval of the Council shall establish procedures for the succession of government during emergencies where officials are unavailable for exercising the powers and discharging the duties of their respective offices.

(Ord. 42, passed 4-22-1985)

§ 33.12 WAIVER OF PROCEDURE AND FORMALITIES BY PRESIDENT OR COUNCIL.

When obtaining formal approvals would result in delay of relief activity, the President may, until the Council convenes, waive procedures and formalities otherwise required pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase and distribution of supplies, materials, and facilities and expenditures of existing funds, and the Council is also empowered to waive any such procedures and formalities.

(Ord. 42, passed 4-22-1985)

§ 33.13 EMERGENCY PREPAREDNESS COORDINATOR; DUTIES; POWER; RESPONSIBILITIES.

(A) The President, as the Emergency Preparedness Coordinator, shall be responsible for the administration, planning, coordination and operation of all emergency preparedness activities in the village. He or she shall maintain liaison with county, state, and federal authorities, and the authorities of adjacent and nearby political subdivisions so as to ensure the most effective emergency operations. In the event the Emergency Preparedness Coordinator is unable to act, the Village Council shall convene and shall act as the Emergency Preparedness Coordinator, or appoint a person to act as the Emergency Preparedness Coordinator, and designate the change of command.

(B) The duties of the Emergency Preparedness Coordinator shall include but not be limited to the following (the Emergency Preparedness Coordinator may delegate any or all of his or her duties per the Village Disaster Plan of Operations):

(1) Institution and development of the Village Emergency Operations Plan, and any other appropriate disaster plans, for the immediate use of all the facilities, equipment, manpower and other resources of the village for the purpose of minimizing or preventing damages to persons or property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and general welfare;

(2) Coordinating the recruitment and training of volunteer personnel and command officers to augment the personnel and facilities of the village for emergency purposes;

(3) Through public information programs, educating the population as to actions necessary and required for the protection of persons and property in case of a disaster;

(4) Conducting practice alerts and exercises to ensure the efficient operation of the village's emergency organization and to familiarize residents of the village with emergency regulations, procedures and operations;

(5) Coordinating the activity of all other public and private agencies engaged in any emergency or disaster relief programs;

(6) Negotiating with owners or persons in control of buildings or other property for the use of the buildings or property for emergency or disaster relief purposes, and designating suitable buildings as public shelters;

(7) Establishing and maintaining administrative control over a local radiological defense program, to include emergency preparations for both peacetime radiation incidents and international wartime disasters; and

(8) Coordinating the various departments, agencies and command officers created pursuant to the Emergency Operations Plan.
(Ord. 42, passed 4-22-1985)

§ 33.14 APPOINTMENT OR AUTHORIZATION OF EMERGENCY SERVICES VOLUNTEERS.

Each department, Council, or other command office of village government may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of the village department, Council or command officer in time of emergency. These individuals shall be enrolled as emergency services volunteers and shall be subject to the rules and regulations set forth by the respective department, Council or command office for such volunteers.
(Ord. 42, passed 4-22-1985)

§ 33.15 VOLUNTEER CITIZENS FOR SPECIAL SERVICES; ENLISTMENT BY EMERGENCY PREPAREDNESS COORDINATOR.

The Emergency Preparedness Coordinator may enlist volunteer citizens to form the personnel of an emergency service for which the village has no counterpart, or to temporarily augment personnel of the village engaged in emergency activities. The Emergency Preparedness Coordinator shall maintain formal records for all such volunteers for workers' compensation purposes.
(Ord. 42, passed 4-22-1985)

§ 33.16 RIGHTS OF VILLAGE EMPLOYEES.

Village employees assigned to duty as part of the emergency services forces pursuant to the provisions of this chapter shall retain all of the rights, privileges, and immunities of village employees, and shall receive the compensation incidental to their employment.
(Ord. 42, passed 4-22-1985)

§ 33.17 PERFORMANCE OF GOVERNMENTAL FUNCTION; IMMUNITY.

This chapter is an exercise by the village of its governmental functions for the protection of the public health, safety and general welfare. As such, neither the village nor agents and representatives of the village, nor any individual, receiver, firm, partnership, corporation, association, political subdivision, nor trustee, nor any of the agents thereof acting in good faith carrying out, complying with or attempting to comply with this chapter shall be liable for any damage sustained to persons or property as a result of that activity.

(Ord. 42, passed 4-22-1985)

§ 33.18 IMMUNITY FOR VOLUNTEER.

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the village the right to inspect, designate and use the whole or any part of the real estate or premises for the purpose of sheltering persons during a disaster or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about the real estate or premises under the license, privilege or other permission, or for loss of or damage to the property of the person.

(Ord. 42, passed 4-22-1985)

§ 33.19 SUSPENSION OF CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supercede all other existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent therewith.

(Ord. 42, passed 4-22-1985)

§ 33.20 LIMITATION TO AVAILABILITY OF RESOURCES.

This chapter is only intended to provide for response to an emergency situation to the extent that the village has the resources available to respond. Once these available resources are exhausted, the village will be assisted by Oakland County as a part of the Oakland County Disaster Plan.

(Ord. 42, passed 4-22-1985)

§ 33.21 VIOLATIONS.

It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency services forces in the enforcement or accomplishment of any rule or regulations issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or

other means of identification as a member of the emergency services forces of the village unless authority to do so has been granted to that person by proper officials.
(Ord. 42, passed 4-22-1985) Penalty, see § 33.99

§ 33.22 EFFECTIVE DATE.

Effective date of this chapter is May 22, 1985.
(Ord. 42, passed 4-22-1985)

§ 33.99 PENALTY.

Convictions for violations of the provisions of this chapter shall be punishable by a fine not to exceed \$100 plus costs and/or confinement in the County Jail for a term not to exceed 90 days. In addition, the village specifically reserves the right and authority to proceed in a court of competent jurisdiction for the purpose of obtaining any injunction, restraining order or other appropriate remedy to compel compliance with this chapter.
(Ord. 42, passed 4-22-1985)

(7) No changes in zoning streets, street levels, intersections and utilities are necessary at this time.

(B) It is hereby found and determined that the Downtown Development and Tax Increment Financing Plans constitute and seek to accomplish a public purpose.
(Ord. 60, passed 8-14-1995)

§ 34.02 APPROVAL OF PLAN.

(A) Premised upon the determination made in § 34.01 above, and upon the further finding that pursuit and execution of the Revision - 1 Plan appears to be in the best interest of the Village of Ortonville, the Plan is hereby approved and adopted.

(B) No amendment to the Plan shall be effective unless and until submitted to and approved by the Village Council in accordance with the procedures set forth in Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 et seq.
(Ord. 60, passed 8-14-1995)

§ 34.03 EFFECTIVE DATE.

The effective date of this subchapter shall be September 20, 1995.
(Ord. 60, passed 8-14-1995)

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE MANAGEMENT

Section

50.01	Intent and purpose
50.02	Scope and application
50.03	Effective date
50.04	Definitions
50.05	Requirements at site of generation; preparing solid waste for collection
50.06	Site requirements for hazardous waste
50.07	Obligations relating to solid waste collection
50.99	Penalty

CHAPTER 50: SOLID WASTE MANAGEMENT

§ 50.01 INTENT AND PURPOSE.

The Village Council finds that solid waste management, including activities at the site of generation, collection, delivery and disposal activities, is a matter closely associated with the public health, safety and general welfare. The Village Council further finds that, in order to properly protect the public health, safety and general welfare, and to prevent nuisances, it is necessary for certain matters involving solid waste management to be regulated as provided for in this chapter. (Ord. 61, passed 7-10-1995)

§ 50.02 SCOPE AND APPLICATION.

(A) The terms and provisions of this chapter shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and general welfare, and for the preservation of public and private property within the Village of Ortonville.

(B) This chapter shall not interfere with, abrogate, annul or repeal any other law, ordinance, rule or regulation previously in effect unless otherwise specifically stated in this chapter. In instances where this chapter specifically imposes a greater restriction or higher standard than the restrictions or standards of other laws, ordinances, rules or regulations, the provisions of this chapter shall govern unless preempted by law. (Ord. 61, passed 7-10-1995)

§ 50.03 EFFECTIVE DATE.

Effective date of this chapter is 20 days after publication on October 15, 1995.
(Ord. 61, passed 7-10-1995)

§ 50.04 DEFINITIONS.

(A) Except as set forth in division (B) of this section, all other words and phrases in this chapter shall have the meanings normally ascribed to them, taking into consideration the context of usage.

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

HAZARDOUS WASTE. A waste or a combination of waste and other discarded material including solid liquid, semi-solid, or contained gaseous 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.

HAZARDOUS WASTE does not include material that is solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, industrial discharge that is a point source subject to permits under Section 402 of Title IV of the Federal Water Pollution Control Act, Chapter 758, 86 Stat. 880, 33 U.S.C. 1342, or is a source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, Chapter 1073, 68 Stat. 919 and includes:

(a) Hazardous waste as defined in R 229.9203 of the Michigan Administrative Code; or

(b) Any hazardous waste or hazardous constituent listed in Appendix VIII of Part 261 or Appendix IX of part 264 of Title 40 of the Code of Federal Regulations.

PERSON. Any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.

RECYCLABLE MATERIALS. The following commingled and/or pre-sorted materials that are separated from solid waste prior to the collection of solid waste from a site of generation: high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper and yard clippings.

RECYCLABLE MATERIALS shall not include hazardous waste. More detailed specification of the items deemed to be **RECYCLABLE MATERIALS** may be provided from time to time by duly published resolution.

SITE OF GENERATION. Any premises in the village in or on which solid waste is generated by any person.

SOLID WASTE. Garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste and animal waste other than organic waste generated in the production of livestock and poultry. **SOLID WASTE** does not include the following:

- (1) Human body waste;
- (2) Medical waste as it is defined in Part 138 of the Public Health Code, 1978 PA 368, being M.C.L.A. §§ 333.13801 et seq., and regulated under that part and part 55;
- (3) Organic waste generated in the production of livestock and poultry;
- (4) Liquid waste;
- (5) Ferrous or non-ferrous scrap directed to a scrap metal processor or to a reuser of ferrous or non-ferrous products;
- (6) Slag or slag products directed to a slag processor to a reuser of slag or slag products;
- (7) Sludges and ashes managed as recycled or nondetrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the department. Food processing residuals, wood ashes resulting solely from a source that burns only wood that is untreated and inert; lime from kraft pulping processes generated prior to bleaching; or aquatic plants may be applied on, or composted and applied on, farmland or forestland for an agricultural or silvicultural purpose, or used as animal feed, as appropriate, and such an application or use does not require a plan described in this subdivision or a permit or licensed under this chapter. In addition, source separated materials approved by the department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subdivision or permit or license under this chapter. Land application authorized under this subdivision for an agricultural or silvicultural purpose, or use as animal feed, as provided for in this subdivision shall occur in a manner that prevents losses from runoff and leaching, and if applied to land, the land application shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan Right to Farm Act, 1981 PA 93, being M.C.L.A. §§ 286.471 et seq.;
- (8) Materials approved for emergency disposal by the Department; and
- (9) Source separated materials.

SOLID WASTE HAULER. Any person and entity engaged in the business of collecting solid waste from 1 or more sites of generation within the village, and delivering the solid waste to a duly authorized processing or transfer facility or to a duly authorized landfill.
(Ord. 61, passed 7-10-1995)

§ 50.05 REQUIREMENTS AT SITE OF GENERATION; PREPARING SOLID WASTE FOR COLLECTION.

All solid waste from any site of generation intended for collection and/or disposal shall be stored and placed for pick-up and collection in the manner specified below:

(A) All solid waste stored out-of-doors shall be maintained in 1 or more receptacles with firmly closing lids. It shall be the duty of the owners, proprietors or persons in charge of every site of generation to place or cause to be placed all solid waste within a suitable metal or plastic receptacle which shall be securely covered at all times with an appropriate cover. Moreover, a sufficient number of receptacles shall be provided to store all solid waste from the site of generation.

(B) Movable receptacles and disposable garbage bags shall not be placed out for collection more than 12 hours prior to the scheduled pick-up time, and shall not remain out at or near the pick-up location and shall not remain in any location within the front yard of the property, for more than 12 hours following collection.

(C) Dumpster and trash receptacle area screening:

(1) On all commercial properties in the village, dumpsters and other trash receptacles which are regularly used on the property shall be screened from view from the adjoining road and surrounding properties, either by natural or planted landscaping, or by a screening structure constructed on the property.

(2) On all properties for which site plan review is required under the zoning ordinance, dumpster and trash receptacle areas shall be shown on the site plan. The site plan drawing shall show the dumpster and trash receptacle screened on at least 3 sides by a solid obscuring fence or wall at least 6 feet in height. The fourth side shall consist of a gate, at least 6 feet in height, constructed of opaque materials compatible with the material used to screen the other 3 sides. All dumpsters and other receptacles shall be located on concrete or asphalt pads (gravel shall not be permitted). The obscuring fence or wall shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound and completely obscured throughout. In locating trash receptacle facilities, primary consideration should be given to access for service, minimizing on-site traffic congestion, and minimizing visibility or other negative effects on those utilizing the site or adjoining properties. In no instance shall the dumpster pad be located within a required front yard setback, as specified in the zoning ordinance.

(Ord. 61, passed 7-10-1995)

§ 50.06 SITE REQUIREMENTS FOR HAZARDOUS WASTE.

No person shall knowingly place Hazardous Waste at the curbside or other designated location for collection.

(Ord. 61, passed 7-10-1995) Penalty, see § 50.99

§ 50.07 OBLIGATIONS RELATING TO SOLID WASTE COLLECTION.

(A) A solid waste hauler shall deliver solid waste to a facility authorized to operate pursuant to Act 641 for disposal, and shall pay all disposal fees established for the particular facility.

(B) All solid waste collected within the village shall be carried in an enclosed truck or watertight containers, and shall be moved in such a manner that no part of the solid waste will be deposited upon the public roads or private property during transport.

(C) The solid waste hauler shall comply with all applicable federal, state and county laws, statutes, rules and regulations in connection with the collection, transportation and delivery of solid waste.

(D) A solid waste hauler shall not knowingly collect or deliver hazardous waste to a processing or transfer facility or to any other disposal site.
(Ord. 61, passed 7-10-1995) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person who shall be convicted of violating this chapter shall be guilty of a misdemeanor and shall be punished by imprisonment for a period of not more than 90 days and/or by fine of not more than \$500, or by imprisonment and fine, as determined by a court of competent jurisdiction.

(B) Each occurrence and each day a violation continues to occur shall constitute a separate violation of this chapter.
(Ord. 61, passed 7-10-1995)

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC REGULATIONS

71. STOPPING, STANDING AND PARKING

72. SNOW EMERGENCIES

Section

General Provisions

CHAPTER 70: TRAFFIC REGULATIONS

- 70.01 Uniform Traffic Code adopted
- 70.02 State Motor Vehicle Code adopted

Overtaking of School Buses

- 70.15 Preamble
- 70.16 Short title
- 70.17 Definitions
- 70.18 Flashing lights, overtaking of oncoming vehicles; bus passengers crossing road
- 70.19 Visibility of bus in stopped position
- 70.20 Divided highway; vehicle on opposite side
- 70.21 Effective date

- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 UNIFORM TRAFFIC CODE ADOPTED.

(A) *Purpose and intent.* This chapter is adopted for the purpose and intent to adopt by reference the current, 2003 edition of the Uniform Traffic Code for Cities, Townships, and Villages (UTC) promulgated by the director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, being M.C.L.A. §§ 24.201 et seq., and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state, for the regulation of traffic and motor vehicles in the Village of Ortonville.

(B) *Uniform Traffic Code adopted.* The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act 306 of 1969, being M.C.L.A. §§ 24.201 et seq., and

all future amendments and revisions of the Uniform Traffic Code when they are promulgated and effective in this state are hereby adopted and incorporated by reference as an ordinance of the Village of Ortonville.

(C) *References in the Uniform Traffic Code.* References to “governmental unit” or “municipality” in the Uniform Traffic Code for Cities, Townships, and Villages shall mean the Village of Ortonville.

(D) *Copies.* Printed complete copies of the current, 2003 edition of the Uniform Traffic Code for Cities, Townships, and Villages shall be kept on file in the office of the Village Clerk/Treasurer and made available to the public at all times the office is open. The village may charge a fee for copies that does not exceed the actual cost for copies of the law or code distributed to the public.

(E) *Penalties.* The penalties provided in the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

(F) *Effective date.* Effective date of this section is June 9, 2003.
(Ord. 63A, passed 5-27-2003)

§ 70.02 STATE MOTOR VEHICLE CODE ADOPTED.

(A) *Adoption.* The Michigan Vehicle Code, being Public Act 300 of 1949, being M.C.L.A. §§ 257.1 et seq., as amended now and in the future, is hereby adopted by reference as an ordinance of the Village of Ortonville.

(B) *References in Michigan Vehicle Code.* Where necessary to the enforcement of the Michigan Vehicle Code or the collection and distribution of fines, cost and penalties for violations as a village ordinance, references in the Michigan Vehicle Code to “local authorities,” local authority” and “authority having jurisdiction” shall mean the Village of Ortonville Council; references to “municipality” and “village” shall mean the Village of Ortonville; and references to “local ordinances” shall mean the ordinances of the Village of Ortonville.

(C) *Copies of Michigan Vehicle Code.* Printed copies of the Michigan Vehicle Code shall be kept in the office of the Village Clerk/Treasurer and made available for inspection by or distribution to the public during normal business hours. The village may charge a fee that does not exceed the actual cost for copies of the law or code distributed to the public.

(D) *Enforcement limitation.* Violations of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days shall not be enforced by the village as an ordinance violation.

(E) *Traffic-control orders.* For local streets under its jurisdiction, the Village Council, by resolution, may adopt traffic-control orders establishing local regulations and the location of traffic-control devices and/or signals providing notice of the regulations. A person who violates a traffic-control order is responsible for a civil infraction.

(F) *Effective date.* Effective date of this section is April 17, 2003.
(Ord. 63, passed 3-10-2003) Penalty, see § 70.99

OVERTAKING OF SCHOOL BUSES

§ 70.15 PREAMBLE.

The Village of Ortonville finds and declares that the interest of the public health, safety and welfare of the citizens and especially the school children within the village requires that an ordinance be necessary to regulate the overtaking, passing or meeting of a school bus which has stopped for the purpose of receiving or discharging passengers.
(Ord. 27, passed 4-12-1976)

§ 70.16 SHORT TITLE.

This chapter shall be known and may be cited and referred to as the “Village of Ortonville School Bus Ordinance” and hereafter shall be referred to as this chapter.
(Ord. 27, passed 4-12-1976)

§ 70.17 DEFINITIONS.

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

MOTOR VEHICLE. Any vehicle which is self-propelled and every vehicle which is propelled by electric wire obtained from overhead trolley wires but which are not operated upon rails.

SCHOOL BUS. Every motor vehicle, except station wagons, with a manufacturer’s rated seating capacity of 8 or more children owned by a public, private or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school; provided, that the term ***SCHOOL BUS*** shall not include buses operated by a municipally owned transportation system or by a common passenger carrier certificated by the Public Service Commission.
(Ord. 27, passed 4-12-1976)

§ 70.18 FLASHING LIGHTS, OVERTAKING OF ONCOMING VEHICLES; BUS PASSENGERS CROSSING ROAD.

(A) A driver of a motor vehicle overtaking or meeting any school bus which has stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop at least 10 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated.

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

(C) The passengers crossing the road, upon being discharged from a school bus, shall cross in front of the stopped school bus.
(Ord. 27, passed 4-12-1976)

§ 70.19 VISIBILITY OF BUS IN STOPPED POSITION.

No school bus driver shall stop his or her bus for the purpose of receiving or discharging passengers unless the bus is clearly visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of at least 500 feet.
(Ord. 27, passed 4-12-1976)

§ 70.20 DIVIDED HIGHWAY; VEHICLE ON OPPOSITE SIDE.

The driver of a motor vehicle upon any highway which has been divided into 2 roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier or section.
(Ord. 27, passed 4-12-1976)

§ 70.21 EFFECTIVE DATE.

This chapter shall be effective 20 days after the enactment by the Village Council for the Village of Ortonville.
(Ord. 27, passed 4-12-1976)

§ 70.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) The violation of any provision of §§ 70.15 through 70.21 shall be punishable by a fine of not more than \$100 and costs of prosecution or by imprisonment in the Oakland County Jail for a period not to exceed 90 days or by both fine, costs and imprisonment as may be determined by a court of competent jurisdiction.

(Ord. 27, passed 4-12-1976)

Section

71.01	Prohibited places and manner
71.02	Standing CHAPTER 71 STOPPING, STANDING AND PARKING
71.03	Obedience to angle parking signs or markings
71.04	One-way streets
71.05	Parking a bicycle
71.06	Parking not to obstruct traffic
71.07	Vehicle starting from parked position
71.08	Angle parking
71.09	Standing or parking on 1-way roadways
71.10	Prima facie evidence of parking violators
71.11	Parking signs required
71.12	Chief of Police or Chief Law Enforcement Officer; emergency regulations
71.13	Authority to impound vehicle
71.14	Effective date
71.99	Penalty

§ 71.01 PROHIBITED PLACES AND MANNER.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

- (A) Between the hours of 2:00 a.m. and 6:00 a.m., any day of the week, on any street, highway, roadway or municipal parking lot or other lot which is zoned for commercial or parking purposes under the provisions of the village ordinance;
- (B) On a sidewalk;
- (C) In front of a public or private driveway;
- (D) Within an intersection;

(E) Within 15 feet of a fire hydrant;

(F) On a crosswalk;

(G) Within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of streets;

(H) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign or traffic-control signal located at the side of a street;

(I) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;

(J) Alongside or opposite any street excavation or obstruction when the stopping, standing or parking would obstruct traffic;

(K) On the side street of any vehicle stopped or parked at the edge or curb of a street;

(L) Upon any bridge or other elevated structure upon a street or within a street tunnel;

(M) Within 200 feet of an accident at which police officers are in attendance;

(N) In any place or any manner so as to block immediate egress, from any emergency exit or exits conspicuously marked as such of buildings;

(O) In any place or in any manner so as to block or hamper the immediate use of immediate egress from any fire escape conspicuously marked as such, providing any emergency means of egress from any building; and

(P) At any place where official signs prohibit stopping, standing or parking.
(Ord. 30, passed 1-10-1977) Penalty, see § 71.99

§ 71.02 STANDING OR PARKING CLOSE TO CURB.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided by authority of the Village Council for the Village of Ortonville.

(Ord. 30, passed 1-10-1977) Penalty, see § 71.99

§ 71.03 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

Upon those streets which have been signed, or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by the sign or markings.

(Ord. 30, passed 1-10-1977) Penalty, see § 71.99

§ 71.04 ONE-WAY STREETS.

Vehicles may park with the left-hand wheels adjacent to and within 12 inches of the left-hand curb or properly marked 1-way street.

(Ord. 30, passed 1-10-1977)

§ 71.05 PARKING A BICYCLE.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such a manner so as to afford the least obstruction to pedestrian traffic.

(Ord. 30, passed 1-10-1977) Penalty, see § 71.99

§ 71.06 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available insufficient width of the roadway for free movement of vehicular traffic.

(Ord. 30, passed 1-10-1977) Penalty, see § 71.99

§ 71.07 VEHICLE STARTING FROM PARKED POSITION.

A vehicle starting from a parked position shall give moving vehicles the right-of-way and the operator of the vehicle shall give a timely and visible warning signal before so starting.

(Ord. 30, passed 1-10-1977)

§ 71.08 ANGLE PARKING.

A vehicle parked at an angle to the curb and about to start shall give moving vehicles the right-of-way and the operator thereof shall not back the vehicle from the curb into the moving lane of traffic unless the maneuver can be made safely and without conflict with moving vehicles.

(Ord. 30, passed 1-10-1977)

§ 71.09 STANDING OR PARKING ON 1-WAY ROADWAYS.

In the event a street includes 2 or more separate roadways and traffic is restricted to 1 direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of the 1-way roadway unless signs are erected to permit the standing or parking.
(Ord. 30, passed 1-10-1977) Penalty, see § 71.99

§ 71.10 PRIMA FACIE EVIDENCE OF PARKING VIOLATORS.

In any proceedings for a violation of this chapter relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was, at the time of the parking, the registered owner of the vehicle, shall constitute in evidence the presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.
(Ord. 30, passed 1-10-1977)

§ 71.11 PARKING SIGNS REQUIRED.

Wherever by this chapter or any other ordinance of this governmental unit any parking time limit is imposed or parking is prohibited on designated streets, no such regulations shall be effective unless appropriate signs giving notice thereof are erected and in place at the time of any alleged offense; except that no such signs need be erected to make effective ordinances regulating the stopping, standing or parking of vehicles when these ordinances do not differ from the provisions of Public Act 300 of 1949, being M.C.L.A. §§ 257.1 et seq., as amended.
(Ord. 30, passed 1-10-1977)

**§ 71.12 CHIEF OF POLICE OR CHIEF LAW ENFORCEMENT OFFICER;
EMERGENCY REGULATIONS.**

The Chief of Police or the Chief Law Enforcement Officer is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions regarding the stopping, standing or parking of vehicles in the Village of Ortonville. No such temporary regulations shall remain in effect more than 30 days.
(Ord. 30, passed 1-10-1977)

§ 71.13 AUTHORITY TO IMPOUND VEHICLE.

Members of the Village of Ortonville Police Department, Oakland County Sheriff's Department, or the Michigan State Police are hereby authorized to remove a vehicle from a street, road or highway to the nearest garage or other place of safety or to a garage designated or maintained by any police

department, or otherwise maintained by the village, whenever a vehicle is parked in violation of any of the provisions of this chapter. The driver, owner or custodian of any vehicle so towed or moved shall be responsible for the costs of towing, moving or storage of the vehicle.

(Ord. 30, passed 1-10-1977)

Cross-reference:

Junkyards and Unlicensed/Impoundable Motor Vehicles, see Chapter 113

§ 71.14 EFFECTIVE DATE.

This chapter shall become effective 20 days after the enactment by the Village Council for the Village of Ortonville.

(Ord. 30, passed 1-10-1977)

§ 71.99 PENALTY.

Unless another penalty is expressly provided by the ordinances of the Village of Ortonville, every person convicted of a violation of any provision of this chapter shall be punished as follows:

(A) A fine of \$5 if the traffic citation is paid within 14 days from date of issuance;

(B) A fine of \$10 if the traffic citation is paid after 14 days from date of issuance; or

(C) By imprisonment for not more than 90 days or by both the fine and imprisonment together with all costs of prosecution of this chapter.

(Ord. 30, passed 1-10-1977)

Section

General Provisions

CHAPTER 72: SNOW EMERGENCIES

- 72.01 Intent, purpose and authorization
- 72.02 Definitions

General Snow Emergency Alert Regulations

- 72.15 Snow emergency alert/declaration
- 72.16 Parking prohibited
- 72.17 Alert/notice of declaration
- 72.18 Alert/notice of termination
- 72.19 Time limit for removal of parked motor vehicles and/or trailers
- 72.20 Impounding of motor vehicles and/or trailer
- 72.21 Stalled or stuck motor vehicles or trailers
- 72.22 Violation
- 72.23 Effective date

- 72.99 Penalty

GENERAL PROVISIONS

§ 72.01 INTENT, PURPOSE AND AUTHORIZATION.

The purpose of this chapter is to abate the nuisance of parked vehicles in public rights-of-way during snow emergencies and as a result increase the safety and good government of the village and the general welfare of the village's inhabitants by providing for the prompt removal of all parked and stalled vehicles from village streets and rights-of-way, during periods of heavy snowfall when those vehicles impede snow removal operations and may cause serious traffic congestion; and to authorize the Village Manager or the Manager's designee to declare a snow emergency alert during such periods in the interest of preserving and protecting the public health, safety and welfare; and to authorize the levying of a civil penalty against persons who do not comply with this chapter. This chapter is authorized by M.C.L.A. §§ 66.2, 67.1, 67.7 and 257.252d, and as each may be subsequently amended. (Ord. 65, passed 1-26-2004)

§ 72.02 DEFINITIONS.

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

MANAGER. The Village Manager or designee.

MOTOR VEHICLE AND/OR TRAILER. Every self-propelled conveyance used or capable of being used as a means of transportation, or trailer that is capable of being towed by a vehicle.

PARK, PARKED or PARKING. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers or when stopped for making necessary repairs.

PERSON. Every natural person, firm, co-partnership, association or corporation and their respective agents.

STREET, ROAD or AVENUE. That portion of a street or roadway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder or berm.

VILLAGE. The Village of Ortonville.
(Ord. 65, passed 1-26-2004)

GENERAL SNOW EMERGENCY ALERT REGULATIONS**§ 72.15 SNOW EMERGENCY ALERT/DECLARATION.**

Whenever the Manager, in his or her sole opinion, finds on the basis of snow, sleet or freezing rain or on the basis of forecast by the U.S. Weather Bureau or other weather service that there is the possibility that snow will accumulate to such a depth that snow removal operations will be required on village streets, the Manager may declare a snow emergency alert.
(Ord. 65, passed 1-26-2004)

§ 72.16 PARKING PROHIBITED.

It shall be unlawful for the owner or operator of any motor vehicle and/or trailer to park a motor vehicle and/or trailer upon any street, road or avenue within the village until the snow emergency alert is terminated.
(Ord. 65, passed 1-26-2004) Penalty, see § 72.99

§ 72.17 ALERT/NOTICE OF DECLARATION.

Upon declaring a snow emergency alert the Manager shall forthwith cause appropriate notice of the alert to be publicly announced by means of broadcasts or telecasts from radio or television stations which normally cover the village. The Manager shall also cause the declaration to be further announced to the newspapers or general circulation, in such a manner reasonably calculated to inform the public of the requirements of this chapter. In addition, any other reasonable means may be used to publicly announce the emergency snow alert; it shall also be posted at the village offices for such a period of time as the snow emergency/alert regulations are in effect.
(Ord. 65, passed 1-26-2004)

§ 72.18 ALERT/NOTICE OF TERMINATION.

Whenever the Manager finds that the conditions which gave rise to a snow emergency alert no longer exist, the Manager shall terminate the snow emergency alert by notice given substantially in the same manner it was declared. Provided however, that any street which has become clear of accumulations of snow and ice from curb to curb for the length thereof lying between 2 successive street intersections that have also become clear of accumulations of snow and ice from curb to curb, shall be automatically excluded from any parking restriction imposed by this subchapter.
(Ord. 65, passed 1-26-2004)

§ 72.19 TIME LIMIT FOR REMOVAL OF PARKED MOTOR VEHICLES AND/OR TRAILERS.

After the initial notice of a snow emergency alert has been given as provided by this subchapter, any motor vehicle or trailer parked on any street, road or avenue within the village shall be removed within the timeframe as set forth in the snow emergency alert/notice of declaration from any village local or major street as shown on the village's street map.
(Ord. 65, passed 1-26-2004)

§ 72.20 IMPOUNDING OF MOTOR VEHICLES AND/OR TRAILER.

(A) Any motor vehicle and/or trailer parked on any street, road, alley or avenue, or other public right-of-way in violation of the provisions of this section may be removed and impounded by order of the Sheriffs' Department to an impound facility designated by the Sheriffs' Department and at the expense of the owner.

(B) Towing, storage and impound fees will be charged to the owner of the motor vehicle/trailer impounded. Failure properly to redeem the motor vehicle/trailer may result in loss of ownership of the motor vehicle/trailer.
(Ord. 65, passed 1-26-2004)

§ 72.21 STALLED OR STUCK MOTOR VEHICLES OR TRAILERS.

Whenever a motor vehicle or trailer becomes stalled or stuck for any reason, whether or not in violation of this section on any village street on which there is a parking prohibition in effect, the person operating the motor vehicle or trailer shall take immediate action to have the motor vehicle or trailer towed or pushed off the roadway. No person shall abandon or leave his or her motor vehicle or trailer in the roadway except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone to obtain assistance and return without delay.
(Ord. 65, passed 1-26-2004) Penalty, see § 72.99

§ 72.22 VIOLATION.

A violation of this chapter is a municipal civil infraction. In addition to liability for towing, storage and other impound fees related to removal of a vehicle and/or trailer from the street during a declared snow emergency, the registered owner and/or driver of the vehicle may be ticketed for violation of this chapter. Such a violation shall be deemed to be a civil infraction and may be ordered to pay a civil fine in an amount set forth in § 72.99.
(Ord. 65, passed 1-26-2004) Penalty, see § 72.99

§ 72.23 EFFECTIVE DATE.

Effective date for this chapter is February 9, 2004.
(Ord. 65, passed 1-26-2004)

§ 72.99 PENALTY.

A violator of this chapter, as set forth in § 72.22, may be ordered to pay a civil fine in an amount of not more than \$100. Each occurrence and each day a violation continues to occur shall constitute a separate violation of this chapter.
(Ord. 65, passed 1-26-2004)

TITLE IX: GENERAL REGULATIONS

Chapter

90. NUISANCES; ANIMAL REGULATIONS

91. FIRE PREVENTION; REGULATION

92. PARKS AND RECREATION

93. STREETS AND SIDEWALKS

94. ASSEMBLAGES

CHAPTER 90: NUISANCES; ANIMAL REGULATIONS

Section

Noxious Weed Control

- 90.01 Intent
- 90.02 Definition of noxious weeds
- 90.03 Duty of owner, agent or occupant
- 90.04 Action by village upon failure of owner to comply
- 90.05 Collection of costs from owner
- 90.06 Notice of requirements
- 90.07 Effective date

Public Nuisances

- 90.35 Definitions
- 90.36 Unlawful to keep animals
- 90.37 Disturbing the peace
- 90.38 Sanitary conditions when keeping pets
- 90.39 Health Officer to correct conditions or condemn
- 90.40 Unlawful to occupy condemned premises
- 90.41 Unlawful to remove condemnation sign
- 90.42 Right of entry
- 90.43 Enforcing officers
- 90.44 Rules and regulations
- 90.45 Owner and occupants responsible for premises being kept clean
- 90.46 Owner to keep residences in habitable condition; agreement
- 90.47 Abatement of nuisances
- 90.48 Persons liable
- 90.49 Effective date

Dangerous Animals

- 90.50 Definitions
- 90.51 Regulations

Ortonville - General Regulations

Animal Control

- 90.60 Running at large
- 90.61 Confinement of dogs
- 90.62 Private nuisance; dog on premises without owner
- 90.63 Effective date

- 90.99 Penalty

NOXIOUS WEED CONTROL

§ 90.01 INTENT.

(A) An owner, agent, or occupant of premises shall not permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than 8 inches on the average; nor any accumulation of dead weeds, grass or brush on any lot.

(B) This subchapter does not apply to:

- (1) Weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye;
- (2) Cultivated gardens; and
- (3) Plots of shrubbery.

(Ord. 66, passed 3-23-2009) Penalty, see § 90.99

§ 90.02 DEFINITION OF NOXIOUS WEEDS.

NOXIOUS WEEDS are defined as Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot, (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* L.) poison ivy (*rhus toxicodendron*) and poison sumac (*toxicondendron vernix*).

(Ord. 66, passed 3-23-2009)

§ 90.03 DUTY OF OWNER, AGENT OR OCCUPANT.

It shall be the duty of the owner, agent or occupant of any premises within the village to cut and remove or destroy by lawful means all such noxious weeds and grass as often as may be necessary to comply with the provisions of this subchapter.

(Ord. 66, passed 3-23-2009)

§ 90.04 ACTION BY VILLAGE UPON FAILURE OF OWNER TO COMPLY.

If any person fails to comply with the provisions of this subchapter by the specified time, the Village President or his or her designee shall enter upon the land and cut the prohibited grasses and/or destroy the noxious weeds. The President or his or her designee shall keep an accurate account of all expenses incurred with respect to each parcel of land entered upon in carrying out the provisions of this subchapter and shall make a sworn statement of the account and present it to the Village Treasurer.

(Ord. 66, passed 3-23-2009)

§ 90.05 COLLECTION OF COSTS FROM OWNER.

Expenses incurred in the destruction shall be paid by the owner of the land, and the village shall have a lien against the land for the amount of the expense.

(Ord. 66, passed 3-23-2009)

§ 90.06 NOTICE OF REQUIREMENTS.

The Village Clerk shall publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year or as often as required by this subchapter may be cut or destroyed by the village and the owner of the property charged with the costs. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this subchapter.

(Ord. 66, passed 3-23-2009)

§ 90.07 EFFECTIVE DATE.

This subchapter shall take effect 30 days after publication.

(Ord. 66, passed 3-23-2009)

PUBLIC NUISANCES**§ 90.35 DEFINITIONS.**

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

HEALTH OFFICER. Includes the Officers of Health as appointed by the Council of the Village of Ortonville.

PUBLIC NUISANCES. Those things, acts or uses of property which annoy, injure or endanger the safety, health, comfort or repose of the public, or in any way render the public insecure in life or in the use of their property; the term ***NUISANCE*** shall be held to embrace ***PUBLIC NUISANCES*** as known at common law or in jurisprudence and whatever is dangerous to human life, detrimental to health or makes the free and unrestricted use of a person's property undesirable, or whatever renders the air or human food unwholesome are all ***NUISANCES*** and as such are hereby declared illegal.

(B) Each of the following listed conditions and circumstances is hereby declared to be a nuisance within the meaning of this subchapter, to-wit: whatever is dangerous or injurious to human life, health or habitation; whatever causes or has a tendency to cause the air, food, water or other drink in any place or manner in the village to be injurious to or to endanger the health, safety, welfare or comfort of any person or of the public; whatever building, erection, structure, cellar or part thereof is overcrowded or not, provided with adequate means of ingress or egress or for the disposal of human excreta, or for obtaining a reasonably necessary amount of clean water for use on the premises, or is unfit for human habitation, or is not sufficiently supported, ventilated, drained, cleaned or lighted; any and all conditions, premises, building or structures that harbor or are conducive to the harboring or breeding of insects, vermin, rats or other rodents; all ponds of stagnant water; all cellars and foundations of and excavations for houses, the bottoms of which contain stagnant or putrid water; all dead and putrified animals or rubbish lying about the roadways, lanes, streets, alleys, vacant lots or yards, or upon the surface of the ground or not buried in the ground a sufficient depth; all methods of human excreta disposal except toilets or water closets properly maintained and connected with a sanitary sewer or septic tank or privies which have been constructed and are being maintained in accordance with law and the ordinance of the village and which are screened against flies and which are maintained in compliance with health measures, or other disposal system authorized by and maintained in accordance with the provisions of law and village and which are screened against flies and which are maintained in compliance with health measures, or other disposal system authorized by and maintained in accordance with the provisions of law and village ordinance; all choked or clogged sewers and house drains; all slaughterhouses except those licensed under the ordinances of the village; all unreasonable accumulation of garbage, ashes or refuse; all pig pens and stables, and all wells, cisterns and reservoirs from which water for drinking or other domestic purposes may be obtained which are not constructed or maintained in accordance with the provisions of the village ordinances and which show pollution. The storing, depositing or dumping

of so-called foundry sand, after its use in any foundry, ash residue or similar substance upon any vacant lot or property with a dwelling or building is declared a nuisance unless the foundry sand is covered with adequate stable soil, all of which to be approved by the Health Officer as to quantity and type of soil covering.

(Am. Ord. 11, passed 8-23-1982)

§ 90.36 UNLAWFUL TO KEEP ANIMALS.

(A) It shall be unlawful for any person to keep or allow to be kept within the village any cows, horses, pigs, goats, pigeons, chickens, geese, ducks, or any other animal, fowl or insect, except birds, dogs, cats or other harmless and domesticated household pets.

(B) No animals shall be allowed in any commercial establishment where foodstuffs are prepared, sold or packaged for public consumption; provided, however, that this section shall not be construed so as to prevent the keeping of animals by a business establishment for temporary promotional purposes, provided that the establishment is not in the business of preparing, selling or packaging foodstuffs for public consumption; provided further that the display of animals meets with the approval of the Health Officer.

(Am. Ord. 11, passed 8-23-1982) Penalty, see § 90.99

§ 90.37 DISTURBING THE PEACE.

No person shall harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

(Am. Ord. 11, passed 8-23-1982) Penalty, see § 90.99

§ 90.38 SANITARY CONDITIONS WHEN KEEPING PETS.

Sanitary conditions maintained when keeping birds, dogs, cats or other domesticated household pets:

(A) It shall be unlawful for any person to maintain or permit to be maintained an unclean building, yard or premises. All manure and excreta shall be removed and disposed of in such manner so as to prevent the breeding or harboring of insects and vermin.

(B) All yards where such animals are kept shall be well drained, maintained in a sanitary condition, and treated so as to effectively prevent the breeding or harboring of flies, mosquitoes or rodents.

(Am. Ord. 11, passed 8-23-1982) Penalty, see § 90.99

§ 90.39 HEALTH OFFICER TO CORRECT CONDITIONS OR CONDEMN.

(A) The Health Officer, if satisfied upon examination that a building tenement, room or cellar in the village which is occupied as a dwelling place, or any other place where human beings reside, congregate, work or have access to has become, by reason of its being inhabited or used, unclean or unfit for use as herein stated, or is likely to become a nuisance as herein declared, or to be the cause of sickness to tenants, occupants or to those who have access to the place, shall give notice in writing to the occupant or owner of the premises or post in a conspicuous location upon the entrance of the premises such notice condemning the place as being unfit for human habitation or use, and shall demand the occupant or owner of the premises to put the place in a sanitary and habitable condition within a reasonable time as therein stated. If the occupant or owner shall fail or refuse to comply with the terms of the notice within the time specified, the Health Officer may declare the premises a nuisance and make and file a complaint against the occupant or owner or both as herein provided, or he or she may cause condition of the premises to be corrected at the owner's expense, or he or she may do whatever is reasonably necessary to abate the nuisance at the expense of the owner.

(B) The reasonable cost and expense incurred by the Health Officer in repairing the premises and abating such nuisance shall be determined by the Health Officer, and the amount thus determined shall be charged to the owner of the premises involved, and shall be due and payable forthwith. A bill covering the amount shall be mailed by the Village Clerk/Treasurer to the owner of the premises at his or her last known post office address, demanding payment of the amount due. If the amount is not paid to the village on or before December 31 of the calendar year in which the amount became due, the amount thereof shall be collected by court action.

(C) If the premises are vacated, the Health Officer may in his or her discretion refuse to permit and shall condemn the use of any premises for human habitation declared by him or her to be a nuisance, and the premises shall not again be occupied as a human habitation until they are put in a sanitary and habitable condition.

(D) The Health Officer shall have the power and he or she is hereby authorized and empowered to condemn any premises declared by him or her to be a nuisance which are occupied as a residence and order the premises vacated until repaired or the conditions corrected to make them habitable.
(Am. Ord. 11, passed 8-23-1982)

§ 90.40 UNLAWFUL TO OCCUPY CONDEMNED PREMISES.

It shall be unlawful for any person to occupy or use premises thus condemned by the Health Officer until put in a sanitary and habitable condition in accordance with the law and the ordinance of the village and satisfactory to the Health Officer.
(Am. Ord. 11, passed 8-23-1982) Penalty, see § 90.99

§ 90.41 UNLAWFUL TO REMOVE CONDEMNATION SIGN.

It shall be unlawful for any unauthorized person to remove any sign or notice posted on any premises condemning the use of the premises as a human habitation or declaring the premises to be a nuisance.

(Am. Ord. 11, passed 8-23-1982) Penalty, see § 90.99

§ 90.42 RIGHT OF ENTRY.

The Health Officer shall have the right to enter private property as provided in the State Housing Law, being M.C.L.A. §§ 125.401 et seq., at any reasonable hour of the day or night for the purpose of making a sanitary or health survey of the premises, obtaining a sample of water used thereon, or collecting other data and material pertaining to public health, and enforcing the provisions of the Housing Law, being M.C.L.A. §§ 125.401 et seq., and this chapter, and it shall be unlawful for any person to resist or attempt to prevent the Health Officer from carrying out the purposes herein set forth as provided in the State Housing Law, being M.C.L.A. §§ 125.401 et seq.

(Am. Ord. 11, passed 8-23-1982)

§ 90.43 ENFORCING OFFICERS.

The Health Officer and any deputy, agents or inspectors designated by him or her, are hereby empowered to perform the duties and functions and are hereby given like authority of regularly authorized and appointed police officers of the village in the enforcement of the provisions of this subchapter.

(Am. Ord. 11, passed 8-23-1982)

§ 90.44 RULES AND REGULATIONS.

The Health Officer is hereby authorized to prepare such reasonable rules and regulations which he or she deems necessary to carry out and enforce the provisions of this subchapter, subject to the approval of the Village Council.

(Am. Ord. 11, passed 8-23-1982)

§ 90.45 OWNER AND OCCUPANTS RESPONSIBLE FOR PREMISES BEING KEPT CLEAN.

All persons who own, manage, lease, rent or occupy any premises whatsoever shall be equally responsible for keeping the premises in a clean and habitable condition and shall take all necessary

precautions to prevent any nuisance as herein declared, or other condition detrimental to public health from arising thereon, and particularly to take all reasonable precautions to prevent rodents and vermin, including rats, bedbugs and cockroaches from being attracted thereto or existing thereon.

(Am. Ord. 11, passed 8-23-1982)

§ 90.46 OWNER TO KEEP RESIDENCES IN HABITABLE CONDITION; AGREEMENT.

Every building or portion thereof which shall be used as a home or residence for 1 or more families shall be kept by the owner thereof or the landlord in a habitable condition to prevent the premises from becoming a nuisance, in accordance with the State Housing Law and the standards of maintenance as provided by the ordinances of the village, except the tenant or occupant may, by agreement in writing with the owner or landlord, agree to make certain repairs.

(Am. Ord. 11, passed 8-23-1982)

§ 90.47 ABATEMENT OF NUISANCES.

In the event any dwelling, building structure or lot is maintained as a nuisance or in the event any nuisance exists on a lot, dwelling or building, the Health Officer shall order the abatement of the nuisance by written notice served upon the owner or person causing the same. The notice shall prescribe the time when the nuisance shall be abated. Upon failure to abate the nuisance the Health Officer may, by complaint duly verified, set forth the facts and apply to the Circuit Court for the County of Oakland or to any judge thereof for an Order of Judgment granting the relief for which the action or proceeding is brought or for an Order of Judgment enjoining all persons from doing or maintaining the nuisance; and the Health Officer in the complaint may also apply to the Circuit Court or any judge thereof for an Order authorizing him or her to execute and carry out the provisions of the notice, to remove any violation specified in the notice or to abate any nuisance in or about the dwelling, building or structure or the lot upon which it is situated or upon any vacant lot where a nuisance exists.

(Am. Ord. 11, passed 8-23-1982)

§ 90.48 PERSONS LIABLE.

The owner of any dwelling or any building or structure upon the same lot with a dwelling or the owner of any lot either improved or unimproved where a nuisance exists shall be guilty of a violation of this subchapter and any person who shall violate or assist in violating any provisions of this subchapter shall also jointly and severally for each such violation of each such nuisance be subject to the penalty of this subchapter.

(Am. Ord. 11, passed 8-23-1982) Penalty, see § 90.99

§ 90.49 EFFECTIVE DATE.

The effective date of this subchapter shall be 20 days after the date of adoption, which effective date being September 12, 1982.
(Am. Ord. 11, passed 8-23-1982)

DANGEROUS ANIMALS

§ 90.50 DEFINITIONS.

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

DANGEROUS ANIMAL. Any of the following:

(1) Any mammal, amphibian, fish, reptile, or fowl of a species which due to size, vicious nature or other characteristics would constitute a danger to human life or physical well-being or to animals.

(2) Any animal having a known disposition or propensity to attack, bite, or injure any person or animal without provocation. Where the official records of the Oakland County Animal Control Department, Brandon Township Clerk, Village of Ortonville Clerk, or Oakland County Sheriffs Office indicate that an animal has bitten or attacked any person or animal, it shall be prima facie evidence that said animal is a dangerous animal.

(3) Any animal owned or kept primarily or in part for the purpose of fighting, or any animal trained or bred for fighting.

(4) Any animal which is urged by its owner or keeper to attack, or whose owner or keeper threatens to cause such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty and when such animal has the apparent ability to cause injury or harm to such officer.

(5) A dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog or animal, while the other dog or animal is on the property or under the control of its owner. However, a ***DANGEROUS ANIMAL*** does not include any of the following under this division:

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(a) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner;

(b) An animal that bites or attacks a person who provokes or torments the animal;

(c) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

OWN or KEEP. To own, keep, harbor, control, manage, possess, maintain, or have charge or custody of or provide care for.

OWNER OR KEEPER. Any person who owns or keeps a dangerous animal.

PERSON. Includes any natural person, association, partnership, organization, company or corporation.

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

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

(Ord. 68, passed 8-24-2009)

§ 90.51 REGULATIONS.

(A) No person shall permit a dangerous animal to go outside its kennel, pen or fence unless such animal is held securely by a leash of adequate strength to restrain the animal by designated policing authority.

(B) No person shall permit an animal that has a registered bite/attack record through the Oakland County Animal Control Department to go outside its kennel or pen unless such animal is securely muzzled by a muzzling device sufficient to prevent such animal from biting a person or other animals.

(C) All dangerous animals shall be securely confined indoors, or if outdoors, in a securely enclosed pen, kennel, or fence, which pen, kennel or fence shall be no shorter than 6 feet in height, when not leashed as above provided. All structures erected to house dangerous animals must comply with all zoning and building regulations of the village. All such structures must be adequately ventilated and kept clean and in a sanitary condition. No dangerous animal may be kept on a porch, patio, or any part of a house or structure or in any manner that would allow the animal to exit such building on its own volition.

(D) All owners or keepers of dangerous animals that have a registered bite/attack record through the Oakland County Animal Control Department shall within 30 days of the effective date of this subchapter display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign shall be posted on the kennel, pen or fence of such animal.

(Ord. 68, passed 8-24-2009) Penalty, see § 90.99

ANIMAL CONTROL

§ 90.60 RUNNING AT LARGE.

No person shall permit any dog to run at large in this village or to stray beyond his or her premises unless under reasonable control of some person.

(Ord. 10, passed 12-2-1957) Penalty, see § 90.99

§ 90.61 CONFINEMENT OF DOGS.

Every dog shall at all times be confined upon the premises of its owner or custodian except when the dog is otherwise under reasonable control of some person.

(Ord. 10, passed 12-2-1957)

§ 90.62 PRIVATE NUISANCE; DOG ON PREMISES WITHOUT OWNER.

Any dog that enters upon the premises of any person unaccompanied by his or her owner or his or her owner's agent shall constitute a private nuisance, and the owner or tenant of the premises may notify a police officer or peace officer of the dog while it is on the premises of the owner or tenant of its running at large.

(Ord. 10, passed 12-2-1957)

§ 90.63 EFFECTIVE DATE.

This subchapter is hereby ordered to take effect after final passage by the Village Council for the Village of Ortonville and 30 days shall have elapsed from first publication thereof.

(Ord. 10, passed 12-2-1957)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) An owner who refuses to destroy noxious weeds as required by §§ 90.01 through 90.07 is subject to a fine of not more than \$100.

(Ord. 66, passed 3-23-2009)

(C) Any violation of §§ 90.35 through 90.49 shall constitute a misdemeanor and upon conviction thereof shall be punishable by fine of not more than \$100 or by imprisonment in the Oakland County Jail for not more than 90 days, or by both the fine and imprisonment in the discretion of the court. Each day that a misdemeanor, as specified in that subchapter, is allowed or permitted to exist after abatement has been ordered by the Health Officer shall constitute a separate and distinct violation punishable as herein above set forth.

(Am. Ord. 11, passed 8-23-1982)

(D) Any person violating any of the provisions of §§ 90.60 through 90.63 shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a court of competent jurisdiction, shall be punished by a fine of not to exceed \$100 and cost of prosecution, or by imprisonment in the Oakland County Jail for not to exceed 90 days, or by both the fine and imprisonment in the discretion of the court.

(Ord. 10, passed 12-2-1957)

(E) (1) A violation of §§ 90.50 and 90.51 shall constitute a misdemeanor punishable by a fine of not more than \$500, confinement for not more than 90 days in jail, or both.

(2) In addition to the sanctions identified herein, a person who violates §§ 90.50 and 90.51 is also subject to the penalties and process specified in M.C.L.A. §§ 287.321 et seq., as amended.

(Ord. 68, passed 8-24-2009)

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CHAPTER 91: FIRE PREVENTION; REGULATION

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FIRE PREVENTION CODE

§ 91.01 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as the “Village of Ortonville Fire Prevention Code,” and shall hereinafter be referred to as this subchapter.
(Ord. 33, passed 3-10-1980)

§ 91.02 SCOPE AND APPLICATION.

The terms and provisions of this subchapter shall be interpreted and applied as minimum standards and regulations for the protection of life and property from exposure to the damages and hazards of fires.
(Ord. 33, passed 3-10-1980)

§ 91.03 DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily attributed to them, provided, in the interpretation of the Code, the particular definitions as provided therein shall be applicable.

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

BOARD OF APPEALS. Refers to a 5-member body consisting of the following individuals:

- (a) A member of the Fire Board, which member shall serve at the will of that Board;
- (b) The Fire Chief;
- (c) A designate of the State Fire Marshal’s office as appointed by the Unit Commander for that office located at the Pontiac, Michigan, State Police Post. This designate shall serve at the will of the Unit Commander;

(d) A delegate appointed by the Village Council of the village, which delegate shall serve for a 2-year term from and after that delegate's date of appointment, and in the event no successor is appointed, the delegate shall continue to serve until a successor is appointed; and

(e) A delegate appointed by the Township Board of the Township of Brandon, which delegate shall serve for a 2-year term from and after the date of appointment, and in the event no successor is appointed, the delegate shall continue to serve until a successor is appointed.

(Am. Res. passed 10-12-1980)

DISTRICT COURT. Refers to the 52nd Judicial District Court for the State of Michigan, Second Division.

FIRE BOARD. The Brandon Fire and Police Board, created by agreement between the Village of Ortonville and Township of Brandon, County of Oakland, State of Michigan, dated February 8, 1954, and amended thereafter.

FIRE CHIEF. The Chief of the Brandon Fire Department, and reference to the ***FIRE OFFICIAL*** shall mean and refer to the ***FIRE CHIEF***.

FIRE CODE. Refers to the Code and standards adopted under § 91.07 of this subchapter.

FIRE DEPARTMENT. The Brandon Fire Department, operated under the managerial authority of the Fire Board.

PERIODIC INSPECTION. An inspection made in accordance with § 91.04 of this subchapter.

PERIODIC INSPECTION PLAN. The plan prepared for purposes of governing periodic inspections in the village, completed, approved and filed in accordance with the provisions of § 91.04 of this subchapter.

PERSON IN POSSESSION. The person who has the possessory right of particular property and/or improvements, and shall include the agent of that person and, also, the person having apparent authority with respect to such possession based upon reasonable inferences and grounds.

SPECIAL INSPECTION. An inspection made in accordance with the provisions of § 91.05 of this subchapter.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.
(Ord. 33, passed 3-10-1980)

§ 91.04 PERIODIC INSPECTIONS.

(A) The Fire Department, with the advice and approval of the Fire Board, shall prepare an orderly plan for the inspection of structures and improvements in the Village of Ortonville for Fire Code

compliance. Such plan shall be based on reasonable administrative standards and shall provide for uniform inspection. Upon completion and approval, the plan shall constitute the "Periodic Inspection Plan" and shall be filed with the Village Clerk/Treasurer. Moreover, such plan shall be periodically reviewed and updated in accordance with the same procedure for completion, approval and filing in the first instance.

(B) All periodic inspections shall be made in accordance with the periodic inspection plan.

(C) The Fire Chief, or person appointed by the Fire Chief, shall conduct such inspections pursuant to the consent, either written or oral, of the person in possession of the premises sought to be inspected.

(Am. Res. passed 10-12-1980)

(D) In the event this consent is denied, a warrant authorizing the inspection of the premises shall be sought.

(E) Application for such warrant shall be made to the District Court and the application shall contain at least the following information:

(1) A description of the periodic inspection plan;

(2) A description of the premises sought to be inspected;

(3) A statement confirming that the premises sought to be inspected is due to be inspected in accordance with the periodic inspection plan and that the person authorized to do so has attempted to obtain the consent of the person in possession but that the consent has been denied; and

(4) The names of the person authorized to seek such consent and the person who has denied such consent, and the date or dates of the request and denial of consent.

(Ord. 33, passed 3-10-1980)

§ 91.05 SPECIAL INSPECTIONS.

(A) In addition to the inspections undertaken as part of the periodic inspection plan, the Fire Chief and/or the designated and authorized agents of the Fire Chief may conduct special inspections of improvements and structures on private property in those cases where reliable information has been received showing probable cause to believe that an inspection of the structures and improvements will reveal violations of the Fire Code.

(B) In making such special inspections, the Fire Chief, or his or her designated and authorized agents, shall proceed as follows:

(1) Obtain consent, either written or oral, from the person in possession of the premises; or

(2) In the event that this consent is denied, or otherwise in the discretion of the Fire Chief, his or her designate or agent, shall seek and obtain the issuance of a warrant to inspect the premises in the District Court.

(Am. Res. passed 10-12-1980)

(C) Application for a warrant to inspect premises under this section shall contain the following:

(1) A description of the premises sought to be inspected;

(2) A statement made under oath based upon personal knowledge or upon reliable information and belief, alleging such facts and circumstances which, taken as a whole, show a probable cause to believe that Fire Code violations exist in the described premises;

(3) A statement describing the person or persons who shall perform the inspection, and further indicating that the person or persons are authorized to make the inspection by the Fire Chief; and

(4) A statement:

(a) That consent to make the inspection has been sought and denied;

(b) Showing a reasonable basis for the belief that consent will not be forthcoming and that there exists a reasonable likelihood that 1 or more Fire Code violations will be concealed if consent is first sought; or

(c) That there is a compelling reason why the premises must be inspected for a Fire Code violation without first seeking the consent of the person in possession in order to protect life and/or property from the dangers and hazards of fire or explosion.

(Ord. 33, passed 3-10-1980)

§ 91.06 PUBLIC PROPERTY INSPECTIONS.

(A) The Fire Chief and/or the designated and authorized agents of the Fire Chief may, at all reasonable hours, enter any public building or premises not otherwise within the exclusive jurisdiction of the Fire Marshal Division of the Michigan State Police for the purpose of making inspections under the provisions of this subchapter.

(B) The Fire Chief and/or the designated and authorized agents of the Fire Chief may, as determined by the Fire Board and Fire Chief, work in conjunction with the Fire Marshal Division for the purpose of making inspections of public property and premises, as well as other facilities, which are within the exclusive and other jurisdiction of the Fire Marshal Division.

(Ord. 33, passed 3-10-1980)

§ 91.07 ADOPTION OF CODE.

(A) The International Fire Code of 2000 shall be and hereby is adopted and incorporated by reference into this subchapter (hereinafter, "BOCA").
(Ord. 33, passed 3-10-1980)

(B) As a supplement to, and to the extent not in conflict with, BOCA, the *Recommended Practices Manual*, National Fire Prevention Association, National Fire Codes, 2000 Edition (15 volumes), shall be and hereby is adopted and incorporated by reference into this subchapter.
(Am. Res. passed 10-12-1980)

§ 91.08 APPEALS AND VARIANCES.

(A) *Jurisdiction.* The Board of Appeals shall have jurisdiction to hear and decide all appeals and requests for variances arising under this subchapter, and shall serve as the Board of Appeals referenced in § F-104.1 of BOCA.

(B) *Hearings.*

(1) All hearings shall be conducted at open meetings and an official record of the meeting shall be kept.

(2) Notice of the meeting shall be mailed to the applicant seeking the appeal or variance, and general notice of the hearing, including the specific issues in question, shall be published in a newspaper of general circulation within the village not more than 30 days nor less than 4 days prior to the hearing. Such notices shall further set forth the date, location and time of the hearing.

(3) The applicant shall be entitled to appear at the hearing in person and/or by representative, and present witnesses, evidence and argument before the Board of Appeals.

(4) The Board of Appeals may request a written recommendation from the Fire Chief, and also from the Building Inspector if the issue presented relates to the particular knowledge and expertise of the Building Inspector. If such recommendations are made, a copy of same shall be provided to the applicant.

(5) At the conclusion of the hearing, which may be adjourned from time to time, as deemed appropriate by the Board of Appeals, the Board of Appeals shall make its determination, which shall, together with the reasons and grounds for the decision, be stated and made part of the record of the hearing.

(C) *Grounds for authorizing a variance.* A variance may be granted only upon a finding that the strict letter of this subchapter shall operate to create a hardship or practical difficulty to the applicant, and provided that all of the following conditions are met:

(1) The variance shall be the minimum deviation from this subchapter which will provide the relief necessary;

(2) The variance shall not be granted if the applicant created the circumstances giving rise to the hardship or practical difficulty;

(3) The basis for the hardship is unique to the applicant and not shared by other persons similarly situated;

(4) The grant of a variance shall not result in an unreasonable endangerment, and the public safety shall be sufficiently secured; and

(5) The spirit of this subchapter shall be observed notwithstanding a grant of the variance.
(Ord. 33, passed 3-10-1980)

§ 91.09 ANNUAL REPORT.

(A) The Fire Chief shall make an annual report to the Village Council.

(B) The annual report shall include but shall not be limited to a summary of the operations of the Fire Department during the year, including any and all relevant data and/or statistics concerning local fire prevention, and any and all other matters and proceedings of the Fire Department and/or Board of Appeals transpiring during the year relevant to local fire prevention and/or otherwise related to this subchapter. In addition, the annual report shall include any recommendations of the Fire Chief of proposed amendments to this subchapter.

(Ord. 33, passed 3-10-1980)

§ 91.10 EFFECTIVE DATE.

The effective date of this subchapter is March 30, 1980. The effective date of amendments of the resolution passed on October 12, 1980 is November 2, 1981.

(Ord. 33, passed 3-10-1980)

FIRE PREVENTION ACCESS TO PROPERTY

§ 91.20 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as the “Village of Ortonville Property Access Ordinance,” and shall hereinafter be referred to as this subchapter.

(Ord. 54, passed 8-12-1991)

§ 91.21 SCOPE AND APPLICATION.

The term and provisions of this subchapter shall be interpreted and applied as minimum standards and regulations for the purpose of entering onto property and structures with emergency vehicles in time of an emergency.

(Ord. 54, passed 8-12-1991)

§ 91.22 DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily attributed to them.

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

APPARATUS. Any vehicle or equipment operated by the Fire Department.

BUSINESS PROPERTY. Any property zoned for business purposes under the Village of Ortonville zoning ordinance.

COMMERCIAL PROPERTY. Any property zoned for commercial purposes under the Village of Ortonville zoning ordinance.

DISTRICT COURT. Refers to the 52nd Judicial District Court for the State of Michigan, Second Division.

DRIVEWAY. Any property used as access to property and/or a structure by vehicles.

INDUSTRIAL PROPERTY. Any property zoned for industrial purposes under the Village of Ortonville zoning ordinance.

FIRE CHIEF. The Chief of the Brandon Fire Department, and reference to the ***FIRE OFFICIAL*** shall mean and refer to the ***FIRE CHIEF***.

FIRE DEPARTMENT. The Brandon Fire Department, operated under the managerial authority of the Fire Board.

PERSON IN POSSESSION. The person who has the possessory right of particular property and/or improvements, and shall include the agent of that person and, also, the person having apparent authority with respect to such possession based upon reasonable inferences and grounds.

RESIDENTIAL PROPERTY. Any property zoned for residential purposes under the Village of Ortonville zoning ordinance.

TOWNSHIP. The Township of Brandon, County of Oakland, State of Michigan.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.
(Ord. 54, passed 8-12-1991)

§ 91.23 PERMIT.

(A) An additional and separate permit under this subchapter shall not be required for the construction of a driveway, but shall be applied for as part of the building permit.

(B) A permit is required for a bridge, culvert or overhead obstruction on the driveway.
(Ord. 54, passed 8-12-1991)

§ 91.24 INSPECTION AND APPROVAL.

(A) The Fire Chief and/or his or her designates shall be permitted lawfully to enter upon private property for the purpose of making inspections to ascertain compliance with this subchapter.

(B) Approval is required by the Building Inspector for all new construction, site plans must detail the driveway length, width, type of material, bridges, culverts, overhead obstructions, turning radius, and degree of rise of any hills.

(C) Any installation of bridges, culverts and overhead obstructions, shall be required to provide the building department with detailed drawings showing width, height, type of construction, and verification of gross weight capacity.

(D) All site plans are to be reviewed, and approved by the Fire Official.
(Ord. 54, passed 8-12-1991)

§ 91.25 WHERE REQUIRED.

(A) Any property that has a structure on it is required to have and maintain a driveway.

(B) All structures on the property shall have a driveway.

(C) Upon issuance of a building permit, a driveway shall be constructed off the road that the structure is addressed; the driveway may be temporary, but must be able to support emergency apparatus.

(D) Temporary driveways must be in the same location as will the permanent driveway.

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(E) A temporary driveway that requires a bridge or culvert on it, the bridge or culvert must meet the requirements of this subchapter.

(F) It shall be the responsibility of the property owner to install the driveway.
(Ord. 54, passed 8-12-1991)

§ 91.26 INSTALLATION.

The driveway shall be installed to the following specifications:

(A) The driveway surface width shall be 12 feet, the overall width to any obstructions shall be 14 feet.

(B) The type of material shall be so the surface will pack solid and create a driveway that will support fire apparatus.

(C) The minimum height of overhead obstructions is 14 feet, to include arches, tree branches, banners, covered bridges, utility wires.

(D) The maximum weight capacity of any bridge, or culvert built on a driveway shall be the burden of the owner to show by certification that the bridge, or culvert is capable of supporting 15 tons for every 20 feet of span.
(Ord. 54, passed 8-12-1991)

§ 91.27 MAINTENANCE.

(A) All driveways are to be maintained to provide access for emergency apparatus.

(B) All driveways are to be kept free of debris.

(C) All driveways shall be maintained by the person in possession of the property.
(Ord. 54, passed 8-12-1991)

§ 91.28 EFFECTIVE DATE.

Effective date of this subchapter is September 11, 1991.
(Ord. 54, passed 8-12-1991)

OPEN BURNING

§ 91.40 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as the “Village of Ortonville Open Burning Ordinance,” and shall hereinafter be referred to as this subchapter.
(Ord. 52, passed 8-12-1991)

§ 91.41 SCOPE AND APPLICATION.

The term and provisions of this subchapter shall be interpreted and applied as minimum standards and regulations for the protection of life and property from exposure to the damages and hazards of fires and quantities of air contaminants in the outdoor atmosphere.
(Ord. 52, passed 8-12-1991)

§ 91.42 DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily attributed to them.

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

APPROVED BURNING BARREL. A barrel with a maximum size of 55 gallons, with 1/2-inch vent holes in the sides, covered with a screen having maximum 1/2-inch openings, and is a barrel of solid construction.

BUSINESS PROPERTY. Any property zoned for business purposes under the Village of Ortonville zoning ordinance.

COMMERCIAL PROPERTY. Any property zoned for commercial purposes under the Village of Ortonville zoning ordinance.

COMPETENT PERSON. A person 18 years of age or older who is physically capable of guarding and controlling a fire, and mentally capable of understanding the procedures and dangers of fire.

DISTRICT COURT. Refers to the 52nd District Court for the State of Michigan, Second Division.

FIRE CHIEF. The Chief of the Brandon Fire Department, and reference to the ***FIRE OFFICIAL*** shall mean and refer to the ***FIRE CHIEF***.

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FIRE DEPARTMENT. The Brandon Fire Department.

INDUSTRIAL PROPERTY. Any property zoned for industrial purposes under the Village of Ortonville zoning ordinance.

OPEN BURNING. Any fire upon any ground and/or any woodlands, yards, lots, parcels, grass lands, field or public right-of-way, within the village not wholly contained within an approved incinerator, outside fireplace or cooking grill.

PERSON IN POSSESSION. The person who has the possessory right of particular property and/or improvements, and shall include the agent of that person and, also, the person having apparent authority with respect to the possession based upon reasonable inferences and grounds.

SEASONED. Any material that has dried to the point that a substantial amount of moisture contained within has dissipated.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.
(Ord. 52, passed 8-12-1991)

§ 91.43 PERMIT.

(A) No person shall start or have any open fire without first obtaining a permit from the Fire Chief and/or the designated and authorized agents of the Fire Chief, and the permit shall state the address where the fire is to be started, each of the materials to be burned, the approximate quantity of each of the materials to be burned, the owner of the premises involved, the name, address and telephone number of the person who is to start the fire and the name, address and telephone number of the person responsible for attending the fire, and the anticipated duration of the burning.

(B) The maximum duration of any permit shall be 2 days.
(Ord. 52, passed 8-12-1991) Penalty, see § 91.99

§ 91.44 BURNING MATERIALS AND REGULATIONS.

(A) Open burning materials shall consist of seasoned dry wood, seasoned dry leaves, and cut seasoned dry grass. Any deviation from these materials shall require an on-site inspection by the Fire Official, which shall be requested by an applicant for a permit at the time of making application.

(B) The allowable quantity of wood to be burned shall be determined by the Fire Official and shall be based upon the fire safety requirements of the situation and the desirable duration of the anticipated burn.

(C) The location of the open fire shall be a minimum of 50 feet from any structure, with a mowed and cleared area, a minimum of 50 feet around the fire.

(D) The location of an approved burning barrel shall be a minimum of 15 feet from any structure, with a mowed and cleared area a minimum of 50 feet around the fire.
(Ord. 52, passed 8-12-1991)

§ 91.45 ATTENDANCE AT OPEN BURNING.

The fire shall be constantly attended by a competent person until the fire is completely extinguished. This person shall have fire extinguishing equipment readily available, garden hose, shovel, rake, extinguisher, and a prepared pile of sand or dirt.
(Ord. 52, passed 8-12-1991)

§ 91.46 PROHIBITED OPEN BURNING.

(A) The Fire Official may prohibit any or all open burning, including a rescission of outstanding permits, which is or could be offensive or objectionable due to smoke or odor emissions, or when atmospheric conditions or local circumstances make the fire or fires hazardous to health, safety or property.

(B) There shall be no open burning of material other than as authorized in § 91.44(A).

(C) Any open burning on business, commercial or industrially zoned property shall be of approved materials specified in § 91.44(A), and shall have an on-site inspection by the Fire Official prior to issuance of a permit.

(D) Burning barrels for burning of materials other than those specified in § 91.44(A) are prohibited.

(E) Open burning materials shall not consist of treated wood, wet or green leaves, paper, cardboard, furniture, rubbish, garbage, trash, construction materials, demolition materials, tires, roofing, any material made of or coated with rubber, plastic, leather, animal waste or petroleum based materials, and shall not contain any flammable or combustible liquids.

(F) Open burning is prohibited from sunset to sunrise, except that campfires or other special permission by the Fire Official in a 1-day permit may be authorized where a recreational fire is approved by the Fire Official after determining that the location, attendance and material to be burned shall be safe and nonhazardous.
(Ord. 52, passed 8-12-1991)

§ 91.47 EFFECTIVE DATE.

Effective date of this subchapter is September 11, 1991.
(Ord. 52, passed 8-12-1991)

§ 91.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person who shall violate any of the provisions of §§ 91.01 through 91.10 shall be deemed guilty of a misdemeanor, punishable by fine of not more than \$500, or by imprisonment for not more than 90 days, or both the fine and the imprisonment, as determined by the court.

(2) Each act constituting a violation of this subchapter, and each day during which a violation occurs, shall be deemed a separate offense and punishable as set forth in division (B)(1) above.

(3) The penalties provided for in this subchapter shall be in addition to, and not exclusive of, other remedies available to prevent violations of this subchapter.
(Ord. 33, passed 3-10-1980)

(C) (1) Any person who shall violate any of the provisions of §§ 91.20 through 91.28 shall be deemed guilty of a misdemeanor, punishable by fine of not more than \$500, or by imprisonment for not more than 90 days, or both the fine and the imprisonment, as determined by the court.

(2) Each act constituting a violation of this subchapter, and each day during which a violation occurs, shall be deemed a separate offense and punishable as set forth in the immediately preceding section.

(3) The penalties provided for in this subchapter shall be in addition to and not exclusive of other remedies available to protect violations of this subchapter.
(Ord. 54, passed 8-12-1991)

(D) (1) Any person who shall violate any of the provisions of §§ 91.40 through 91.46 shall be deemed guilty of a misdemeanor, punishable by fine of not more than \$500 or imprisonment for not more than 90 days, or both the fine and the imprisonment, as determined by the court.

(2) Each act constituting a violation of this subchapter, and each day during which the violation occurs, shall be deemed a separate offense and punishable as set forth in the immediately preceding section.

(3) The penalties provided for in this subchapter shall be in addition to and not exclusive of other remedies available to prevent violations of this subchapter.
(Ord. 52, passed 8-12-1991)

CHAPTER 92: PARKS AND RECREATION

Section

Park Regulations

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PARK REGULATIONS

§ 92.01 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as the Village of Ortonville Municipal Park Regulation Ordinance,” and shall hereinafter be referred to as this subchapter. (Ord. 37, passed 7-12-1982)

§ 92.02 SCOPE AND APPLICATION.

(A) The terms and provisions of this subchapter shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and the general welfare, and for the public peace and preservation of public and private property in and around village parks.

(B) This subchapter shall not interfere with, diminish and/or minimize the effect and force of any other law, ordinance, rule or regulation in effect, or hereafter given effect, relating to the same subject matter; provided, in those instances where this subchapter specifically imposes a greater restriction or higher standard, the provisions of this subchapter shall govern.

(Ord. 37, passed 7-12-1982)

§ 92.03 DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily attributed to them.

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

COUNCIL. The Village Council of the Village of Ortonville.

ENFORCEMENT OFFICIAL. The person or persons authorized to enforce ordinances and law in the Village of Ortonville, including but not limited to the Michigan State Police and County Sheriff, and shall further include the person or persons specifically authorized by the Council to serve in that capacity.

PARK. An area owned and maintained by the Village of Ortonville for park purposes, and designated as such by the Council, provided, however, property owned by the village for future park purposes, and not designated as being an open park by the Council, shall not be considered as being a park for purposes of this subchapter.

PARKS AND BEAUTIFICATION COMMITTEE. The Parks and Beautification Committee of the Council.

PERSON. One or more individuals, corporations, partnerships and/or other entities to which the law attributes rights and responsibilities.

SPECIAL PERMIT. A permit which may be granted pursuant to § 92.06.

VEHICLE. An automobile, truck, motorcycle and/or any other motor-driven vehicle, or other vehicle customarily pulled or pushed by a motor vehicle.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.

VILLAGE MANAGER. The employee of the village hired by the Council as the Village Manager.
(Ord. 37, passed 7-12-1982)

§ 92.04 PARK SCHEDULE.

(A) Parks shall be open each day, including Sundays and holidays, unless otherwise resolved by the Council and posted in particular instances.

(B) Parks shall be open for public use during daylight hours and/or during such other longer or more restrictive hours as the Council may resolve and post, and/or as otherwise expressly provided for in a special permit.
(Ord. 37, passed 7-12-1982)

§ 92.05 PARK REGULATIONS.

(A) The following uses and acts shall be prohibited in all parks, subject to express authorization to the contrary in a special permit:

- (1) Entering or remaining in a park at a time not authorized in § 92.04;
- (2) Interfering, injuring, destroying, impairing and/or removing of wildlife, or the habitat of wildlife;
- (3) Causing any vehicle to be operated or parked except in areas designated for those purposes;
- (4) Obstructing any walkway or driveway;
- (5) Defacing, marring, removing or in any manner damaging any monument, park improvement, tree, shrub, flower, plant, equipment, fixture or any other earth or dirt or other property constituting a part of the park;
- (6) Engaging in begging or solicitation;
- (7) Placing or depositing garbage, glass, tin cans, paper waste or other refuse in any location except in a container provided for that purpose;
- (8) Polluting any water;
- (9) Bringing an animal into the park which is not under leash with a maximum length of 6 feet, and/or allowing an animal in the custody of a person to remain in the park while not under such a leash;

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(10) Igniting or using a ground fire or open fire, except pursuant to a permit issued by the Brandon Fire Department; provided, this restriction shall not be applicable to barbecue burners for cooking and picnic areas where such burners are continuously attended;

(11) Leaving the park without first extinguishing a fire which a person has ignited;

(12) Camping or temporarily lodging;

(13) Loitering;

(14) Carrying and/or discharging any firearm, air gun, sling shot, trap or spring propelled gun;
and

(15) Disobeying any park rule or regulation which has been posted and which has been adopted by the Village Council to be a part of this subchapter. The park rules and regulations adopted by the Village Council are set forth in the Appendix of this chapter.

(B) In addition to the above, the actions and activities described in § 92.06(C) shall be prohibited unless and until conducted pursuant to a valid special permit.

(C) One or more of the activities specified in division (A) of this section may be authorized by a special permit if and to the limited extent of an express authorization for same.
(Ord. 37, passed 7-12-1982; Am. Ord. passed 4-3-2007)

§ 92.06 SPECIAL PERMIT.

(A) Any person desiring to use a park at a time or in a manner not otherwise permitted hereunder, or as otherwise specified in division (C), below, may submit a request for authorization by way of written application. The application may be granted in whole or in part, with or without conditions, as provided below. Rights under a special permit may be exercised to the limited extent expressly authorized therein, only after the permit has been granted, and only for the limited period of time stated therein.

(B) The application shall be made on the form provided by and submitted to the Village Clerk/Treasurer. The application shall contain at least the following:

(1) Name, address, phone number and signature of the applicant, who shall be a person responsible for compliance with the permit;

(2) Name of the organization, if any, desiring to exercise rights under the special permit;

(3) Date or dates and specific time periods proposed for special permit use;

(4) Name of the park proposed to be used under the special permit;

(5) Specific statement of each and every deviation from this subchapter requested, or other activity as specified under division (C), below, identifying with respect to each the section number or numbers of this subchapter involved;

(6) All safety or other precautions or measures to be taken in order to insure and protect the health, safety, peace and general welfare, particularly with regard to the deviations sought;

(7) Availability of insurance in connection with the activity sought to be undertaken, with the name of the company and limits of liability; and

(8) A description of the supervision proposed for the activity.

(C) Parks and Beautification Committee and/or the Village Manager may review and grant a special permit for the following activities in a park; provided, in lieu of taking action on the application, final action may be deferred and submitted to the Council, along with any recommendations and/or comments deemed appropriate by the Committee or the Village Manager, and further, if 2 applications are competing, the Council shall make the final determination:

(1) Causing or participating in a picnic or other function at which there are 50 or more persons in attendance, including any spectators, at any given time;

(2) Reserving, in advance, a park or any portion thereof, for exclusive use;

(3) Selling or offering for sale any goods or services;

(4) Placing or affixing any sign, advertisement or display;

(5) Possessing, consuming and/or selling alcoholic beverages and/or any other materials and/or activities the law prohibits;

(6) Using amplifiers, loud speakers and/or the like; and

(7) Using the park at earlier or later times of day than authorized.

(D) All other applications for a special permit shall be submitted to the Council for action, along with any recommendations or comments deemed appropriate by the Parks and Beautification Committee and/or Village Manager.

(E) In the review of an application, the following standards shall be applied:

(1) The rights of other persons likely to be using the park at the time in question, and rights of persons on surrounding property, shall not be unreasonably impaired and/or prejudiced, viewed in relation to the objectives and purposes of the park;

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(2) Reasonable precautions and measures shall be taken and exercised in order to protect the public health and safety, peace and welfare, with particular regard to the deviations sought;

(3) The adequacy of supervision; and

(4) The clarity with which it has been demonstrated that the proposed use or activity sought in the special permit will not result in public and/or private harm, injury, damage and/or unreasonable annoyance.

(F) A special permit may be granted or denied, in whole or in part, or may be granted, in whole or in part, with reasonable conditions, provided the conditions shall be reasonably designed and calculated to achieve the objectives and protections of this subchapter.

(Ord. 37, passed 7-12-1982)

§ 92.07 PARK ENFORCEMENT.

(A) The park shall be patrolled and the schedule and regulations for the park shall be enforced on site by the enforcement official.

(B) Failure to obey an enforcement official exercising a lawful duty under this subchapter shall constitute a violation of this subchapter.

(C) Interfering with or preventing an enforcement official and/or village employee from discharging his or her lawful duty in a park, or in connection with a park matter, shall constitute a violation of this subchapter.

(Ord. 37, passed 7-12-1982) Penalty, see § 92.99

§ 92.08 EFFECTIVE DATE.

The effective date of this subchapter is August 1, 1982.

(Ord. 37, passed 7-12-1982)

SWIMMING POOLS**§ 92.20 DEFINITIONS.**

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

PRIVATE POOL. A swimming pool in which is used or intended to be used solely in connection with a single-family residence and available only to the family of the householder and his or her private, nonpaying guests.

PUBLIC SWIMMING POOL. A swimming pool which is used or intended to be used as a pool in connection with a commercial or recreational venture and available to invitees of the owner of the property and/or his or her agents, lessees and tenants, for a consideration either direct or indirect.

SWIMMING POOL. Any artificially constructed portable or nonportable pool capable of being used for swimming or bathing, having a depth of 2 feet or more at any point and having a surface area of 250 square feet or more.
(Ord. 19, passed 1-30-1976)

§ 92.21 PERMIT AND PLANS.

(A) *Permits.* No swimming pool or appurtenances thereto shall be constructed, installed, enlarged or altered until a permit has been obtained from the Village Clerk/Treasurer after application therefor. Wherever necessary all the applicable laws or statutes of this state require the applicant to obtain permission from any administrative body or any other agency in order to build the desired swimming pool, that approval shall be obtained prior to the application for a building permit and a certified copy or photostatic copy of the approval shall be filed as a part of the supporting data for the application for a permit hereunder.

(B) *Plans.* Plans for the pool shall be submitted with the application and shall accurately show dimensions and construction of pool and appurtenances and distance to property lines, buildings, walks and fences; details of water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool; detail plans of structure, vertical elevation and sections through the pool shall be included.
(Ord. 19, passed 1-30-1976)

§ 92.22 LOCATIONS.

No wall of the swimming pool shall be located less than 10 feet from any rear, side or front property lines or 15 feet from any street property line. In the event that any provision of the village zoning laws require that structures shall be any greater distance than the aforementioned footage, then that greater distance shall apply.
(Ord. 19, passed 1-30-1976)

§ 92.23 DESIGN AND CONSTRUCTION.

(A) *Structural design.* The swimming pool structure shall be designed and engineered to withstand the expected forces to which it shall be subjected.

(B) *Wall slopes.* To a depth up to 5 feet from the top, the wall slope shall not be more than 1 foot horizontal and 5 feet vertical.

(C) *Floor slopes.* The slope of the floor on the shallow side of transition point shall not exceed 1 foot vertical to 7 feet horizontal. The transition point between shallow and deep water shall not be more than 5 feet deep.

(D) *Surface cleaning.* All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water. When skimmers are used, there shall be at least 1 skimming device for each 1,000 square feet of surface area or fraction thereof. Overflow gutters shall be not less than 2 inches deep, constructed so they are safe, cleanable and that matter entering the gutters will not be washed out by a sudden surge of entering water.

(E) *Walkways.* All public swimming pools shall have walkways not less than 4 feet in width extending entirely around the pool. Where curbs or sidewalks are used around any swimming pool, they shall have a nonslip surface for a width of not less than 1 foot at the edge of the pool and shall be so arranged to prevent return of surface matter to the pool.

(F) *Steps and ladders.* One or more means of egress shall be provided from the pool. Treads of the steps or ladders shall have nonslip surfaces and handrails on both sides, except that handrails may be omitted when there are not more than 4 steps or when they extend the full width of the side or end of the pool.

(Ord. 19, passed 1-30-1976)

§ 92.24 WATER SUPPLY, TREATMENT AND DRAINAGE SYSTEMS.

(A) *Water supply.* All swimming pools shall be provided with a portable water supply, free of cross-connections with the pool or its equipment or non-siphoning system approved by the Oakland County Board of Health.

(B) *Water treatment.*

(1) All public swimming pools shall be designed and installed so that there is a pool water turnover at least once every 8 hours. Filters shall not filter water at a rate in excess of 3 gallons per minute per square foot of surface area. The treatment system shall be so designed and installed to provide in the water, at all times when the pool is in use, excess chlorine of not less than 0.4 p.p.m. or more than 0.6 p.p.m., or excess chloramine between 0.7 and 1.0 p.p.m., or disinfection may be provided by other approved means. Acidity-alkalinity of the pool water shall not be below 7.0 or more than 7.5. All recirculation systems shall be provided with an approved hair and lint strainer installed in the system ahead of the filters.

(2) All private swimming pools shall be designed and installed so that there is a pool water turnover at least once every 18 hours. Filters shall not filter water at a rate in excess of 5 gallons per minute per square foot of surface area. The pool owner shall be instructed in proper care and

maintenance of the pool, including the use of high test calcium hypochlorite (dry chlorine) or sodium hypo-chloride (liquid chlorine) (or equally effective germicide and algacide) and the importance of proper pH (alkalinity and acidity) control.

(C) *Drainage systems.* The swimming pool and equipment shall be equipped to be completely emptied of water and the discharged water shall be disposed of in such a manner as not to be injurious to any private or public property, streams or any body of water.
(Ord. 19, passed 1-30-1976)

§ 92.25 APPURTENANT STRUCTURES AND ACCESSORIES.

(A) *Appurtenant structures.* All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures, including plumbing, heating and air conditioning, amongst others appurtenant to the swimming pool, shall comply with all applicable requirements of all village ordinances.

(B) *Accessories.* All swimming pool accessories shall be designed, constructed and installed so as not to be a safety hazard. All installations or structures for diving purposes shall be properly anchored to ensure stability.
(Ord. 19, passed 1-30-1976)

§ 92.26 SAFETY PRECAUTIONS.

(A) *Overhead electrical conductors.* No overhead electrical conductors shall be installed within 15 feet of any swimming pool. All metal fences, enclosures or railings near or adjacent to swimming pool to which bathers have access, which may become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(B) *Equipment installations.* Pumps, filters and other mechanical and electrical equipment for public swimming pools shall be enclosed in such a manner as to be accessible only to authorized persons and not to bathers. Construction and drainage shall be such as to avoid the entrance and accumulation of water in the vicinity of electrical equipment.

(C) *Fences.* No swimming pool, private or public, shall be erected and maintained on any land unless there is an adequate fence or enclosure surrounding the property immediately around the swimming pool, or a minimum height of 5 feet and of sufficient construction to make such pool inaccessible except through gates therein which shall be equipped with a self-closing, self-latching gate, which shall be securely locked with a tamper-proof lock when the pool is not in use.
(Ord. 19, passed 1-30-1976)

§ 92.27 EFFECTIVE DATE.

This subchapter shall become effective 20 days after enactment by the Village Council of the Village of Ortonville.

(Ord. 19, passed 1-30-1976)

§ 92.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) A person found violating §§ 92.01 through 92.08 shall be subject to either or both of the following:

(a) Ejectment from the park by the enforcement official for a period not to exceed 24 hours, provided such action must be reasonably related to maintaining the peace. This time limitation shall not prohibit a court from imposing a longer ejectment period;

(b) Misdemeanor arrest, punishable as provided below; and/or

(c) Any items used in the violation of §§ 92.01 through 92.08 may be confiscated. Any person whose property is confiscated may obtain return of the property upon the showing of good cause and approval by the Village Council or upon order of the District Court.

(2) A person found to be in violation of any provision of this subchapter shall be guilty of a misdemeanor, punishable by a fine of not more than \$500, or by imprisonment for not more the 90 days, or both the fine and the imprisonment, as determined by the court.

(3) Each act constituting a violation of this subchapter, and each day during which a violation occurs, shall be deemed a separate offense and punishable as such.

(4) The penalties provided for in this subchapter shall be cumulative, and shall be in addition to and not exclusive of other remedies available to the village to enforce its laws and ordinances.

(Ord. 37, passed 7-12-1982; Am. Ord. passed 4-3-2007)

(C) Any person, firm, association or corporation which shall operate such a swimming pool as set forth in §§ 92.20 through 92.27 without a license, or shall violate any rule, regulation or condition, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100, or by imprisonment in the County Jail not to exceed 90 days, or by both, the fine and imprisonment in the discretion of the court.

(Ord. 19, passed 1-30-1976)

APPENDIX: SKATE PARK RULES

The Village Skate Park is a sport facility open to children and persons of all ages. It is a use at your own risk park and will not be supervised by on site personnel. Skate boarding and skating are hazardous recreational activities. Parents should be in attendance and supervise their children at all times. All participants should wear protective equipment as listed below while using this facility. Failure to wear protective equipment when using this facility may result in death, paralysis, brain damage/concussion, broken bones or other serious injury. The Village of Ortonville or Brandon Township does not assume responsibility for injuries.

The following rules are established for everyone's safety:

1. Warning: The use of appropriate equipment such as helmets, knee pads, elbow pads, wrist pads, and proper shoes is strongly recommended at all times. For ensured safety, it is strongly recommended that all helmets meet the standards of the American National Standards Institute (ANSI) or Snell Memorial Foundation for protective headgear for use in bicycling.
2. Warning: Know your ability and use the facility at your own risk.
3. Warning: Weather and lightning conditions may cause unsafe surface conditions.
4. Warning: Do not proceed down a ramp until it is clear of other skaters.
5. Be courteous to others. Users must be under control at all times. Uncontrolled skating and activities that endanger others will result in ejection from the skate park.
6. The Village of Ortonville has the right to close this facility without notice.
7. The Village of Ortonville has the right to eject from the park persons who engage in uncontrolled skating and activities that endanger others.
8. All general rules and regulations applicable to Ortonville public park use will be enforced in the Skate Park.

Skate Park Rules

No bicycles or scooters are allowed in the park with the exception of “bike days” which are Tuesday and Thursday of each week.

No motorized vehicles.

No animals.

No smoking, drugs or alcoholic beverages.

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No profanity, offensive conduct, or disturbance of the peace.

No destruction or defacing of public property including graffiti.

No glass containers or littering.

No skating against traffic on ramps.

No modification of the ramps allowed.

No make shift structures or skating surfaces allowed.

No deicing products such as salt.

The Village Skate Park will be open from 8:00 a.m. until dusk.

In case of emergency dial 911.

(Ord. passed 4-3-2007)

CHAPTER 93: STREETS AND SIDEWALKS

Section

Sidewalk Maintenance

- 93.01 Purpose, intent and short title
- 93.02 Definitions
- 93.03 Responsibility for snow and ice removal
- 93.04 General maintenance
- 93.05 Effective date

Public Land Disruption

- 93.15 Purpose, intent and short title
- 93.16 Permit requirement
- 93.17 Permit application and approval procedure
- 93.18 Exemptions
- 93.19 Effective date

Moving of Buildings

- 93.30 Permission required
- 93.31 Statement; bond
- 93.32 Notice requirement; inspection
- 93.33 License fee
- 93.34 Permit required
- 93.35 Definitions
- 93.36 Effective date

- 93.99 Penalty

SIDEWALK MAINTENANCE**§ 93.01 PURPOSE, INTENT AND SHORT TITLE.**

(A) It has been concluded that, in the interest of safety, health, convenience and general welfare, it would be appropriate to adopt an ordinance provision clarifying the rights and responsibilities for maintenance of sidewalks. This subchapter is intended to specify and clarify the requirements, rights and prohibitions with respect to private parties for sidewalk maintenance, and to establish a policy and formal statement with regard to village participation and involvement in sidewalk maintenance.

(B) This subchapter shall be known and may be cited as the “Village of Ortonville Sidewalk Maintenance Ordinance” or “Sidewalk Maintenance Ordinance” and will be referred to as this subchapter.

(Ord. 49, passed 12-14-1987)

§ 93.02 DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily attributed to them.

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

ADJACENT OWNER. The person or persons who own and/or occupy a parcel or lot which is adjacent to and abuts a portion of a sidewalk in the village.

ADJACENT SIDEWALK. That portion of a sidewalk which is adjacent to and abuts the property of an adjacent owner.

GENERAL MAINTENANCE. Building, rebuilding, maintaining, repairing and/or modifying, but shall not mean nor include snow and ice removal.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.
(Ord. 49, passed 12-14-1987)

§ 93.03 RESPONSIBILITY FOR SNOW AND ICE REMOVAL.

(A) Each adjacent owner shall be required to remove accumulations of snow and/or ice from an adjacent sidewalk.

(B) To the extent it is deemed by the village to be feasible, the village may assist in the removal of snow and/or ice accumulations on a priority basis, taking into consideration sidewalk locations which

carry the highest volume of pedestrian traffic. However, no adjacent owner shall be entitled to rely on the village for removal of snow and/or ice accumulations from any sidewalk. If deemed appropriate to the Village Council, taking into consideration other priorities and safety needs, General Street Fund monies, or monies from an applicable street district fund with respect to a street district in which the sidewalk is located, may be used for such purposes if approved by a 2/3 vote of the Council. (Ord. 49, passed 12-14-1987)

§ 93.04 GENERAL MAINTENANCE.

(A) All general maintenance of sidewalks shall be performed by the village as and when deemed appropriate by the village, taking into consideration all facts and circumstances, subject to the following provisions.

(B) No adjacent owner or other person shall be permitted or entitled to perform general maintenance on any sidewalk unless and until written approval for that purpose is obtained from the Village Manager or designate, and/or from the Village Streets Administrator, following the presentation of written plans and specifications.

(C) The village may finance the general maintenance of sidewalks in the village as follows:

(1) Upon a 2/3 vote of the Village Council, payment may be made from the General Street Fund or an applicable street district fund with respect to a street district in which the sidewalk is located.

(2) The expense may be charged to or against the property and premises adjacent to and abutting upon the sidewalk.

(3) The Council may allocate village funds otherwise lawfully applicable.

(D) In the case of a new improvement or substantial renovation of an existing improvement on property in the village, or in such other cases as the Council deems appropriate, the village may require the construction of an adjacent sidewalk upon such lines and grades, and with such specifications, as the Council shall prescribe by resolution.

(Ord. 49, passed 12-14-1987)

§ 93.05 EFFECTIVE DATE.

The effective date of this subchapter is January 13, 1988.

(Ord. 49, passed 12-14-1987)

PUBLIC LAND DISRUPTION**§ 93.15 PURPOSE, INTENT AND SHORT TITLE.**

(A) There are various streets, alleys, bridges, parks and other public places within the village. Some are within the exclusive jurisdiction of the village, and some are under the jurisdiction of other public entities. In those instances in which the public places are disrupted, there is frequently an impact upon other public properties, and there is generally an impact upon village residents. Accordingly, the Village Council has determined that, in the interest of protecting and promoting the public safety, welfare and convenience of the people of and within the village, it would be appropriate and necessary to require a permit as a precondition to disruption of public places.

(B) It is the intent of this subchapter to ensure that disruptions of public places are authorized, necessary, appropriate and minimal (as to those disruptions occurring on property within the jurisdiction of the village), and coordinated with other work being done or which will be done, in order to reduce public impact, and attempt to avoid duplication of disruption.

(C) This subchapter shall be known and may be cited as the Public Land Disruption Ordinance. (Ord. 57, passed 8-9-1993)

§ 93.16 PERMIT REQUIREMENT.

(A) As a precondition to disrupting any highway, street, alley, bridge, park and/or other public place within the village, a person shall first obtain a permit from the village, as provided in this subchapter.

(B) It shall be unlawful for any person to disrupt any highway, street, alley, bridge, park and/or other public place within the village without first obtaining a permit as provided in this subchapter.

(C) For purposes of this subchapter, the term ***DISRUPTION*** and/or ***DISRUPT*** shall mean and refer to: permanently attaching any structure or object to or on a public place; performing any excavation and/or moving any object or material which is permanently affixed to the ground or to any structure on a public place; and/or constructing, enlarging, extending or removing a structure and/or removing soil, minerals or any other materials which are permanently in place and/or intended to be permanently in place, whether or not the same are subject to ongoing maintenance, on a public place. (Ord. 57, passed 8-9-1993) Penalty, see § 93.99

§ 93.17 PERMIT APPLICATION AND APPROVAL PROCEDURE.

(A) Any person desiring to disrupt any highway, street, alley, bridge, park and/or other public place within the village shall submit an application for a permit. The application shall consist of and include:

(1) The name, address and telephone number of the applicant, and the name, address and telephone number of the person designated by the applicant as the field contact person for the proposed disruption;

(2) A narrative explanation of the purpose of the disruption and a detailed description of the work or operation to be performed; and

(3) Drawings showing the work or operation to be performed. The detail of the drawings shall be variable, depending upon complexity. The Village Manager shall determine whether the drawing must be prepared and sealed by a person licensed by the State of Michigan, e.g., engineer and/or surveyor, with such determination to be based upon whether such a precaution is needed in order to protect the public safety and welfare.

(B) The Village Manager shall review the application.

(1) If the public land to be disrupted is within the exclusive jurisdiction of 1 or more governmental entities other than the village, a permit shall be issued if the work or operation has been approved by all entities having jurisdiction. The Village Manager shall then provide public notice or coordination of public works projects as found by the Village Manager to be appropriate. This provision shall not create an obligation and/or liability to any public and/or private person or entity.

(2) If the public land to be disrupted is within the jurisdiction of the village, the Village Manager shall give notice of the application to the Village Council and to the Village Planning Commission. The Council and Planning Commission shall take up the matter of the application at their next scheduled meetings, and either schedule the application for detailed review, or advise the Village Manager that there is no objection to the issuance of a permit provided that all applicable requirements are met. Following notice of the application, if the Council and Planning Commission, respectively, conduct a regular meeting, and do not act on or schedule the application for consideration at a later meeting, the application shall be deemed to be approved by such bodies. In that case, the Village Manager shall issue the permit subject to conformance with all requirements of applicable ordinances, regulations and law.

(3) If the Council and/or Planning Commission shall schedule the application for detailed consideration, issuance of the permit by the Village Manager shall be based upon the final action of the Village Council, following any recommendation made by the Planning Commission.

(C) An application submitted and reviewed under divisions (B)(2) and (3), above, shall be reviewed by the Village Manager, Planning Commission and Village Council based upon the following standards:

(1) Whether the disruption is in the public interest;

(2) Whether the disruption has been coordinated so as to reduce duplication of disruption of the same public place;

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(3) Whether the work or operation to be performed, as planned, represents the minimum public disruption and inconvenience necessary or appropriate under all of the circumstances; and

(4) Whether precautions have been planned in order to protect and promote the public safety, welfare and convenience.

(D) Annual public entity/public utility permit.

(1) A public entity/public utility may submit an application for an annual permit covering normal maintenance and repair of existing underground facilities located in the public road rights-of-way, including the installation of service to customers.

(2) The annual permit issued under this subchapter shall be valid for the calendar year, as stated in the permit.

(3) The annual permit issued under this subchapter shall require the public entity/public utility to notify the Village Manager of any work covered by the permit and its location at least 1 day prior to the commencement of work.

(4) The application for an annual permit shall consist of and include:

(a) The name, address and telephone number of the applicant;

(b) The name, address and telephone number of the person designated by the applicant as the primary contact person for all activities covered by the permit;

(c) A general description of the type of work to be performed under the permit; and

(d) A map showing the location of the existing underground facilities to be covered by the permit.

(5) Each application for an annual permit shall be submitted to the Village Manager no later than December 1 preceding the calendar year to be covered by the annual permit. The Village Manager shall review the application for completeness and request from the applicant any additional information necessary to complete the application. The applicant shall promptly conform with all reasonable requests for additional information. Upon receipt of a completed application, and such additional information as requested, the Village Manager shall take 1 of the following actions:

(a) Issue the annual permit to the applicant; or

(b) Issue the permit to the applicant with specified conditions or restrictions reasonably found to be required in the public interest.

(Ord. 57, passed 8-9-1993)

§ 93.18 EXEMPTIONS.

(A) A public entity and/or a public utility shall not be precluded from immediately commencing construction or repair work when necessary to restore public entity and/or public utility service directly impacting upon the public health, and/or prevent imminent danger to life or property, and in such case, the public entity or public utility involved shall notify the Village Manager of the construction or repair work as soon as reasonably possible; provided, the disruption shall be the minimum necessary to provide restored service and/or respond to the danger on an emergency basis.

(B) This subchapter shall not apply to digging or similar activities of children within a public park in locations specifically provided for the purpose.

(C) This subchapter shall not apply to activities which are not subject to village regulation by law. (Ord. 57, passed 8-9-1993)

§ 93.19 EFFECTIVE DATE.

Effective date of this subchapter is September 15, 1993. (Ord. 57, passed 8-9-1993)

MOVING OF BUILDINGS

§ 93.30 PERMISSION REQUIRED.

No person, firm or corporation shall move any building along or across any public street, alley or other public property of the Village of Ortonville, without first obtaining permission from the Village Council of Ortonville and complying with the requirements hereinafter set forth. (Ord. 4, passed 12-2-1957) Penalty, see § 93.99

§ 93.31 STATEMENT; BOND.

Any person, firm or corporation desiring to move any building along or across any of the public streets, alleys or other public property in the Village of Ortonville shall file a statement in writing with the Village President showing the place where the building is located and the place to which the same is to be removed, and over what street or streets the same shall pass, and shall also have filed a surety bond in the sum of \$500, to be approved by the Village Council, conditioned to pay all damages to the streets and pavement and other damage of every nature for which the village may be held liable by reason of or occasioned by the moving of the building in those streets. No such building shall be moved until the bond is approved as aforesaid, nor until permission is granted by the Village Council. (Ord. 4, passed 12-2-1957)

§ 93.32 NOTICE REQUIREMENT; INSPECTION.

No building shall be moved until at least 3 days' notice in writing has been given to the Village Council of the time when the moving operations are to commence so that proper inspection may be made of the possibility of moving the building over the designated street without damage to trees or other property and so that proper supervision may be had by the Engineering Department of the moving operations.

(Ord. 4, passed 12-2-1957)

§ 93.33 LICENSE FEE.

Any person desiring to move any building over any public streets or alleys or other public property of the Village of Ortonville, shall pay the Village President a license fee to cover costs of inspection for each commercial or dwelling building and fees for each double garage and for each single garage, in amounts to be determined by resolution of the Council from time to time, and in those instances where living quarters are established with a single or double garage, they shall be construed to be a dwelling house.

(Ord. 4, passed 12-2-1957)

§ 93.34 PERMIT REQUIRED.

No building shall be moved until there has been attached to the building a moving permit issued by the Village President after proper inspection has been made of all streets over which the building is to be moved. No such permit shall be issued until a written statement from all public service corporations is furnished, whose property may be affected by such moving, that satisfactory arrangements have been made with them for the work proposed to be done.

(Ord. 4, passed 12-2-1957) Penalty, see § 93.99

§ 93.35 DEFINITIONS.

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

BUILDINGS. Includes all other buildings, equipment or machinery of any sort or description not herein specifically enumerated that may be over 8 feet in width whether moved on trailers or otherwise, except that a farm tract shall not exceed 9 feet in width or the width of a load of any vehicle hauling forest products shall not exceed 8 feet, 8 inches, and further, not anything herein contained to the contrary, the measurement, when the width of a vehicle is concerned, the width of the body of such vehicle or the load thereon, whichever is the greater, shall be the determining factors in arriving at the width of the vehicle.

(Ord. 4, passed 12-2-1957)

§ 93.36 EFFECTIVE DATE.

Effective date of this subchapter shall take effect after final passage by the Village Council and 30 days shall have elapsed from first publication.
(Ord. 4, passed 12-2-1957)

§ 93.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person who shall be convicted of violating the provisions of §§ 93.01 through 93.05 shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 90 days, or by fine of not more than \$500, or by both the imprisonment and the fine, as determined by a court of competent jurisdiction.

(2) Any person who shall be in violation of this subchapter shall be liable for a separate violation and conviction for each day the violation occurs.

(3) The penalties set forth above shall not be exclusive, and the village shall be entitled to pursue any other rights and remedies concurrent with or in lieu of the above, including without limitation the commencement of an action in the Oakland County Circuit Court to compel compliance.
(Ord. 49, passed 12-14-1987)

(C) (1) Any person who shall be convicted of violating the provisions of §§ 93.15 through 93.19 shall be guilty of a misdemeanor and shall be punished by imprisonment of not more than 90 days, or by fine of not more than \$500, or by both the imprisonment and fine, as determined by a court of competent jurisdiction.

(2) Any person who shall be in violation of this subchapter shall be liable for a separate violation and conviction for each day the violation occurs.

(3) The penalties set forth above shall not be exclusive, and the village shall be entitled to pursue any other rights and remedies concurrent with or in lieu of the above, including, without limitation, the commencement of an action in the Oakland County Circuit Court to compel compliance.
(Ord. 57, passed 8-9-1993)

(D) Any person violating the provisions of §§ 93.30 through 93.36 shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a court of competent jurisdiction, shall be punished by a fine of not to exceed \$100 and cost of prosecution, or by imprisonment in the Oakland County Jail, for not to exceed 90 days, or by both the fine and imprisonment in the discretion of the court.
(Ord. 4, passed 12-2-1957)

CHAPTER 94: ASSEMBLAGES

Section

- 94.01 Declaration
- 94.02 Definitions
- 94.03 License required
- 94.04 Application for license
- 94.05 Application materials
- 94.06 Review of application
- 94.07 Timeframe for issuance or denial of license
- 94.08 Reasons for denial
- 94.09 License specifications
- 94.10 Required facilities and personnel
- 94.11 Revocation
- 94.12 Violations
- 94.13 Effective date

- 94.99 Penalty

§ 94.01 DECLARATION.

The Village of Ortonville finds and declares that the interests of the public health, safety and welfare of the citizens of the village require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this village.
(Ord. 18, passed 1-30-1976)

§ 94.02 DEFINITIONS.

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

ATTENDANT. Any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

LICENSEE. Any person to whom a license is issued pursuant to this chapter.

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OUTDOOR ASSEMBLY or ***ASSEMBLY***. Any event, attended by more than 5,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

(1) An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;

(2) An event which is conducted or sponsored by an entity qualifying for tax exempt status under § 501(c)(3) of the Internal Revenue Code of 1954, being 26 U.S.C. § 501(c)(3), as incorporated by reference in § 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being M.C.L.A. § 206.201; or

(3) An event held entirely within the confines of a permanently enclosed and covered structure.

PERSON. Any natural person, partnership, corporation, association or organization.

SPONSOR. Any person who organizes, promotes, conducts or causes to be conducted an outdoor assembly.

(Ord. 18, passed 1-30-1976)

§ 94.03 LICENSE REQUIRED.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the Village of Ortonville unless he or she shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

(Ord. 18, passed 1-30-1976)

§ 94.04 APPLICATION FOR LICENSE.

(A) Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the Clerk/Treasurer of the Village of Ortonville and shall be made at least 60 days prior to date of the proposed assembly.

(B) Each application shall be accompanied by a nonrefundable fee of \$100 and shall include at least the following:

(1) The name, age, residence and mailing address of the person making application. Where the person making application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500;

(2) A statement of the kind, character and type of proposed assembly;

(3) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he or she shall submit an affidavit from the owner indicating his or her consent to the use of the site for the proposed assembly;

(4) The date or dates and hours during which the proposed assembly is to be conducted; and

(5) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.
(Ord. 18, passed 1-30-1976)

§ 94.05 APPLICATION MATERIALS.

(A) Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

- (1) Police and fire protection;
- (2) Food and water supply and facilities;
- (3) Health and sanitation facilities;
- (4) Medical facilities and services, including emergency vehicles and equipment;
- (5) Vehicle access and parking facilities;
- (6) Camping and trailer facilities;
- (7) Illumination facilities;
- (8) Communications facilities;
- (9) Noise control and abatement;
- (10) Facilities for cleanup and waste disposal; and
- (11) Insurance and bonding arrangements.

(B) In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.
(Ord. 18, passed 1-30-1976)

§ 94.06 REVIEW OF APPLICATION.

On receipt by the Clerk/Treasurer, copies of the application shall be forwarded to the Chief Law Enforcement and Health Officers for the village, the State Fire Marshal, and to such other appropriate public officials as the Clerk/Treasurer deems necessary. These officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their finding and recommendations to the Village Council of the Village of Ortonville.

(Ord. 18, passed 1-30-1976)

§ 94.07 TIMEFRAME FOR ISSUANCE OR DENIAL OF LICENSE.

Within 30 days of the filing of the application, the Village Council of the Village of Ortonville shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Village Council of the Village of Ortonville may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of the action, notice thereof must be mailed to the applicant by certified mail and, in the case of denial, the reasons therefor shall be stated in the notice.

(Ord. 18, passed 1-30-1976)

§ 94.08 REASONS FOR DENIAL.

A license may be denied if:

(A) The applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or

(B) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

(Ord. 18, passed 1-30-1976)

§ 94.09 LICENSE SPECIFICATIONS.

A license shall specify the name and address of the licensee, the kind or location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

(Ord. 18, passed 1-30-1976)

§ 94.10 REQUIRED FACILITIES AND PERSONNEL.

In processing an application the Village Council of the Village of Ortonville shall, at a minimum, require the following:

(A) *Security personnel.* The licensee shall employ at his or her own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the Chief Law Enforcement Officer for the Village of Ortonville in cooperation with the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

(B) *Water facilities.* The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. This water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Public Act 368 of 1978 part 127, being M.C.L.A. §§ 333.12701 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source delivered and stored in a manner approved by the Village of Ortonville Health Officer.

(C) *Restroom facilities.*

(1) The licensee shall provide separate enclosed flush-type water closets as defined in Public Act 733 of 2002, being M.C.L.A. §§ 338.3511 et seq., and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the Village of Ortonville Health Officer may permit the use of other facilities which are in compliance with Public Act 368 of 1978, being M.C.L.A. §§ 333.12771 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

(2) The licensee shall provide lavatory and drinking water facilities constructed, installed and maintained in accordance with Public Act 773 of 2002, being M.C.L.A. §§ 338.3511 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

(3) The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<i>Facilities</i>	<i>Male</i>	<i>No Gender</i>	<i>Female</i>
Toilets	1:300		1:200
Urinals	1:100		

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<i>Facilities</i>	<i>Male</i>	<i>No Gender</i>	<i>Female</i>
Lavatories	1:200		1:200
Drinking Fountains		1:500	
Tap or Faucets		1:500	

(4) Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

<i>Facilities</i>	<i>Male</i>	<i>Female</i>
Shower Heads	1:100	1:100

(5) All facilities shall be installed, connected and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the Village Health Officer.

(D) *Food service.* If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Public Act 368 of 1978, being M.C.L.A. §§ 333.12901 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

(E) *Medical facilities.* If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of the facilities shall be as prescribed by the Village Health Officer.

(F) *Liquid waste disposal.* The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Village Health Officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled *Manual of Septic Tank Practice*. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Public Act 451 of 1994 part 117, being M.C.L.A. §§ 324.11701 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the Village of Ortonville Health Officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

(G) *Solid waste disposal.* The license shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly-tight and rodent-proof container, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the

licensee shall provide the Village Health Officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health. The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

(H) *Public bathing beaches.* The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 368 of 1978 part 125, being M.C.L.A. §§ 333.12501 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(I) *Public swimming pools.* The licensee shall provide or make available public swimming pools only in accordance with Act 368 of 1978 part 125, being M.C.L.A. §§ 333.12501 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(J) *Access and traffic control.* The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of the State of Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

(K) *Parking.* The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he or she provide less than 1 automobile space for every 4 attendants.

(L) *Camping and trailer parking.* A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with Public Act 368 of 1978 part 125, being M.C.L.A. §§ 333.12501 et seq., and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. While Act 368 does not become effective until January 1, 1971, for purposes of this chapter, its provisions shall be effective and applicable upon the adoption of this chapter.

(M) *Illumination.* The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Village Building Inspector.

(N) *Insurance.* Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000 for property damage not less than \$1,000,000 for injury to any one person, and not less than \$2,000,000 for injury arising for any one occurrence from a company or

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companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk/Treasurer of the Village of Ortonville in writing at least 10 days before the expiration or cancellation of the insurance.

(O) *Bonding.* Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount determined by the Village Council on a case-by-case basis which reasonably reflects the possible losses and/or damages that the village may incur because of the licensed activity in a form to be approved by the Village Attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of state or local law, and which shall indemnify the village, its agents, officers and employees and the Village Council of the Village of Ortonville against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash or other waste resultant from the assembly.

(P) *Fire protection.* The licensee shall, at his or her own expense, take adequate steps as determined by the State Fire Marshal, to ensure fire protection.

(Q) *Sound producing equipment.* Includes but is not limited to public address systems, radios, phonographs, musical instruments and other recording devices; this equipment shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous or so as to be a nuisance or disturbance to the peace and tranquillity of the citizens of the village.

(R) *Fencing.* The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

(S) *Communications.* The licensee shall provide public telephone equipment for general use on the basis of at least 1 unit for each 1,000 attendants.

(T) *Miscellaneous.* Prior to the issuance of a license, the Village Council of the Village of Ortonville, may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the village.

(Ord. 18, passed 1-30-1976)

§ 94.11 REVOCATION.

The Village Council of the Village of Ortonville may revoke a license whenever the licensee, his or her employee or agent fails, neglects or refuses to fully comply with any and all provisions and

requirements set forth herein or with any and all provisions, regulations, ordinances, statutes or other laws incorporated herein by reference.

(Ord. 18, passed 1-30-1976)

§ 94.12 VIOLATIONS.

(A) It shall be unlawful for a licensee, his or her employee, or agent, knowingly to do the following:

(1) Advertise, promote or sell tickets to, conduct or operate an assembly without first obtaining a license as herein provided;

(2) Conduct or operate an assembly in such a manner as to create a public or private nuisance;

(3) Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement;

(4) Permit any person on the premises to cause or create a disturbance in, around or near the assembly by obscene or disorderly conduct;

(5) Permit any person unlawfully to consume, sell or possess intoxicating liquor while on the premises; or

(6) Permit any person unlawfully to use, sell or possess any controlled substance as defined by the Michigan Public Health Code (M.C.L.A. § 333.1101 et seq., as amended) or any administrative regulations promulgated pursuant thereto.

(B) It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the Circuit Court of the assembly.

(Ord. 18, passed 1-30-1976) Penalty, see § 94.99

§ 94.13 EFFECTIVE DATE.

This chapter shall become effective 20 days from and after the date of its final passage by the Village Council.

(Ord. 18, passed 1-30-1976)

§ 94.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

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(B) Any of the violations enumerated in § 94.12 is a separate offense, is a nuisance per se immediately enjoined in the Circuit Courts, and is punishable by imprisonment in the County Jail for not more than 90 days or by a fine of not more than \$100, or by both the fine and imprisonment. (Ord. 18, passed 1-30-1976)

TITLE XI: BUSINESS REGULATIONS

Chapter

110.BUSINESS LICENSING

111.SOLICITING AND PEDDLING

112.AMUSEMENTS

**113.JUNKYARDS AND UNLICENSED/IMPOUNDABLE
MOTOR VEHICLES**

114.FRANCHISE REGULATIONS

Section

- 110.01 License requirement
- 110.02 License fees **CHAPTER 110: BUSINESS LICENSING**
- 110.03 Expiration date
- 110.04 Suspension or revocation of license
- 110.05 Prorated fee
- 110.06 Exemption
- 110.07 Multiple businesses under single ownership
- 110.08 Granting official
- 110.09 Payment of fees; deposit
- 110.10 Display of license
- 110.11 Compliance with state or federal laws
- 110.12 Effective date

- 110.99 Penalty

§ 110.01 LICENSE REQUIREMENT.

(A) No person, firm or corporation shall carry on, engage in or operate any trade, business or occupation hereinafter set forth, within the corporate limits of the Village of Ortonville, without a license therefor as hereinafter provided, and shall conform to and comply with the rules and regulations as hereinafter provided.

(B) This chapter shall be known as the “General License Ordinance.”
(Ord. 9, passed 12-2-1957)

§ 110.02 LICENSE FEES.

Persons desiring to engage in any trade, business or occupation hereinafter mentioned in this chapter shall make a written application for the license to the Village Clerk/Treasurer, who after a reasonable investigation is satisfied the applicant is a suitable person to carry on the business and the granting of the license will not be detrimental to the interests of the public, shall issue the license upon the payment of the fee as set forth by the Village Council from time to time by resolution.
(Ord. 9, passed 12-2-1957)

§ 110.03 EXPIRATION DATE.

All licenses under this chapter shall expire on April 1 of each year, unless otherwise provided.
(Ord. 9, passed 12-2-1957)

§ 110.04 SUSPENSION OR REVOCATION OF LICENSE.

The Council may, on their own initiative, for incompetency or for any unlawful act, or for any improper conduct or whenever they shall be convinced the licensee is about to conduct any such performance, show, entertainment, amusement or business in any obscene, indecent, disorderly or immoral manner, or in such a way as to violate any law of the state or ordinance of the village, or in such a way so as to be detrimental to the interest of the public, having in mind the health, safety, morals and general welfare of the public, suspend or revoke any license or permit under the provisions of this chapter, and the decision of the Council in the matter shall be final and conclusive. Provided, that the President of the Village of Ortonville may, for any of the causes enumerated in this section, and for the same reasons, suspend any permit or license granted under this chapter to the licensee or his or her agent, by written notice, and shall stand suspended until the next meeting of the Council. At such meeting of the Council, the licensee may appear before the Council and be heard. If the Council, after hearing the facts, shall deem it advisable, they may revoke the license permanently, or suspend the license temporarily, or reinstate the license, and the findings of the Council in the matter shall be final and conclusive. In this connection, the Council may not revoke or suspend any such license unless it is for the best interests of the public, having in mind the health, safety, morals and general welfare of the public.

(Ord. 9, passed 12-2-1957)

§ 110.05 PRORATED FEE.

Any person making application for a license under this chapter for an unexpired portion of the license year, when not otherwise provided for, shall pay to the Village of Ortonville as follows:

(A) For more than 6 months to a year - the regular yearly license fee;

(B) For more than 3 months to 6 months - 60% of the yearly rate; and

(C) For 3 months or less - 30% of the yearly rate.

(Ord. 9, passed 12-2-1957)

§ 110.06 EXEMPTION.

This chapter shall not apply to any person who shall sell produce grown or goods manufactured by himself or herself offering the same for sale, or to any person who is permitted by any law of the United

States, or any law of the State of Michigan to pursue such occupation or business by reason of being an honorably discharged soldier or sailor.
(Ord. 9, passed 12-2-1957)

§ 110.07 MULTIPLE BUSINESSES UNDER SINGLE OWNERSHIP.

If any person, firm or corporation shall engage in or carry on in the Village of Ortonville, Michigan, more than 1 of the trades, occupations or businesses, the person, firm or corporation shall pay the licenses herein specified for as many of the trades, occupations and businesses as are so engaged in or carried on, and whether the same are carried on in connection with each other or as separate businesses.
(Ord. 9, passed 12-2-1957)

§ 110.08 GRANTING OFFICIAL.

All these licenses shall be granted by the Village Clerk/Treasurer, and the Village Clerk/Treasurer shall have the power to require the approval of the same by the Village Marshal, Health Officer or other official of the village, whose approval may be deemed necessary for the proper carrying out of the provisions of this chapter.
(Ord. 9, passed 12-2-1957)

§ 110.09 PAYMENT OF FEES; DEPOSIT.

All license fees shall be paid in full to the Village Clerk/Treasurer at or before the issuance of the license, and all such license fees shall be deposited forthwith in the Village Treasury to the credit of the General Fund. No refunds or rebates shall be made for licenses revoked nor upon the licensee retiring from business, and no license shall be sold or transferred to a new owner or proprietor, and shall be for just 1 place of business.
(Ord. 9, passed 12-2-1957)

§ 110.10 DISPLAY OF LICENSE.

Licensees must at all times when engaged in the licensed business, carry with them or have about the premises such license certificates, and same must be exhibited to any village official, police officer or citizen requesting to see the same.
(Ord. 9, passed 12-2-1957)

§ 110.11 COMPLIANCE WITH STATE OR FEDERAL LAWS.

The requirements of this chapter shall not in any manner relieve any licensee from complying with the general laws of the State of Michigan or the United States in relation to the business engaged in.
(Ord. 9, passed 12-2-1957)

§ 110.12 EFFECTIVE DATE.

The provisions of this chapter shall take effect after final passage by the Village Council and 30 days shall have elapsed from the first publication.
(Ord. 9, passed 12-2-1957)

§ 110.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter, or who willfully makes a false statement in applying for a license, or who permits any license issued to him or her to be used in any manner not authorized by this chapter, or by any person not authorized by this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$100, or imprisonment not exceeding 90 days in the County Jail, or both the fine and imprisonment in the discretion of the Court; and if a corporation is the licensee and any officer of the corporation is personally responsible for the violation of this chapter, then such officer shall be personally subject to the fine not exceeding \$500, or imprisonment in the County Jail not exceeding 90 days, or both the fine and imprisonment in the discretion of the Court.
(Ord. 9, passed 12-2-1957)

Section

111.01 Practices prohibited

111.02 Declaration of Nuisance **CHAPTER 111: SOLICITING AND PEDDLING**

111.03 Effective date

111.99 Penalty

§ 111.01 PRACTICES PROHIBITED.

The practice of going in and upon private residences in the Village of Ortonville, Michigan, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupant of the private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise, services or subscriptions, and/or disposing of and/or peddling or hawking the same is forbidden.
(Ord. 14, passed 1-30-1976) Penalty, see § 111.99

§ 111.02 DECLARATION OF NUISANCE.

The practice of going in and upon private residences in the Village of Ortonville, Michigan, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupant of the private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise, services or subscriptions, and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor.
(Ord. 14, passed 1-30-1976) Penalty, see § 111.99

§ 111.03 EFFECTIVE DATE.

This chapter shall take effect 20 days from and after the date of its final passage on January 30, 1976.
(Ord. 14, passed 1-30-1976)

§ 111.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall be punished by a fine not to exceed \$100 or by imprisonment for a period not to exceed 90 days, or by both the fine and imprisonment in the discretion of the Court, together with the costs of prosecution. If a fine is imposed the Court shall have the power to commit the violator to the County Jail until such time as the fine is paid, not to exceed, however, 90 days from the date of commitment.
(Ord. 14, passed 1-30-1976)

Section

Amusement Centers
CHAPTER 112: AMUSEMENTS

- 112.01 Short title
- 112.02 Definitions
- 112.03 License requirement
- 112.04 Procedure for obtaining licenses
- 112.05 Inspection
- 112.06 Prohibitions and restrictions for amusement centers
- 112.07 Prohibitions and restrictions for accessory amusement areas
- 112.08 Density of devices
- 112.09 Special permits
- 112.10 License renewal and annual report
- 112.11 Revocation and suspension of license
- 112.12 Exempt organizations
- 112.13 Effective date

- 112.99 Penalty

AMUSEMENT CENTERS

§ 112.01 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as the “Village of Ortonville Ordinance to Regulate Amusement Centers” and shall hereinafter be referred to as this subchapter. (Ord. 36, passed 3-22-1982)

§ 112.02 DEFINITIONS.

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

ACCESSORY AMUSEMENT AREA. The accessory use of a portion or portions of an establishment situated in a permanent, fully enclosed building for 3 or more coin-operated amusement devices, where such use is incidental to a principal use of an establishment which is a commercial recreation use, or a use in connection with which minors are not permitted on the premises unless accompanied by a parent or guardian.

AMUSEMENT CENTER or ARCADE. Any establishment situated in a permanent, fully enclosed building with 3 or more coin-operated amusement devices, as defined herein, unless the establishment constitutes an accessory amusement area as defined herein.

COIN-OPERATED AMUSEMENT DEVICE. Any amusement machine or device whether mechanically, electrically, hydraulically, pneumatically or otherwise activated or operated by means of the insertion of a coin, token or similar object involving amusement and/or competition with or between 1 person and the device or between 2 or more persons. This definition shall also include all devices and machines which may, by mechanical adjustment, be set in motion or operated by any means other than the insertion of a coin and the like where a fee is otherwise charged. This term does not include vending machines in which there are not incorporated gaming, amusement or competitive features and/or devices for young children such as merry-go-rounds and horse rides. Further, this definition does not include the machines designed solely for the purpose of playing music.

COUNCIL. As used herein shall mean and refer to the Ortonville Village Council.

PERSON. Any 1 or more natural human beings, corporations, partnerships, ventures and/or other entities to which the law attributes rights and liabilities, or any combination thereof.
(Ord. 36, passed 3-22-1982)

§ 112.03 LICENSE REQUIREMENT.

(A) No person shall operate or maintain an amusement center without having first secured a license for that use from the Council in accordance with the provisions of this subchapter.

(B) No person shall operate or maintain an accessory amusement area without having first secured a license for the use from the Village Council in accordance with the provisions of this subchapter.
(Ord. 36, passed 3-22-1982) Penalty, see § 112.99

§ 112.04 PROCEDURE FOR OBTAINING LICENSES.

(A) All applications for a license under the provisions of this subchapter shall be in writing, duly verified by the applicant, on a form furnished by the Village Clerk/Treasurer, and shall be filed with the Village Clerk/Treasurer, and accompanied by the annual license fee plus the annual fee per device within the center or area. The initial annual fee shall be utilized for processing the application and shall not be

refundable; however, the per machine charge shall be returnable to the applicant if the application is not approved. The amount of all fees shall be established by the Council as part of the Village of Ortonville Fee Schedule, as set forth in § 110.02.

(B) All applications for a license under this subchapter shall provide the following information:

(1) The names in full, dates of birth, current addresses, motor vehicle operators license numbers and type of legal interest of all persons having an ownership or possessory interest in the amusement center or area, as well as the names and addresses of all lessors of equipment or fixtures;

(2) A site, building and procedural operation plan;

(3) The business address, legal description and telephone number of the amusement center or area to be licensed; and

(4) The serial number, type and location of the amusement device to be installed on the premises and any other devices regulated hereunder.

(C) The Council shall, upon receipt of the application, request the following:

(1) A written report from the Brandon Fire Chief that the location or proposed location of the amusement center or area, and devices therein, shall not create a fire hazard, and that all fire prevention regulations are being satisfied;

(2) A written report from the Village Building Inspector that all electrical, pneumatic and hydraulic connections to each device shall comply with the Building Code, and that all building and zoning regulations have been satisfied; and

(3) A written report to the Council from the Oakland County Sheriff's Department, or designated agent, specifying whether any of those persons have been convicted of a felony or other crime involving moral turpitude. In addition, the Oakland County Sheriff's Department, or designated agent, will be requested to express an opinion regarding any unsafe or hazardous conditions that exist in the proposed amusement center area, or that might exist due to the proposed amusement center being established in the area.

(D) All applications for license under this subchapter, together with the reports received pursuant to division (C) above, shall be presented to the Village Council at a regular or special meeting called for the purpose of considering the application. The Council may, if it deems advisable, adjourn the hearings on any application for the purpose of holding public hearings, or securing additional information regarding the application.

(E) In the event that any of the reports received pursuant to division (C) of this section, and/or a review of the application, including the site, building and procedural operation plan, establish that unsatisfactory conditions endangering the public health, safety and welfare exist, or will be created, the Council shall refuse to issue the license to the applicant and state the reason or reasons therefor. The

applicant may request a hearing on the denial. The Council shall have the authority to issue conditional or probationary licenses for specified reasons. The failure to provide any and all of the required information for the license shall constitute sufficient reason to refuse issuance of the license, or to issue a conditional or probationary license.

(F) In the event the application and subsequent reports reflect that the application should be approved, and that issuance of the license would not be detrimental to the public health, safety and welfare of the citizens of the Village of Ortonville, the Council shall grant the license.

(G) A license shall be granted for a period of 1 year, ending December 31 of the year granted, except in the first year, the license shall be for that portion of the year ending December 31. (Ord. 36, passed 3-22-1982)

§ 112.05 INSPECTION.

Any establishment licensed pursuant to the provisions of this subchapter shall be open to inspection at any reasonable time by any law enforcement officer of the state, county or of the municipality, and/or by the Building Inspector, or his or her designate. (Ord. 36, passed 3-22-1982)

§ 112.06 PROHIBITIONS AND RESTRICTIONS FOR AMUSEMENT CENTERS.

(A) The permissible hours for an amusement center shall be during the hours of 9:00 a.m. and 12:00 a.m. midnight, Monday through Saturday, and during the hours of 12:00 p.m. noon and 12:00 a.m. midnight on Sunday; provided, however, that no amusement center shall be open or in operation during any time when any village school is in session, grades K through 12.

(B) It shall be unlawful to transfer any license from the designated licensee to any other person or premises.

(C) No intoxicating liquors shall be either consumed or sold on the premises, or persons under the influence of intoxicating liquors permitted to frequent, be in, or remain on the premises.

(D) No drugs or narcotics shall be sold, used or found on the premises or on the person of anyone on the premises. No persons under the influence of drugs or narcotics shall be permitted to frequent, be in, or remain on the premises, and all owners, licensees and their agents shall have a duty to diligently pursue enforcement of this requirement.

(E) No gambling in any form shall be permitted on the premises.

(F) No amusement center shall be open for business unless the licensee shall have 1 or more agents on the premises who are 25 years of age or older, in the ratio of 1 such person to each 20 patrons.

Accordingly, in the event only 1 such person is on the premises, no more than 20 patrons shall be permitted at a time, and so forth.

(G) The amusement center or recreation hall shall not be conducted in a manner that a reasonable person would foresee would contribute to, encourage, or allow the use of illegal drugs by any person or the use of alcohol by persons under the age of 21.

(H) The amusement center or recreation hall shall not be neglected in the management or control of the premises which results in the premises becoming a nuisance to the surrounding environs. (Ord. 36, passed 3-22-1982) Penalty, see § 112.99

§ 112.07 PROHIBITIONS AND RESTRICTIONS FOR ACCESSORY AMUSEMENT AREAS.

(A) Coin-operated amusement devices shall not be operated at any time the principal use is not open for business.

(B) All prohibitions and restrictions set forth in § 112.06 shall apply to accessory amusement areas, excepting division (A) of § 112.06; and provided that this section shall not be deemed to prohibit the sale or consumption of intoxicating liquors in such areas as are authorized by license issued by the State of Michigan. (Ord. 36, passed 3-22-1982) Penalty, see § 112.99

§ 112.08 DENSITY OF DEVICES.

(A) The maximum number of coin-operated amusement devices permitted on any premises shall be computed as follows:

(1) For amusement centers and accessory amusement areas, for each coin-operated amusement device, there shall be a minimum of 20 square feet of vacant floor space.

(2) For accessory amusement areas (only), there shall be no more than 1 device per 500 square feet of floor space open to regular public use on the total premises, up to a maximum of 10 devices.

(B) The Council may, on recommendation of the Fire Department and Police Department, and for good cause shown, modify the requirements of division (A) of this section. (Ord. 36, passed 3-22-1982)

§ 112.09 SPECIAL PERMITS.

An application for a 24-hour permit may be presented to the Village Clerk/Treasurer, together with an application fee plus the fee per proposed device for the use as established in the Village of Ortonville Fee Schedule, as set forth in § 110.02. The contents and processing of the application shall be governed

by the applicable sections for licensure, above, except that a license shall be effective for a maximum period of 24 hours, and shall be granted under exceptional circumstances only, such as incidental to an outdoor assembly. In the event a permit is granted, the Council shall establish the terms and conditions of operation, taking into particular consideration promotion of the interests of school-aged youth. (Ord. 36, passed 3-22-1982)

§ 112.10 LICENSE RENEWAL AND ANNUAL REPORT.

Prior to January 1 of each year, the Council may renew the license for another year upon receipt of an application for such renewal, which application shall set forth any changes in devices and/or operation on the premises, and the payment of an annual license and device fee, as set forth above. (Ord. 36, passed 3-22-1982)

§ 112.11 REVOCATION AND SUSPENSION OF LICENSE.

(A) Any license issued hereunder may be revoked or suspended by the Council for any violation by the licensee of the laws of the state or the ordinances of the village, or provisions of this subchapter.

(B) Upon receiving information of any violation, the Council shall fix a date for hearing thereon, and the Village Clerk/Treasurer shall give the licensee written notice thereof at least 5 days in advance of the hearing date. Notice of the hearing may be made by personal service or, in lieu of personal service, by certified mail, and the licensed premises shall be posted with the notice of hearing.

(C) Upon the date of hearing, or any adjourned date thereof, the Council shall hear the evidence produced concerning the alleged violations, and if the evidence produced at the hearing is sufficient to support a finding by the Council that the licensed premises is being conducted in a manner contrary to the laws of the State of Michigan, ordinances of the Village of Ortonville, including this subchapter, the Council shall suspend for a period of time or revoke permanently the license, with the decision to impose one such penalty or other depending upon the following factors:

- (1) Whether the violation was integral to the operation of the facility;
- (2) The steps taken, if any, by the licensee to ameliorate the violations; or
- (3) The violation's impact on the public health, safety and welfare.

(Ord. 36, passed 3-22-1982)

§ 112.12 EXEMPT ORGANIZATIONS.

Nothing contained in this subchapter as to the making of application for a license and the payment of a license fee shall be construed to apply to a fraternal lodge, public school church organization incorporated under the laws of this state or chartered by a superior governing body incorporated under

the laws of this state, organized exclusively for fraternal, religious or charitable purposes, and conducting its affairs in a room or auditorium occupied by and under the control of the lodge or church organization; provided, however, that the exemption herein contained shall not extend so as to exempt the lodge, school or church organization from the prosecution for violation of any provisions of this subchapter, whether licensed under this subchapter or not.
(Ord. 36, passed 3-22-1982)

§ 112.13 EFFECTIVE DATE.

The effective date of this subchapter shall be 20 days after passage, on April 12, 1982.
(Ord. 36, passed 3-22-1982)

§ 112.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person who shall violate any of the terms of §§ 112.01 through 112.13 shall, upon conviction in a court of competent jurisdiction, be subject to a fine of not more than \$500, plus costs of prosecution, or to be imprisoned for a period of not more than 90 days.

(2) Each business day the coin-operated amusement center is open contrary to any provision or ordinance shall be adjudicated as a separate and distinct violation, and each such violation shall be triable and punishable separately. A **BUSINESS DAY** is defined as the period commencing with the opening for business and concluding with the next following closing of business.

(3) In addition to the above, the village may seek a restraining order prohibiting the operation of any establishment in violation hereof.
(Ord. 36, passed 3-22-1982)

MOTOR VEHICLES

Section

~~CHAPTER 113.01 JUNKYARDS AND UNLICENSED/IMPOUNDABLE~~

- 113.01 Short title
- 113.02 Intent and purpose
- 113.03 Definitions
- 113.04 Prohibitions
- 113.05 Procedure for licensing of junkyards
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Impoundable Motor Vehicles; Removal, Storage, Release and Sale

- 113.15 Short title
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- 113.21 Procedure for taking endangering vehicles into custody
- 113.22 Contest of removal and/or fees; release of vehicle
- 113.23 Sale or other disposition of vehicles
- 113.24 Effective date

- 113.99 Penalty

Cross-reference:

Authority to impound vehicle, see § 71.13

JUNKYARDS AND STORAGE OF UNLICENSED VEHICLES**§ 113.01 SHORT TITLE.**

This subchapter shall be known and may be cited as the “Village of Ortonville Ordinance to Regulate Junkyards and Unlicensed Vehicle Storage,” and shall hereinafter be referred to as this subchapter.

(Ord. 40, passed 6-11-1984)

§ 113.02 INTENT AND PURPOSE.

The Village Council has recognized in the consideration and development of this subchapter that, in view of the great impact of construction and operation of junkyards on persons and property within the village, and in view of the fact that motor vehicles which have been unlicensed for more than 30 days are generally not being used for normal purposes, and are merely being stored, and that such storage on a widespread basis would have a blighting effect and result in a junkyard atmosphere in the village, thus affecting the public health, safety and welfare, including impact upon property values and aesthetics, it is necessary and appropriate to regulate such activities, and it is the intent and purpose of this subchapter to regulate junkyards and prohibit the storage of unlicensed vehicles within the village. (Ord. 40, passed 6-11-1984)

§ 113.03 DEFINITIONS.

(A) *Terms not expressly defined.* Terms not expressly defined in this section shall have the meanings customarily assigned to them unless context dictates otherwise.

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

CLERK. The Clerk/Treasurer for the Village of Ortonville.

COUNCIL. The Village Council for the Village of Ortonville.

JUNK. Any motor vehicles, machinery, equipment, furniture, household items, appliances, products or merchandise with parts missing or otherwise defective, or scrap metals, refuse or parts of any of the above named or enumerated items, and like and similar materials.

JUNKYARD. Any outdoor yard or place greater than 100 square feet in area where junk is stored or kept, or where vehicles, machines, equipment, household goods and/or the like, or parts thereof, are dismantled and/or demolished with the view of sale and/or use elsewhere.

MOTOR VEHICLE. A self-propelled vehicle which is required to be licensed by the Michigan Secretary of State's office for operation on the public highway.

UNLICENSED VEHICLE. A motor vehicle which does not have current State of Michigan license plates and/or tags affixed to it in the place provided by law.
(Ord. 40, passed 6-11-1984)

§ 113.04 PROHIBITIONS.

(A) *Junkyard.* No junkyard shall be allowed to operate or exist in the Village of Ortonville unless and until the same shall comply with all of the requirements of this subchapter and all other applicable ordinances, laws and regulations, and until the same shall have been licensed under this subchapter.

(B) *Unlicensed vehicles.* No unlicensed vehicles shall be stored outdoors on any property for more than 30 days. If a vehicle is unlicensed at a given time, and it remains unlicensed 30 or more days thereafter, it shall be presumed that the same has been unlicensed for 30 days.
(Ord. 40, passed 6-11-1984)

§ 113.05 PROCEDURE FOR LICENSING OF JUNKYARDS.

(A) An applicant must file a sworn application for a junkyard license on the form provided by the Village Clerk/Treasurer, accompanied by the application fee in an amount to be determined by resolution of the Village Council. The application shall require, among other things, the name and address of the applicant, and all partners, shareholders and/or principals of applicant (unless applicant is a publicly held corporation), a scaled drawing sealed by a licensed surveyor or engineer reflecting the area which is to serve as a junkyard, the location, design and materials of the screening wall, all improvements to be on the property, storage and parking area for machines and/or equipment to be used in the operation, gate to be used for ingress and egress, the location, design and materials of the advertising sign, and a description of each and every type of materials to be stored, dismantled and the like on the property.

(B) If junkyard use is a permitted use under the zoning ordinance, the application shall be forwarded to the Village Council for consideration.

(C) The Village Council shall conduct a public hearing on the application, with notice of the time, place and date of the hearing being given to the applicant, and to persons owning property within 300 feet, and to the general public by way of publication in a local newspaper.

(D) The Council shall conduct the public hearing, and consider the application, taking into consideration all matters bearing on whether the applicant appears to be able to conduct the business without causing a public and/or private nuisance, without unduly reducing adjacent and/or surrounding property values, and without causing likely damage or harm to the natural resources of the village and/or the public trust therein. Among other things, the Council shall consider the following:

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- (1) The size of the proposed use, which shall be no larger than 15,000 square feet;
 - (2) The type and nature of materials to be stored, dismantled and the like;
 - (3) The proposed screening wall, which shall be no less than 10 feet in height, surrounding the entire property within the setbacks as hereinafter required, and completely screening all junk from view from any highway and from all surrounding properties;
 - (4) Whether the applicant or any principal of applicant has been convicted within the last 10 years of a felony for selling and/or receiving of stolen property;
 - (5) The setbacks of any storage or dismantling area, which shall be at least 200 feet from any street, road or highway, 1,000 feet from any intersection or a state and/or county highway; and
 - (6) Whether there are any storage or parking areas for vehicles or junk outside of the walled area, which shall be prohibited.
- (E) The Council may grant the application, deny the application or grant the application with reasonable conditions, which conditions shall be stated in the minutes and affixed to the license. (Ord. 40, passed 6-11-1984)

§ 113.06 ISSUANCE OF LICENSE; FEES; REVOCATION.

(A) *Issuance of license.* If the application has been approved, an annual license shall be issued upon:

- (1) Completion of all improvements required for compliance with this subchapter and with any conditions imposed by the Council; and
- (2) Payment of the licensure fee.

(B) *Fees.* The annual licensure fee shall be an amount to be determined by resolution of the Village Council.

(C) *Licensure period.* All licenses shall be for a period of 1 year and shall expire on February 1 of each year.

(D) *Suspension and revocation.* Any license may be suspended or revoked based upon a material violation of this subchapter. (Ord. 40, passed 6-11-1984)

§ 113.07 EFFECTIVE DATE.

The effective date of this subchapter shall be July 12, 1984.
(Ord. 40, passed 6-11-1984)

IMPOUNDABLE MOTOR VEHICLES; REMOVAL, STORAGE, RELEASE AND SALE

§ 113.15 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as the “Village of Ortonville Ordinance to Regulate the Removal, Storage, Release and Sale of Impoundable Motor Vehicles,” and shall hereinafter be referred to as this subchapter.
(Ord. 35, passed 11-23-1981)

§ 113.16 SCOPE AND APPLICATION.

(A) The terms and provisions of this subchapter shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of public and private property within the village.

(B) This subchapter shall not interfere with, abrogate, annul any law, ordinance, rule or regulation previously in effect other than as specifically stated in Article XI of Ord. 35; provided, that in instances where this subchapter specifically imposes a greater restriction or higher standard than the restrictions or standards of other law, ordinances, rules or regulations, the provisions of this subchapter shall govern.
(Ord. 35, passed 11-23-1981)

§ 113.17 GENERAL DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily assigned to them.

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

IMPOUNDABLE MOTOR VEHICLE. Shall be classified and defined as follows:

(a) ***ABANDONED VEHICLE.*** A vehicle which has remained on public property or private property for a period of 48 hours after the police or other governmental agent, official, entity or

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agency designated by the police has affixed a written notice to the vehicle specifying the same to be an **ABANDONED VEHICLE**.

(b) **ENDANGERING VEHICLE**. Includes any of the following:

1. If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate objectively definable hazard to the public;
2. If the vehicle is parked or standing upon the highway in such a manner as to create an immediate and objectively definable public hazard or obstruction of traffic;
3. If a vehicle is parked in a posted tow-away zone;
4. If there is reasonable cause to believe that the vehicle, or any part of the vehicle, is stolen;
5. If the vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime;
6. If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or manmade disaster, or other objectively definable emergency; or
7. If the vehicle is hampering the use of private property by the owner or person in charge of that property, or is parked in a manner which unreasonably impedes the movement of another vehicle.

(c) **REGISTERED ABANDONED SCRAP VEHICLE**. A vehicle which meets all of the following requirements:

1. Is on public or private property;
2. Is 7 or more years old;
3. Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by Section 683 of the Motor Vehicle Code would appear to exceed the fair market value of the vehicle;
4. Is currently registered in the State of Michigan or displays current registration plates from another state; and
5. Is not removed within 48 hours after a written notice as described in § 113.18(A) is affixed to the vehicle.

(d) **UNREGISTERED ABANDONED SCRAP VEHICLE**. A vehicle which meets all of the following requirements:

1. Is on public or private property;
2. Is 7 or more years old;
3. Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by Section 683 of the Michigan Motor Vehicle Code, being M.C.L.A. § 257.683, would appear to exceed the fair market value of the vehicle;
4. Is not currently registered in this state and does not display current year registration plates from another state; and
5. Is not removed within 48 hours after a written notice as described in § 113.18(A) is affixed to the vehicle.

MOTOR VEHICLE CODE. The Motor Vehicle Code for the State of Michigan, being Public Act 300 of 1949, as amended, being M.C.L.A. §§ 257.1 et seq.

POLICE. Includes a police officer having duly conferred jurisdiction to act in the Village of Ortonville, the Oakland County Sheriff and Oakland County Sheriff Deputies.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan. (Ord. 35, passed 11-23-1981)

§ 113.18 PROCEDURE FOR TAKING ABANDONED VEHICLES INTO CUSTODY.

(A) If a vehicle has remained on public or private property for a period of time so that it appears to the police to be abandoned, the police shall do all of the following:

- (1) Determine if the vehicle has been reported stolen; and
- (2) Affix a written notice to the vehicle, containing the following information:
 - (a) The date and time the notice was affixed;
 - (b) The name and address of the police agency taking the action;
 - (c) The name and badge number of the police officer or deputy sheriff affixing the notice;
 - (d) The date and time the vehicle may be taken into custody and stored at the owner's expense, and other disposition made of the vehicle in accordance with this subchapter if the vehicle is not removed; and
 - (e) The year, make and vehicle identification number of the vehicle, if available.

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(B) If the vehicle is not removed within 48 hours after the date the notice shall have been affixed, the vehicle shall be deemed abandoned and the police may have the vehicle taken into custody, in which case the police shall do all of the following:

(1) Re-check to determine if the vehicle has been reported stolen;

(2) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network; and

(3) Within 7 days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the Secretary of State, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. This notice shall contain the following information:

(a) The year, make and vehicle identification number of the vehicle;

(b) The location from which the vehicle has been taken into custody;

(c) The date the vehicle was taken into custody;

(d) The name and address of the police agency which had the vehicle taken into custody;

(e) The business address of the custodian of the vehicle;

(f) The procedure to obtain release of the vehicle;

(g) The procedure to contest the fact that the vehicle has been deemed abandoned and/or the reasonableness of the towing fees and daily storage fees;

(h) A form petition which the owner may file in person or by mail with the court, requesting a hearing on the action taken by the police; and

(i) A warning that the failure to obtain release of the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.

(Ord. 35, passed 11-23-1981)

§ 113.19 PROCEDURE FOR TAKING REGISTERED ABANDONED SCRAP VEHICLES INTO CUSTODY.

After affixing the required notice to the vehicle, and otherwise determining the same to be a registered abandoned scrap vehicle as defined and classified in this subchapter, the police may have the vehicle taken into custody, in which case the police shall do all of the following:

(A) Determine if the vehicle has been stolen;

(B) Take 2 photographs of the vehicle;

(C) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle, containing the following information:

- (1) The year, make and vehicle identification number, if available;
- (2) The date of abandonment;
- (3) The location of abandonment;
- (4) A detailed listing of the damage or the missing equipment;
- (5) The reporting officer's name and title; and
- (6) The location where the vehicle is being held.

(D) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network; and

(E) Within 7 days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the Secretary of State, by first-class mail or personal service, a notice in the form required under § 113.18(B)(3).
(Ord. 35, passed 11-23-1981)

§ 113.20 PROCEDURE FOR TAKING UNREGISTERED ABANDONED SCRAP VEHICLES INTO CUSTODY.

After affixing the required notice to the vehicle and otherwise determining the same to be an unregistered abandoned scrap vehicle, as classified and defined herein, the police may have such a vehicle taken into custody, in which case the police shall determine if the vehicle has been reported stolen, take 2 photographs of the vehicle, within 24 hours after the vehicle is taken into custody, enter the same into the law enforcement information network, and make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle in the form required under § 113.19(C).
(Ord. 35, passed 11-23-1981)

§ 113.21 PROCEDURE FOR TAKING ENDANGERING VEHICLES INTO CUSTODY.

(A) The police, or a governmental agent, official, entity or agency designated by the police, may provide for the immediate removal of an endangering vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle.

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(B) The police authorizing the removal of an endangering vehicle shall do all of the following:

(1) Check to determine if the vehicle has been reported stolen;

(2) Within 24 hours after removing the vehicle, enter the vehicle into the law enforcement information network if release of the vehicle has not been obtained; provided, this division shall not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident; and

(3) If release of the vehicle has not been obtained within 10 days after moving the vehicle, send to the registered owner and the secured party as shown by the records of the Secretary of State, by first-class mail or personal service, a notice that the vehicle has been removed; however, if the police inform the owner or operator of the vehicle within 24 hours after the removal, and if release of the vehicle has not been obtained within 30 days and upon complaint from the towing service, the police shall send the notice within 30 days after removal. The notice shall contain the following information:

(a) The year, make and vehicle identification number of the vehicle;

(b) The location from which the vehicle was taken into custody;

(c) The date on which the vehicle was taken into custody;

(d) The name and address of the police agency which had the vehicle taken into custody;

(e) The location where the vehicle is being held;

(f) The procedure to obtain release of the vehicle;

(g) The procedure to contest the fact that the vehicle was properly removed and/or the reasonableness of the towing and daily storage fees;

(h) A form petition which the owner may file in person or by mail with the court to request a hearing on the action taken by the police; and

(i) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or both the vehicle and the proceeds.

(Ord. 35, passed 11-23-1981)

§ 113.22 CONTEST OF REMOVAL AND/OR FEES; RELEASE OF VEHICLE.

(A) The registered owner may contest the fact that the vehicle has been deemed abandoned, or properly removed in the case of an endangering vehicle, and/or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition

with the 52nd District Court for the State of Michigan, Second Division, within 20 days after the date of the notice transmitted advising that the vehicle has been deemed abandoned, or removed in the case of an endangering vehicle. If the owner requests a hearing, the matter shall be resolved after a hearing conducted by the Court as provided by law. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the Court, or the owner of the vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond.

(B) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

(C) If the owner does not obtain release of the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle and the police agency for its accrued costs.

(D) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the Court to secure release of the vehicle shall be used to pay the towing and storage fees. (Ord. 35, passed 11-23-1981)

§ 113.23 SALE OR OTHER DISPOSITION OF VEHICLES.

(A) *Sale of abandoned and endangering vehicles.*

(1) Not less than 20 days after the disposition of the hearing described in § 113.22(A) or, if a hearing is not requested, not less than 20 days after the date of the notice transmitted advising that the vehicle has been deemed abandoned, or removed in the case of an endangering vehicle, the police may sell the vehicle if, to the extent, and as, provided by law.

(2) If the ownership of an abandoned or endangering vehicle cannot be determined, either because of the condition of the vehicle identification numbers or because a check with the records of the Secretary of State does not reveal ownership, the police may sell the vehicle if, to the extent, and as, provided by law.

(B) *Disposition of registered and unregistered abandoned scrap vehicles.*

(1) Within 24 hours, excluding Saturday, Sunday and legal holidays, after taking an unregistered abandoned scrap vehicle into custody, or not less than 20 days after the disposition of the hearing requested in connection with a registered abandoned scrap vehicle, or if no hearing was requested in such case, not less than 20 days after the date of the notice transmitted advising that the vehicle has been deemed abandoned, the police agency shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the Secretary of State and apply for a certificate of the title or a certificate of scrapping. Upon receipt of the release form and application, the Secretary of State shall issue a certificate of title or a certificate of scrapping.

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(2) The release form described in division (B)(1) above shall be furnished by the Secretary of State and shall include a certification executed by the applicable police agency when the abandoned scrap vehicle is released. The certification shall state that the police have complied with the requirements of taking 2 photographs of the vehicle and making the report substantiating that the vehicle is a registered abandoned scrap vehicle, or unregistered abandoned scrap vehicle, as the case may be, in the form required in this subchapter.

(3) The Secretary of State shall retain the records relating to an abandoned scrap vehicle for not less than 2 years. The 2 photographs taken pursuant to this subchapter shall be retained by the police for not less than 2 years.
(Ord. 35, passed 11-23-1981)

§ 113.24 EFFECTIVE DATE.

The effective date of this subchapter shall be December 14, 1981.
(Ord. 35, passed 11-23-1981)

§ 113.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person found guilty of violating any provision of §§ 113.01 through 113.07 shall be punishable by fine of not more than \$500, together with costs of prosecution, or by imprisonment of not more than 90 days, or both.

(2) Each day a violation exists shall be a separate offense.

(3) These penalties shall be in addition to and not in lieu of the right of the village to prosecute and civil action.
(Ord. 40, passed 6-11-1984)

Section

114.01 Cable television regulations; adopted

114.02 Gas and electric supply franchise; adopted

CHAPTER 114. FRANCHISE REGULATIONS

§ 114.01 CABLE TELEVISION REGULATIONS; ADOPTED.

The provisions to regulate cable television are as set forth in Appendix A of this chapter.

§ 114.02 GAS AND ELECTRIC SUPPLY FRANCHISE; ADOPTED.

The gas and electric supply franchise regulations are as set forth in Appendix B of this chapter.

APPENDIX A: CABLE TELEVISION REGULATIONS

APPENDIX B: GAS AND ELECTRIC SUPPLY FRANCHISE

TITLE XIII: GENERAL OFFENSES

Chapter

130.GENERAL OFFENSES

131.REGULATION OF MINORS

132.WEAPONS

133.BLIGHT ORDINANCE

134.MUNICIPAL CIVIL INFRACTIONS

CHAPTER 130: GENERAL OFFENSES

Section

Disorderly Conduct

- 130.01 Short title
- 130.02 Scope and application
- 130.03 Nonexclusivity
- 130.04 Effective date
- 130.05 Definitions
- 130.06 Prohibitions

- 130.99 Penalty

DISORDERLY CONDUCT

§ 130.01 SHORT TITLE.

This chapter shall be known and may be cited and referred to as the “Village of Ortonville Disorderly Ordinance,” and shall hereinafter be referred to as this subchapter.
(Ord. 39, passed 2-27-1984)

§ 130.02 SCOPE AND APPLICATION.

(A) The terms and provisions of this subchapter shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety, welfare and morals, and for the public peace and preservation of public and private property within the village.

(B) This subchapter shall not interfere with, abrogate, annul nor repeal any other law, ordinance, rule or regulation previously in effect, except as otherwise expressly provided below, and in instances where this subchapter specifically imposes a greater restriction or higher standard than restrictions or standards of other laws, ordinances, rules or regulations, the provisions of this subchapter shall govern.
(Ord. 39, passed 2-27-1984)

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(C) The Village Council finds that the disorderly conduct described and prohibited in § 130.06 is harmful and detrimental to the health, safety and welfare of the people of and in the village, and further finds that, if permitted, such disorderly conduct would interfere with, and ultimately materially undermine, the quality of life of the people of and in the village, and, further, would prohibit the peaceful and lawful use and enjoyment of property and prohibit the peaceful and lawful conduct of business and industry. Effective date of this division (C) is February 10, 1987.
(Ord. 39B, passed 1-12-1987)

§ 130.03 NONEXCLUSIVITY.

The prohibitions and penalties provided for in this subchapter shall be in addition to and not exclusive of other prohibitions and penalties provided for under any other law, ordinance, rule and/or regulation.
(Ord. 39, passed 2-27-1984)

§ 130.04 EFFECTIVE DATE.

Effective date of this subchapter shall be March 23, 1984.
(Ord. 39, passed 2-27-1984)

§ 130.05 DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily attributed to them.
(Ord. 39, passed 2-27-1984)

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

PUBLIC PLACE. Includes any street, road, highway, alley, building, structure, park, playground, parking lot, sidewalk and/or other public place, which is owned by the government and/or to which the public is invited and has access, including without limitation school property, school buildings and any and all property owned or operated by the school district. Effective date of this definition is October 23, 1985.
(Ord. 39A, passed 9-9-1985)

§ 130.06 PROHIBITIONS.

It shall be unlawful for a person to engage in the following:

(A) **LOITERING.** To stand idly, linger or delay in movement in any public place, and concurrently:

(1) Obstruct or attempt to obstruct the free and uninterrupted passage of other persons;

(2) Knowingly acquiesce in illegal conduct being perpetrated in the person's presence;

(3) Be under the influence of alcohol, or of a controlled substance, as the term is defined in the Michigan Public Health Code, unless the substance has been prescribed by a person licensed by the government;

(4) Consume any intoxicating liquor, beer and/or wine where the public place in question is not licensed to sell or is not a place authorized for consumption of the liquor, beer and/or wine; or

(5) Urinate or defecate in a place not expressly designed as a bathroom or lavatory facility for that purpose. This division (A)(5) is effective October 23, 1985.
(Am. Ord. 39A, passed 9-9-1985)

(B) **LOITERING IN VEHICLE.** In a motor vehicle not situated on the public highway, to stand idly, linger or delay in movement in a public place, and concurrently:

(1) Obstruct or attempt to obstruct the free and uninterrupted passage of other motor vehicles;

(2) Knowingly acquiesce in illegal conduct being perpetrated in the person's presence;

(3) Be under the influence of alcohol, or of a controlled substance, as the term is defined in the Michigan Public Health Code, unless the substance has been prescribed by a person licensed by the government;

(4) Consume any intoxicating liquor, beer and/or wine where the public place in question is not licensed to sell or is not a place authorized for consumption of the liquor, beer and/or wine; or

(5) Delay in movement of the vehicle for a period in excess of that posted to be a maximum time to park or stand.

(C) **WINDOW PEEPING.** To look, peep or spy into and/or through a window or door of the residential dwelling of another and while situated on the land on which the dwelling is located, without express permission to do so.

(D) **INTERFERENCE WITH OTHERS.** Intentionally, or with willful or wanton disregard for others, to molest, jostle, crowd, shove and/or push 1 or more other persons in a public place.

(E) **FIGHTING.** To engage in a physical fight, by hitting, assaulting or striking another person with the hand, foot or other bodily part, and/or with an object, with the intent of injuring, frightening

or harassing the other person, or with willful or wanton disregard for whether the other person is injured, frightened or harassed.

(F) ***PRESENCE ON PUBLIC BUILDING OR STRUCTURE; TRESPASS.*** Without express authorization, to climb upon and/or be or remain on any exterior portion of a public building or structure, unless that portion of the building or structure is a place to which the public is invited, e.g., public stairs or porches.

(Ord. 39, passed 2-27-1984)

(G) ***EXCESSIVE NOISE.*** After being warned at least once in advance by an official or law enforcement agent of the village, to make, continue or cause or contribute to be made or continued an excessive noise which could reasonably be expected to disturb, injure and/or endanger the health, repose, peace or safety of others within the village. Whether a particular noise is excessive shall be determined based upon the following standards: the nature and level of the noise; whether the noise is usual in the place and circumstances; the level of background noise; the proximity of the noise to residences, and particularly sleeping facilities; the nature and zoning of the area; the time of day or night; the duration of the noise; and whether the noise is recurrent, intermittent or constant. Effective date of this division (G) is February 10, 1987.

(Ord. 39B, passed 1-12-1987)

Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person who shall be convicted of violating the prohibitions set forth in § 130.06 shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 90 days, or by fine of not more than \$500, or by both the imprisonment and the fine, as determined by a court of competent jurisdiction.

(Ord. 39, passed 2-27-1984)

CHAPTER 131: REGULATION OF MINORS

Section

Host Party Regulations

- 131.01 Responsibility of adult; liability
- 131.02 Definitions
- 131.03 Exception
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- 131.15 Establishment of curfew
- 131.16 Aiding and abetting violation
- 131.17 Procedure upon violation
- 131.18 Effective date

- 131.99 Penalty

HOST PARTY REGULATIONS

§ 131.01 RESPONSIBILITY OF ADULT; LIABILITY.

Any adult having control over any residence or premises who allows a house party to occur at that residence or premises shall be guilty of a misdemeanor:

(A) When the adult knows or reasonably should know that alcoholic beverages or controlled substances are possessed or being consumed by persons under 21 years of age at the residence or premises; and

(B) The adult fails to take steps reasonably calculated to prevent the possession or consumption of the alcoholic beverage or controlled substance by such person under 21 years of age.

(Ord. 51, passed 5-23-1991) Penalty, see § 131.99

§ 131.02 DEFINITIONS.

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

ADULT. A person 17 years of age or older.

ALCOHOLIC BEVERAGE. Any beverage containing more than 0.5% of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of M.C.L.A. § 436.2, as the same may be amended from time to time.

CONTROL. Any form of regulation or dominion including a possessory right.

CONTROLLED SUBSTANCE. As defined now or hereafter by the Public Acts of the State of Michigan. Currently, such **CONTROLLED SUBSTANCES** are defined by Public Act 196 of 1976, as amended, being M.C.L.A. §§ 335.301 et seq.

HOUSE PARTY. A social gathering of persons at a residence, or premises where such persons are not the owner or those with rights of possession or their immediate family members although the owner(s) or persons with right of possession may also be present.

RESIDENCE or PREMISES. A motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of the dwelling unit, or a hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

(Ord. 51, passed 5-23-1991)

§ 131.03 EXCEPTION.

The provisions of this subchapter shall not apply to religious observances having an ordained priest, minister or counterpart ordained individual present, and shall not apply to an educational activity occurring as part of a class or other teaching activity being conducted by authority of the local, state or federal government.

(Ord. 51, passed 5-23-1991)

§ 131.04 EFFECTIVE DATE.

Effective date of this subchapter shall be June 25, 1991.

(Ord. 51, passed 5-23-1991)

MINOR CURFEW

§ 131.15 ESTABLISHMENT OF CURFEW.

(A) A minor under the age of 16 years shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 10:00 p.m. and 6:00 a.m. immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon a specified errand or other legitimate business directed by his or her parent or guardian.

(B) A minor of 16 years old shall not loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 12:00 a.m. midnight and 6:00 a.m. immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor, or where the minor is upon a specified errand or other legitimate business directed by his or her parent or guardian.

(C) This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor;
 - (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (9) Married or had been married or had disabilities of minority removed in accordance with state law.
- (Ord. 32, passed 10-8-1979)

§ 131.16 AIDING AND ABETTING VIOLATION OF CURFEW.

Any person of the age of 16 years or over, assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of 17 to violate the provisions of this subchapter, shall be guilty of a misdemeanor and subject to the provisions of § 131.99.

(Ord. 32, passed 10-8-1979) Penalty, see § 131.99

§ 131.17 PROCEDURE UPON VIOLATION.

(A) Upon violation of this subchapter, a minor shall be subject to being issued a citation therefor, requiring further proceedings in the Juvenile Court for the County of Oakland, State of Michigan.

(B) The police may take the minor to his or her house, or may take the minor forthwith to the police station for questioning, subject to the following division (C).

(C) If the minor is taken to the police station, the police shall make an effort to contact 1 or more of the following: the parents of the minor; the guardian of the minor; and/or an attorney who represents the minor; and, no questioning of the minor shall be conducted until such time as at least 1 of the persons is present.

(Ord. 32, passed 10-8-1979) Penalty, see § 131.99

§ 131.18 EFFECTIVE DATE.

This subchapter shall become effective immediately upon publication on October 17, 1979.

(Ord. 32, passed 10-8-1979)

§ 131.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) The penalties for violation of §§ 131.01 through 131.04 shall be a misdemeanor punishable as follows:

(1) For the first violation, a fine not exceeding \$500 or imprisonment in the County Jail for a term not to exceed 30 days or by both the fine and imprisonment.

(2) For subsequent violations, a fine not exceeding \$500 or imprisonment in the County Jail for a term not to exceed 90 days or by both the fine and imprisonment.

(Ord. 51, passed 5-23-1991)

(C) Any person violating the provisions of § 131.16 , upon conviction thereof, shall be punished by a fine of not more than \$500 or by imprisonment for a period not to exceed 90 days, or both the fine and imprisonment in the discretion of the court.

(Ord. 32, passed 10-8-1979)

CHAPTER 132: WEAPONS

Section

132.01 Firing of weapons and cartridges unlawful

132.02 Violations

132.03 Effective date

132.99 Penalty

§ 132.01 FIRING OF WEAPONS AND CARTRIDGES UNLAWFUL.

Hereafter it shall be unlawful for any person or persons, except peace officers in lawful discharge of their duties and others who have secured permission from the Village Marshal to fire any gun or guns, revolver or revolvers, pistol or pistols, cartridge or cartridges of any kind or nature in any street, alley or other public place, or in any yard or private place in the Village of Ortonville.

(Ord. 7, passed 12-2-1957) Penalty, see § 132.99

§ 132.02 VIOLATIONS.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and subject to the provisions of § 132.99.

(Ord. 7, passed 12-2-1957) Penalty, see § 132.99

§ 132.03 EFFECTIVE DATE.

The provisions of this chapter take effect after final passage and 30 days shall have elapsed from first publication.

(Ord. 7, passed 12-2-1957)

§ 132.99 PENALTY.

Any person violating the provisions of this chapter as set forth in § 132.02, upon conviction thereof, before a court of competent jurisdiction, shall be punished by a fine of not to exceed \$100 and cost of

prosecution, or by imprisonment in the Oakland County Jail, for not to exceed 90 days, or by both the fine and imprisonment in the discretion of the court.

(Ord. 7, passed 12-2-1957)

CHAPTER 133: BLIGHT ORDINANCE

Section

- 133.01 Purpose
- 133.02 Causes of blight or blighting factors
- 133.03 Effective date

- 133.99 Penalty

§ 133.01 PURPOSE.

It is the purpose of this chapter to prevent, reduce or eliminate blight or potential blight in the village by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the village.

(Ord. 67, passed 3-23-2009)

§ 133.02 CAUSES OF BLIGHT OR BLIGHTING FACTORS.

(A) It is determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted or undesirable neighborhoods.

(B) On and after the effective date of this chapter, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the village owned, leased, rented or occupied by the person, firm or corporation.

(1) In any area zoned for residential and/or commercial purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this chapter, the term *JUNK AUTOMOBILES* shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 30 days and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason.

(2) In any area zoned for residential and/or commercial purposes, the storage upon any property of building materials, except in a completely enclosed building, unless there is in force a valid building permit issued by the village for construction upon the property and the materials are intended for use in connection with that construction. **BUILDING MATERIALS** shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

(3) In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except in a completely enclosed building. Domestic refuse shall be allowed if stored in such a manner as not to create a nuisance and is stored 10 feet from any other residential structure, for a period not to exceed 7 days. The term **JUNK** shall include, but shall not be limited to, parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metals or cast-off material of any kind, whether or not it could be put to any reasonable use.

(4) In any area, the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it may have been intended.

(5) In any area, the existence of any vacant or abandoned dwelling, garage or other outbuilding unless the buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise kept protected against the elements, animals, vandals or entry by unauthorized persons.

(6) In any area, the existence of any partially completed structure unless the structure is in the course of construction in accordance with a valid and subsisting building permit issued by the village and unless the construction is completed within a reasonable time.

(7) In any area, the storage of machinery parts of business or work-related tools or materials except in a completely enclosed building.
(Ord. 67, passed 3-23-2009)

§ 133.03 EFFECTIVE DATE.

This chapter shall take effect 30 days after publication.
(Ord. 67, passed 3-23-2009)

§ 133.99 PENALTY.

(A) A person who violates any provision of this chapter is responsible for a civil infraction punishable by payment of a civil fine in the amount of \$100 per violation. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(B) A violation of this chapter shall also be deemed a public nuisance and the village is hereby authorized to enter into and upon that person's land to abate the nuisance and to assess against the property all costs and expenses it incurs abating the nuisance.

(C) The Village Council shall designate the person responsible for enforcing the terms of this chapter.

(Ord. 67, passed 3-23-2009)

CHAPTER 134: MUNICIPAL CIVIL INFRACTIONS

Section

- 134.01 Definitions
- 134.02 Municipal civil infraction action; commencement; dismissal
- 134.03 Municipal civil infraction citations; issuance and service
- 134.04 Municipal civil infraction citations; contents
- 134.05 Municipal Ordinance Violations Bureau
- 134.06 Effective date

- 134.99 Penalty

§ 134.01 DEFINITIONS.

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

ACT. Act No. 236 of the Public Acts of 1961 (M.C.L.A. § 600.8701 et seq.), as amended.

AUTHORIZED VILLAGE OFFICIAL. The Village Manager, Building Inspector, Fire Chief, or other personnel of the village authorized by this chapter or any other village ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

BUREAU. The Village of Ortonville Municipal Ordinance Violations Bureau as established by this chapter.

MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by this chapter or any other village ordinance, but which is not a crime under this or such other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.

MUNICIPAL CIVIL INFRACTION ACTION. A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION. A written complaint or notice prepared by an authorized village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE. A written notice prepared by an authorized village official, directing a person to appear at the Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the village, as authorized under Sections 8396 (M.C.L.A. § 600.8396) and 8707(6) (M.C.L.A. § 600.8707(6)) of the Act (Ord. 69, passed 10-10-2011)

§ 134.02 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT; DISMISSAL.

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

(A) A municipal civil infraction citation directing the alleged violator to appear in court; or

(B) A municipal civil infraction violation notice directing the alleged violator to appear at the Municipal Ordinance Violations Bureau.
(Ord. 69, passed 10-10-2011)

§ 134.03 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE.

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

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

(B) The place for appearance specified in a citation shall be the district court.

(C) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by Section 8705 of the Act (M.C.L.A. § 600.8705).

(D) A citation for a municipal civil infraction signed by an authorized village official shall be treated as made under oath, if the violation alleged in the citation occurred in the presence of the official signing the complaint, and if the citation contains the following statement immediately above the signature of the official:

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief.

(E) An authorized village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(F) An authorized village official may issue a citation to a person if:

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

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction, and if the Prosecuting Attorney or Village Attorney approves, in writing, the issuance of the citation.

(G) Municipal civil infraction citations shall be served by an authorized village official as follows:

(1) Except as provided by Section 8707 of the Act (M.C.L.A. § 600.8707), an authorized village official shall personally serve a copy of the citation upon the alleged violator.

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

(Ord. 69, passed 10-10-2011)

§ 134.04 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS.

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

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

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

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

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the village;

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

(C) The citation shall also inform the alleged violator of all of the following:

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

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance, and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation;

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the village;

(4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney; and

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

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

(Ord. 69, passed 10-10-2011)

§ 134.05 MUNICIPAL ORDINANCE VIOLATIONS BUREAU.

(A) *Bureau established; employees.* The village hereby designates the Village Clerk as the Municipal Ordinance Violations Bureau, as authorized under Section 8396 of the Act (M.C.L.A. § 600.8396), to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized village officials, and to collect and retain civil fines and costs as prescribed by this chapter or any other village ordinance. The Village Clerk

may assign the functions and responsibilities of Bureau operation to a deputy or, with the approval of the Village Board, to any qualified village employee.

(B) *Location; supervision.* The Bureau shall be located at the Ortonville Village Hall, 476 Mill Street, Ortonville, Michigan 48462, and shall be under the supervision and control of the Village Clerk.

(C) *Disposition of violations.* The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled, and for which a municipal civil infraction violation notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this chapter shall prevent or restrict the village from issuing a municipal civil infraction citation for any violation, or from prosecuting any violation in a court of competent jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

(D) *Bureau limited to accepting admissions of responsibility.* The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions, and collecting and retaining fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense, or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

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

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

(G) *Procedure where admission of responsibility not made or fine not paid.* If an authorized village official issues and serves a municipal ordinance violation notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with district court, and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the

requirements for citations as provided by Sections 8705 (M.C.L.A. § 600.8705) and 8709 (M.C.L.A. § 600.8709) of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice, and shall fairly inform the alleged violator how to respond to the citation.

(Ord. 69, passed 10-10-2011)

§ 134.06 EFFECTIVE DATE.

This chapter shall take effect 30 days after publication.

(Ord. 69, passed 10-10-2011)

§ 134.99 PENALTY.

(A) The sanction for a violation that is a municipal civil infraction shall be a civil fine in the amount as provided by this chapter or any other village ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act 236 of the Public Acts of 1961, as amended (M.C.L.A. § 600.8701 et seq), and other applicable laws.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this chapter or any other village ordinance, the civil fine for a violation shall be not less than \$100, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter or any other village ordinance.

(a) As used in this section, **REPEAT OFFENSE** means a second (or any subsequent) municipal infraction violation of the same requirement or provision:

1. Committed by a person within any six-month period (unless some other period is specifically provided by this chapter or any other village ordinance); and

2. For which the person admits responsibility or is determined to be responsible.

(b) Unless otherwise specifically provided by this chapter or any other village ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(1) The fine for any offense that is a repeat offense shall be no less than \$150, plus costs.

offense shall be no less than \$200, plus costs.

(c) A ***VIOLATION*** includes any act that is prohibited or made or declared to be unlawful or an offense by this chapter or any other village ordinance; and any omission or failure to act where the act is required by this chapter or any other village ordinance.

(d) Each day in which any violation of this chapter or any other village ordinance continues constitutes a separate offense, and shall be subject to penalties or sanctions as a separate offense.

(B) In addition to any remedies available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this chapter or any other village ordinance.

(Ord. 69, passed 10-10-2011)

TITLE XV: LAND USAGE

Chapter

150.GENERAL REGULATIONS

151.PROPERTY MAINTENANCE

152.ZONING REGULATIONS

Section

Unsafe Buildings

CHAPTER 150: GENERAL REGULATIONS

150.01 State regulations adopted

Construction Code

- 150.15 Purpose, intent and short title
- 150.16 Definitions
- 150.17 Act and code effective and applicable
- 150.18 Enforcement
- 150.19 Construction Board of Appeals
- 150.20 Fees
- 150.21 Savings clause
- 150.22 Effective date

Addressing

- 150.35 Short title
- 150.36 Scope and application
- 150.37 Definitions
- 150.38 Inspections
- 150.39 Where required
- 150.40 Installation
- 150.41 Maintenance
- 150.42 Effective date

150.99 Penalty

Cross-reference:

Downtown Development Authority, see Chapter 32 of this code of ordinances

Ortonville - Land Usage***UNSAFE BUILDINGS*****§ 150.01 STATE REGULATIONS ADOPTED.**

(A) All of the provisions of the Housing Law, being M.C.L.A. §§ 125.538 et seq., and all amendments thereto, are hereby adopted, enacted and made a part of this section and are adopted herewith by reference.

(B) The Village Clerk/Treasurer for the Village of Ortonville shall at all times keep printed copies of the Housing Law, being M.C.L.A. §§ 125.538 et seq., available for inspection and distribution to the general public.

(C) This section shall become effective 20 days after its passage.
(Ord. 20, passed 1-30-1976)

CONSTRUCTION CODE**§ 150.15 PURPOSE, INTENT AND SHORT TITLE.**

(A) This subchapter is adopted pursuant to the State Construction Code Act of 1972, Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 et seq., as amended, for the purpose and with the intent of making the Act and the State Construction Code promulgated thereunder effective and applicable within the Village of Ortonville, by reversing prior exemption elections and thereafter assuming responsibility for administering and enforcing that Act and Codes through a designated enforcing agency; to provide for a Construction Board of Appeals, to provide for the establishment, collection and disposition of fees, to provide for the retention of fines imposed for convictions prosecuted by the Village of Ortonville; and to otherwise exercise any and all powers and authority provided under the Act and Codes, as amended, that will be effective, applicable, administered and enforced under this subchapter.

(B) This subchapter shall be known and may be cited or referred to as the “Village of Ortonville Construction Code Ordinance” or this subchapter.
(Ord. 55, passed 3-8-1993)

§ 150.16 DEFINITIONS.

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

ACT. Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 et seq., as amended, which is known and cited as the “State Construction Code Act of 1972.”

CODE. The rules which are prepared and promulgated by the State Construction Code Commission as provided in the Act.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.
(Ord. 55, passed 3-8-1993)

§ 150.17 ACT AND CODE EFFECTIVE AND APPLICABLE.

(A) As provided in § 8 of the Act, being M.C.L.A. §§ 125.1501 et seq., the village hereby reverses any and all previous elections to exempt itself from all or parts of the Act and Code(s).

(B) The Act and Codes shall be applicable and effective in the village upon the reversal of exemption election action in division (A) of this section taking effect as provided in § 8 of the Act.
(Ord. 55, passed 3-8-1993)

§ 150.18 ENFORCEMENT.

(A) Pursuant to the provisions of the State Construction Code, in accordance with Public Act 230 § 8b(6) of 1972, as amended, being M.C.L.A. §§ 125.1501 et seq., the Building Department is hereby designated as the enforcing agency to discharge the responsibility of the village under Public Act 230 of 1972, as amended, being M.C.L.A. §§ 125.1501 et seq. The village assumes responsibility for the administration and enforcement of the Act throughout the corporate limits of the community adopting this subchapter.

(B) Pursuant to the provisions of the State Construction Code, in accordance with Public Act 230 § 8b(6) of 1972 as amended, being M.C.L.A. §§ 125.1501 et seq., Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the village.

(C) The Federal Emergency Management Agency (FEMA), Flood Insurance Study (FIS) entitled “Oakland County” and dated September 29, 2006 and the Flood Insurance Rate Maps (FIRMs) panel numbers of 180 and 185 and dated September 2, 2006 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the flood hazards section of Table R301.2(1) of the Michigan Residential Code.
(Ord. 55, passed 3-8-1993; Am. Ord. passed 4-23-2007)

§ 150.19 CONSTRUCTION BOARD OF APPEALS.

(A) A Construction Board of Appeals, consisting of 3 members appointed by the Village Council for 2-year terms, has been or shall be created.

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(B) Members of the Construction Board of Appeals shall have the qualifications, duties and powers as provided in the Act.

(C) Applications or appeals to the Construction Board of Appeals and proceedings and decisions thereon shall be in accordance with the Act.

(D) The Village Council, by resolution, may establish rules or procedures to be followed by the Construction Board of Appeals and persons appearing before it, provided that any such rules or procedures do not conflict with the Act.
(Ord. 55, passed 3-8-1993)

§ 150.20 FEES.

(A) Fees for actions and services performed by the Enforcing Agency or Construction Board of Appeals shall be established, and may be amended, by resolution of the Village Council.

(B) Fees shall be paid to and collected by the Enforcing Agency prior to performance of the action or service for which the fee is required.
(Ord. 55, passed 3-8-1993)

§ 150.21 SAVINGS CLAUSE.

(A) Proceedings which were pending at the time this subchapter and the Act and Codes take effect as provided in § 150.22 are saved, and may be consummated according to the law in force when the proceedings were commenced. As used in this section, **PROCEEDINGS** means activities authorized under a lawfully issued permit, reviews and decisions on full and complete permit applications and applications to and hearings by the Construction Board of Appeals.

(B) Prosecutions and the right to prosecute for violations of construction regulations repealed by this subchapter are saved and may be initiated, continued and consummated according to the law in force at the time of the violation.
(Ord. 55, passed 3-8-1993)

§ 150.22 EFFECTIVE DATE.

The effective date of this subchapter is May 10, 1993.
(Ord. 55, passed 3-8-1993)

ADDRESSING

§ 150.35 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as the “Village of Ortonville Addressing Ordinance,” and shall hereinafter be referred to as this subchapter.
(Ord. 53, passed 8-12-1991)

§ 150.36 SCOPE AND APPLICATION.

This subchapter shall apply to all property within the village.
(Ord. 53, passed 8-12-1991)

§ 150.37 DEFINITIONS.

(A) Terms not specifically defined in this section shall have the meanings customarily attributed to them.

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

BUSINESS PROPERTY. Any property zoned as business.

COMMERCIAL PROPERTY. Any property zoned as commercial.

DISTRICT COURT. Refers to the 52nd Judicial District Court for the State of Michigan, Second Division.

FIRE CHIEF. The Chief of the Brandon Fire Department, and reference to the ***FIRE OFFICIAL*** shall mean and refer to the ***FIRE CHIEF***.

FIRE DEPARTMENT. The Brandon Fire Department, operated under the managerial authority of the Fire Board.

INDUSTRIAL PROPERTY. Any property zoned as industrial.

PERSON IN POSSESSION. The owner of the property and the possessory right of a particular property and/or improvement.

TOWNSHIP. The Township of Brandon, County of Oakland, State of Michigan.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.
(Ord. 53, passed 8-12-1991)

§ 150.38 INSPECTIONS.

An annual inspection and approval by the Fire Official shall be required in order to ensure proper addressing.
(Ord. 53, passed 8-12-1991)

§ 150.39 WHERE REQUIRED.

(A) Upon issuance of a building permit a temporary address shall be posted, and when occupancy is given a permanent address shall be posted, both to comply with this subchapter.

(B) Existing structures must comply with this subchapter within 90 days of its effectiveness.

(C) It shall be the responsibility of the owner of the property to install all required address numbers.
(Ord. 53, passed 8-12-1991)

§ 150.40 INSTALLATION.

(A) Each principal building having a separate address shall have address numbers attached to the principal building.

(B) If the address numbers of the principal buildings are not clearly visible from the publicly traveled roadway providing access to the property on which the buildings are situated, the address of each such principal building shall be posted on a structure which is clearly visible from the roadway at a location where vehicular access can be gained to the principal building from the publicly traveled roadway.

(C) Residential address numbers shall be a minimum of 4 inches in height, and a block style.

(D) Commercial, industrial and other business address numbers shall be a minimum of 4 inches in height, and of block style.

(E) The color of address numbers, and the background shall be a sufficient contrast in order to provide and promote visibility from the publicly traveled roadway.
(Ord. 53, passed 8-12-1991)

§ 150.41 MAINTENANCE.

(A) All address numbers are to be maintained and visible, which may require painting or replacing.

(B) All address numbers are to be kept free of all debris, brush, leaves, weeds, vehicles, personal property and other outside structures.

(C) All address numbers shall be maintained by the person in possession of the property.
(Ord. 53, passed 8-12-1991)

§ 150.42 EFFECTIVE DATE.

Effective date for this subchapter is September 11, 1991.
(Ord. 53, passed 8-12-1991)

§ 150.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person who shall violate any of the provisions of §§ 150.35 through 150.42 shall be deemed guilty of a misdemeanor, punishable by fine of not more than \$500, or by imprisonment for not more than 90 days, or both the fine and the imprisonment, as determined by the court.

(2) Each act constituting a violation of this subchapter and each day during which a violation occurs, shall be deemed a separate offence and punishable as set forth in division (B)(1) of this section.

(3) The penalties provided for in this subchapter shall be in addition to, and not exclusive of, other remedies available to protect violations of this subchapter.
(Ord. 53, passed 8-12-1991)

Section

General Provisions

CHAPTER 151: PROPERTY MAINTENANCE

- 151.01 Short title, intent and purpose
- 151.02 Definitions
- 151.03 Effective date

Environmental Requirements

- 151.15 In general
- 151.16 Exterior structure
- 151.17 Interior structure

Other Requirements

- 151.30 Plumbing and fixture requirements
- 151.31 Mechanical and electrical requirements

Administration and Enforcement

- 151.45 Material violations
- 151.46 Notice of violation
- 151.47 Delivery/posting of notice
- 151.48 Inspection of corrections
- 151.49 Hearing
- 151.50 Determination of violation
- 151.51 Corrective actions

- 151.99 Penalty

GENERAL PROVISIONS**§ 151.01 SHORT TITLE, INTENT AND PURPOSE.**

(A) This chapter shall be known and may be cited as the “Village of Ortonville Property Maintenance Ordinance,” and shall hereinafter be referred to as this chapter.

(B) In the Council’s considerations and deliberations with respect to the adoption of this chapter, the Council has determined that the protection and promotion of the public health, safety and welfare requires the adoption of regulations which apply to existing residential and nonresidential structures, including, without limitation, in the following respect:

(1) Establishing minimum maintenance standards;

(2) Providing for the completion of structures, and ongoing maintenance, in light of the recognition that if a significant number of structures in a given area were not completed, or existed in a condition of disrepair for extended periods of time, such conditions would lead to a state of frustration and disincentive in and to other property owners in the area in relation to completion and maintenance of other properties, and, in time, would result in the public nuisance condition of widespread reduction of property values, deterioration of existing structures, and the general blighting of the village and its residents and property;

(3) Fixing the responsibilities of owners, operators and occupants of all structures; and

(4) Providing for administration, enforcement and penalties.

(Ord. 47, passed 6-9-1986)

§ 151.02 DEFINITIONS.

The following words and phrases, as used in this chapter, shall have the following ascribed meanings:

CONDITION OF DISREPAIR. The condition of all, or any portion, of a structure which has not been maintained in a workmanlike manner, normal wear and tear for reasonable periods excepted, including without limitation instances where structures have windows and/or doors boarded up or which otherwise violate a provision of this chapter, and shall also mean the lack of substantially continuous and material pursuit of initial construction of a structure toward obtaining a certificate of occupancy or other required approval for a period in excess of 6 months.

COUNCIL. The Village Council of the Village of Ortonville.

STRUCTURE. Any building or structure for which a permit must be obtained for construction under any ordinance or code of the village.

VILLAGE. The Village of Ortonville, County of Oakland, State of Michigan.

WORKMANLIKE. The care in carrying out such activities as maintenance and repair in a reasonably skillful manner, i.e., the manner in which a reasonably prudent person would expect or require if another person were hired to perform maintenance or repairs on his or her structure of the type in question.
(Ord. 47, passed 6-9-1986)

§ 151.03 EFFECTIVE DATE.

The effective date of this chapter shall be July 9, 1986. The effective date of amendments as set forth by Ord. 47A is July 8, 1987.
(Ord. 47, passed 6-9-1986; Am. Ord. 47A, passed 6-8-1987)

ENVIRONMENTAL REQUIREMENTS

§ 151.15 IN GENERAL.

(A) All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from accumulation of rubbish or garbage, except when assembled regularly for removal for transport to a proper receptacle.
(Ord. 47, passed 6-9-1986)

(B) The owner and person in possession of every establishment producing garbage, vegetable waste or other putrescible materials shall provide and at all times cause to be used leakproof containers for the storage of such materials until removed from the premises for disposal.
(Am. Ord. 47A, passed 6-8-1987)

§ 151.16 EXTERIOR STRUCTURE.

(A) The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to impose a threat to the health, safety or welfare of the occupants and so as to protect the occupants from the adverse effects of the environment. Construction of the exterior of a building or structure shall, following issuance of a building permit, be pursued to completion and issuance of a certificate of occupancy, with work being regularly and actively performed, and such pursuit shall not be completely or substantially discontinued for a period in excess of 6 months. Moreover, the exterior

of the building or structure shall be maintained so as not to be in a condition of disrepair for a period of 6 months.

(B) All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

(C) Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

(D) All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads, and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

(E) Every exterior wall, window, trim and the like shall be free of holes, breaks, loose or rotting boards or timbers, and other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including without limitation wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

(F) All cornices, entablatures, felt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe workmanlike condition.

(G) All canopies, marquees, signs, metal awnings, stairways, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

(H) Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good workmanlike repair.

(I) Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as reasonably possible, and to substantially exclude wind from entering the dwelling or structure, and all windows and exterior doors shall be fitted reasonably in their frames to be weathertight, constructed so as to exclude wind or rain from entering the dwelling or structure. Windows, other than fixed windows, shall be capable of being opened with reasonable ease, and shall be held in position by appropriate window hardware.

(J) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of vermin, rain and surface drainage water into the structure.
(Ord. 47, passed 6-9-1986)

§ 151.17 INTERIOR STRUCTURE.

(A) The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.

(B) The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

(C) The interior of every structure shall be maintained free from any accumulation of rubbish, refuse or garbage, other than normal accumulations made for limited periods for disposal purposes. Any rubbish, garbage and/or refuse accumulated on the property for disposal purposes shall be kept inside temporary storage facilities and/or containers.
(Ord. 47, passed 6-9-1986)

OTHER REQUIREMENTS

§ 151.30 PLUMBING AND FIXTURE REQUIREMENTS.

(A) Every dwelling unit shall include its own plumbing facilities for sanitary purposes, which are in proper operating condition, and which can be used in privacy and are adequate for personal cleanliness and the disposal of human waste.

(B) All plumbing fixtures shall be maintained in a safe, sanitary and useable condition. All plumbing fixtures shall be approved nonabsorbent material.
(Ord. 47, passed 6-9-1986)

§ 151.31 MECHANICAL AND ELECTRICAL REQUIREMENTS.

(A) All cooking and heating equipment shall be maintained free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the Building Code and other laws or ordinances applicable.

(B) All fuel burning equipment shall be connected to an approved chimney, flue or vent, or shall otherwise be approved by the Fire Marshal.

(C) All required clearances to combustible materials shall be maintained.

(D) Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.
(Ord. 47, passed 6-9-1986)

(E) All electrical equipment, wiring and appliances shall be installed and maintained in a condition which will not result in a hazard to life and/or property. Applicable laws and codes shall be utilized in determining the existence of a hazard. However, the mere fact that there is not compliance with an applicable code adopted subsequent to installation of the equipment, wiring, appliances or the like shall not in and of itself be proof of a hazard.

(F) If, in the opinion of the duly authorized village official inspecting the system, the electrical system in a structure constitutes a hazard to life and/or property by reason of inadequate service, improper fusing, inefficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the condition shall constitute a material violation of this chapter.
(Am. Ord. 47A, passed 6-8-1987)

ADMINISTRATION AND ENFORCEMENT

§ 151.45 MATERIAL VIOLATIONS.

Whenever the Village Manager, the Building Official or designate determines that there has been a material violation of this chapter, or has reasonable ground to believe that a material violation has occurred, the village may proceed by way of appearance ticket, Circuit Court action, or by giving a notice to the owner or the person or persons responsible for the premises in the manner prescribed below.
(Ord. 47, passed 6-9-1986; Am. Ord. 47A, passed 6-8-1987)

§ 151.46 NOTICE OF VIOLATION.

The notice referenced in § 151.45, above, shall:

- (A) Be in writing;
- (B) Include a description of the real property sufficient for identification;
- (C) Include a statement of the reason or reasons why the notice is being issued;
- (D) Include a correction order allowing a reasonable time for the repairs, actions and/or improvements required to bring the structure into compliance with the provisions of this chapter; and

(E) Include a statement that if all corrections ordered to be made in the notice have not been completed within a reasonable time, as specified in the notice, a hearing shall be conducted before the Village Council at a time, date and place, also specified in the notice, and, that at the hearing, the property owner, or the property owner's representative, shall be entitled to be heard with respect to why the ordered corrective repairs, actions and/or improvements shall not be required.
(Ord. 47, passed 6-9-1986)

§ 151.47 DELIVERY/POSTING OF NOTICE.

The notice shall be sent by certified mail to the person or entity responsible for the property, which may be based upon the name and address on the records of the Assessing Department. In addition, if the notice specifies an order requiring the vacation of occupancy and/or the physical demolition of all or part of a structure, a copy of the notice shall be posted on the property in a conspicuous place.
(Ord. 47, passed 6-9-1986)

§ 151.48 INSPECTION OF CORRECTIONS.

After the expiration of the time established in the notice for curing of all violations, but before the date fixed in the notice for the hearing, the Building Official or designate shall ascertain and report to the Village Manager whether the corrections have been completed.
(Ord. 47, passed 6-9-1986)

§ 151.49 HEARING.

(A) If all corrections of violations have not been completed within the time required by the notice referenced in §§ 151.45 and 151.46, the Village Manager shall direct that an additional notice be sent by regular mail to the person or entity responsible for the property clarifying the position of the village that the corrections required in the prior notice have not been completed and that a hearing shall be conducted. The notice shall reiterate the date, time and place of the hearing to be conducted. The Village Council shall conduct a hearing on the date fixed in the notices, which hearing may be adjourned from time to time by the Council as needed to properly complete the hearing.
(Am. Ord. 47A, passed 6-8-1987)

(B) The property owner and/or representative shall be given an opportunity to be heard at the hearing.
(Ord. 47, passed 6-9-1986)

§ 151.50 DETERMINATION OF VIOLATION.

At the conclusion of the hearing, the Council shall determine, in its discretion, whether a violation exists. If the Council determines that a violation does exist, it shall order specific corrective repairs,

actions and/or improvements including, if necessary and in the discretion of the Council, a vacation of occupancy and/or a physical demolition of the structure; provided, however, demolition of the structure shall not be ordered unless a health or safety hazard exists, or unless a condition of disrepair shall have existed for a continuous period of at least 1 year. The Council shall prescribe a time within which the corrective repairs, actions and/or improvements must be completed.
(Ord. 47, passed 6-9-1986)

§ 151.51 CORRECTIVE ACTIONS.

If the corrective repairs, actions and/or improvements ordered by the Council include the vacation of occupancy of the premises and/or a physical demolition of all or part of a structure, and the property owner or other responsible person has not completed all curative repairs, actions and/or improvements within the time fixed in the order, the village may commence an action in the Circuit Court seeking a declaratory judgment, based upon the record made at the Village Council hearing, praying for an adjudication that:

(A) The procedure undertaken by the village was proper;

(B) The village's action and order did not constitute a breach of discretion and/or violate the constitution or law; and

(C) The village is authorized to carry out the curative order, with all costs and expenses incurred by the village in taking curative action to be paid by the property owner within 30 days of billing from the village, and failing full payment by the property owner, the balance due shall be deemed delinquent and be placed on the tax roll with respect to the property and billed and collected along with the real property taxes of the village according to law.
(Ord. 47, passed 6-9-1986)

§ 151.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a fine of not more than \$500 nor imprisonment for a term not to exceed 90 days, or both, in the discretion of the court. Each day that a violation continues after due notice shall be deemed a separate offense.

(2) In addition to, or in lieu of, proceeding by way of appearance ticket in the State District Court, the village may seek relief in the Circuit Court or otherwise proceed as provided under this chapter.
(Ord. 47, passed 6-9-1986)

Section

152.01 Zoning regulations; adopted

CHAPTER 152: ZONING REGULATIONS

§ 152.01 ZONING REGULATIONS; ADOPTED.

The zoning regulations of the Village of Ortonville have been excluded from the Code and remains in full force and effect. Copies are available through village offices.

TABLE OF SPECIAL ORDINANCES

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I. FRANCHISES AND AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
12	11-13-1961	Granting a gas franchise to Consumers Power Company for a period of 30 years.
TABLE I: FRANCHISES AND AGREEMENTS		
50	1-11-1988	Granting to The Detroit Edison Company an electricity franchise for the transmission, transformation and distribution of electricity, for the period of 30 years, effective January 20, 1988.
58	8-9-1993	Granting a gas franchise to Consumers Power Company, for the period of 30 years, effective the day after date of publication.
62-A	8-14-2000	Granting an electricity supplier franchise to DTE Energy Marketing, Inc., effective August 20, 2000, for a period of 10 years.

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Resolutions
References to Ordinances

REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

<i>M.C.L.A. Section</i>	<i>Code Section</i>
24.201 et seq.	70.01
30.401 et seq.	33.04
30.419	33.04
65.8	31.17
66.2	72.01
66.3a	10.01
67.1	72.01
67.7	72.01
71.1	31.17
125.1501 et seq.	150.15 - 150.18
125.1651 et seq.	32.02, 32.04, 32.06, 34.01, 34.02
125.1663	32.04, 32.05
125.1664	32.05, 34.01
125.1664 et seq.	32.04
125.1665	32.05, 34.01
125.1666	32.05
125.1668	32.06
125.31 et seq.	32.21, 32.22
125.401 et seq.	90.42
125.538 et seq.	150.01
141.421 et seq.	31.21
206.201	94.02
213.321 et seq.	32.05
257.1 et seq.	70.02, 71.11, 113.17
257.252d	72.01
257.683	113.17
286.471 et seq.	50.04
287.321 et seq.	90.99
324.11701 et seq.	94.10
333.1101 et seq.	94.12
333.12501 et seq.	94.10
333.12701 et seq.	94.10
333.12771 et seq.	94.10
333.12901 et seq.	94.10
333.13801 et seq.	50.04

Ortonville - Parallel References

<i>M.C.L.A. Section</i>	<i>Code Section</i>
335.301 et seq.	131.02
338.3511 et seq.	94.10
436.2	131.02
600.8396	134.01, 134.05
600.8701 et seq.	10.02, 134.01, 134.99
600.8705	134.03, 134.05
600.8707	134.03
600.8707(6)	134.01
600.8709	134.05

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
–	10-12-1980	91.03 - 91.07

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
4	12-2-1957	93.30 - 93.36, 93.99
7	12-2-1957	132.01 - 132.03, 132.99
9	12-2-1957	110.01 - 110.12, 110.99
10	12-2-1957	90.60 - 90.63, 90.99
12	11-13-1961	T.S.O. I
14	1-30-1976	111.01 - 111.03, 111.99
18	1-30-1976	94.01 - 94.13, 94.99
19	1-30-1976	92.20 - 92.27, 92.99
20	1-30-1976	150.01
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35	11-23-1981	113.15 - 113.24
36	3-22-1982	112.01 - 112.13, 112.99
37	7-12-1982	92.01 - 92.08, 92.99
11	8-23-1982	90.35 - 90.48, 90.50, 90.99
39	2-27-1984	130.01 - 130.06, 130.99
40	6-11-1984	113.01 - 113.07, 113.99
41	2-11-1985	31.01
42	4-22-1985	33.01 - 33.22, 33.99
41-A	5-13-1985	31.01
39A	9-9-1985	130.05, 130.06
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47	6-9-1986	151.01 - 151.03, 151.15 - 151.17, 151.30, 151.31, 151.45 - 151.51, 151.99
39B	1-12-1987	130.02, 130.06
48	5-11-1987	31.15 - 31.23
47A	6-8-1987	151.03, 151.15, 151.31, 151.45, 151.49

Ortonville - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
49	12-14-1987	93.01 - 93.05, 93.99
50	1-11-1988	T.S.O. I
51	5-23-1991	131.01 - 131.04, 131.99
52	8-12-1991	91.40 - 91.47, 91.99
53	8-12-1991	150.35 - 150.42, 150.99
54	8-12-1991	91.20 - 91.28, 91.99
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55	3-8-1993	150.15 - 150.22
56	4-26-1993	30.01 - 30.03
57	8-9-1993	93.15 - 93.19, 93.99
58	8-9-1993	T.S.O. I
56-A	1-10-1994	30.01 - 30.03
61	7-10-1995	50.01 - 50.07, 50.99
60	8-14-1995	34.01 - 34.03
62-A	8-14-2000	T.S.O. I
63	3-10-2003	70.02
63A	5-27-2003	70.01
65	1-26-2004	72.01
65	1-26-2004	72.02, 72.15 - 72.23, 72.99
-	4-3-2007	92.05, 92.99, Ch. 92, Appendix
-	4-23-2007	150.18
66	3-23-2009	90.01 - 90.07, 90.99
67	3-23-2009	133.01 - 133.03, 133.99
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69	10-10-2011	134.01 - 134.06, 134.99

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