



Village of Edmore  
Ordinances

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ORDINANCE NO. 239-87 (as amended)  
DOWNTOWN DEVELOPMENT AUTHORITY

Section 1: Establishment of Downtown Development Authority.

Pursuant to Act No. 197 of Public Acts of 1975, as amended, the Village of Edmore does hereby establish a Downtown Development Authority which shall be established and regulated pursuant to said Act 197. The Authority shall analyze the impact of economic changes and growth in the Downtown District and develop plans to coordinate with the Village's Planning Commission to promote orderly economic growth in the Downtown Development District. With the advice and consent of the Village Council, the Authority shall implement a development plan in the Downtown District as necessary to achieve the purposes of the Downtown Development Act and in accordance with the powers granted by said Act.

Section 2: Boundaries of District.

The boundaries of the Downtown District within which the Downtown Development Authority shall exercise its powers shall be as described in Exhibit A.

Section 3: Board Membership

1. The affairs of the Downtown Development Authority shall be governed by a Board consisting of the Village President and eight (8) additional members, all of which shall be appointed by the Village President and confirmed by the Village Council. The Chairman of the Downtown Development Authority shall be a voting member of said Board.
2. At the first regular meeting of the Village Council after publication of this Ordinance, there shall be appointed by the Village President of the Village of Edmore and confirmed by the Village Council, eight (8) members to serve as the Board of the Downtown Development Authority together with the Village President. Qualifications for membership on the Board shall be set forth in the Downtown Development Act.
3. The other members appointed as the Board of Downtown Development Authority shall be appointed in accordance with the following schedule:
  - Two members whose terms expire in one year;
  - Two members whose terms expire in two years;
  - Two members whose terms expire in three years; and
  - Two members whose terms expire in four years.
4. Prior to the expiration date and each year thereafter, the Village President of the Village of Edmore shall submit to the Village Council for approval a list of members to the Board of the Downtown Development Authority who shall serve for a term of four years each to fill the places of those whose terms have expired. Further, the Village President shall fill such vacancies as they exist on the Board from time to time.

5. A Board member shall take office by swearing and subscribing to the constitution oath of office.

#### Section 4: Meetings.

Within thirty (30) days after the appointment of the Board of Downtown Development Authority, the Authority shall call a meeting. The meeting shall open with a call or an election of Board Officers which shall consist of the following officer:

Chairman

Vice Chairman

Treasurer

Secretary

1. The Board shall prepare by-laws to govern the procedure of meetings and powers of its officers which shall be submitted to the Village Council for approval prior to their adoption by the Board.

#### Section 5: Source of Revenue, Permitted Expenditures.

The activities of the Authority shall be financed from one or more of the funding sources set out in Section I of Act 197 of Public Acts of 1975, as amended, and shall expend no monies without prior approval of the Village Council of the Village of Edmore.

#### Section 6: Authority Subject to State Law.

The Downtown Development Authority is to be controlled and regulated strictly by the Downtown Development Authority Act, being Act 197 of Public Acts of 1975, as amended.

#### Section 7: Residential Property Excluded.

Any and all residential property within the boundaries of the Downtown Development Authority shall be excluded from and not subject to this Ordinance.

#### Section 8: Publication Requirements.

Promptly after adoption of the Ordinance, a copy of same shall be filed with the Secretary of State of the State of Michigan and shall be published at least once in a newspaper of general circulation within the Village.

#### Section 9: Conflicting ordinances, Resolutions or Orders.

All ordinances, resolutions or order or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, repealed.

#### Section 10: Effect.

This Ordinance shall take effect ten (10) days after its adoption and publication.

Section 11: Severability.

Should any section of this Ordinance or any clause or provision hereof be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as whole or any part thereof, other than the part declared to be invalid.

Moved by Councilman Williams, Seconded by Councilman Roberts.

Yeas: Williams, Roberts, Best, Guild, LaClear, O'Connell      Nays: None      Absent: None

Made and passed by the Council of the Village of Edmore, Michigan at a regular meeting held on the 12<sup>th</sup> day of January 1987.

Shirley Mallory, Village Clerk

Roy Pruden, Village President

EXHIBIT A

DESCRIPTION OF THE EDMORE DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT

Boundaries of the Village of Edmore Downtown Development District are as follows:

Beginning at the southeast corner of the Village limits located at Neff Road at approximately 1,780 feet south of the center line of M-46, thence north along the center line of Neff Road 3,600 feet, thence west along the north Village limits 3,550 feet to the center line of First Street, thence south along the center line of First Street approximately 730 feet, thence west 220 feet, thence south 240 feet, thence west 120 feet, thence south 60 feet to the northern line of the abandoned railroad right-of-way, thence east along the north line of the abandoned railroad right-of-way, approximately 360 feet to the eastern right-of-way line of First Street, thence north along the east right-of-way of First Street, approximately 170 feet to the south right-of-way line of North Street, thence east approximately 850 feet to the west right-of-way line of Fifth Street, thence south along the west right-of-way line of Fifth Street, thence south approximately 450 feet to the south line of the abandoned railroad right-of-way, thence easterly along the abandoned railroad right-of-way 140 feet, thence southeasterly approximately 270 feet to the center line of the alley north of Main Street, thence west along the center line of the alley to the east right-of-way line of Second Street, thence south along the east right-of-way line of Second Street approximately 200 feet to the center line of the alley, thence east 210 feet to the center line of Third Street, thence south along the center line of Third Street approximately 100 feet to the north right-of-way line of Gilson Street, thence east along the north right-of-way line of Gilson Street approximately 710 feet to the westerly right-of-way line of the railroad, thence southerly along the westerly right-of-way line of the railroad approximately 300 feet, thence west along the south right-of-way of Pine Street 150 feet, thence south 230 feet to the north right-of-way line of Forrest Street, thence east along the north right-of-way line of Forrest Street 200 feet to the westerly right-of-way line of the abandoned railroad, thence south along the westerly right-of-



way line of the railroad 160s feet, thence east 80 feet to the easterly right-of-way line of the railroad, thence southerly 910 feet along the easterly right-of-way line of the railroad to the south Village limits line, thence east along the south Village limits line approximately 1,920 feet to the place of beginning.

The following parcels of land are excluded from the Downtown Development District:

The parcel of land beginning at the north east right-of-way line of North Street and First Street, thence north along the easterly right-of-way line of First Street approximately 120 feet, thence east 100 feet, thence south 120 feet to the northerly right-of-way line of North Street, thence west 100 feet to the place of beginning.

Also excepting a parcel of land beginning at the intersection of the east right-of-way of Eleventh Street and the center line of the abandoned railroad, thence north along the east right-of-way of Eleventh Street 340 feet, thence east 100 feet, thence north 250 feet, thence west 430 feet, thence south 430 feet to the center line of the railroad right-of-way, thence southeasterly approximately 360 feet to the point of beginning.

Also excepting a parcel of land beginning at a point 350 feet west of the intersection of the north right-of-way line of M-46 and the east right-of-way line of Tenth Street, thence north 170 feet, thence west 210 feet, thence south 170 feet, thence west 50 feet, thence north 170 feet, thence west 50 feet, thence south 175 feet, thence east 660 feet, thence 5 feet to the point of beginning.

Also excepting a parcel of land beginning at the north right-of-way line of Gilson Street and the west right-of-way line of the railroad right-of-way, thence north 100feet, thence west 130 feet, thence south 100 feet, then east approximately 140 feet to the point of beginning.

ORDINANCE NO. 249-90

DEVELOPMENT AND TAX INCREMENT FINANCING PLAN FOR THE DOWNTOWN DEVELOPMENT  
AUTHORITY

THE VILLAGE OF EDMORE ORDAINS:

1. Findings

- (a) The development plan included in the Development and Tax Increment Financing Plan on file with the Edmore Village Clerk (herein the "Plan") meets the requirements set forth in section 17(2) of Act 197, Public Acts of Michigan, 1975, as amended (the "Act") and the tax increment financing plan included in the Plan meets the requirements set forth in section 14(2) of the Act.
- (b) The proposed method of financing the development as set forth in the Plan is feasible and the Downtown Development Authority of the Village of Edmore (the "Authority") has the ability to arrange the financing.
- (c) The development is reasonable and necessary to carry out the purposes of the Act.
- (d) The land included within the Development Area, which includes the entire Downtown Development District (the "Development Area") to be acquired is reasonably necessary to carry out the purposes of the Act.
- (e) The development plan is in reasonable accord with the master plan of the Village of Edmore (the "Village").
- (f) Public services, such as fire and police protection and utilities, are or will be adequate to service the Development Area.
- (g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan, are reasonably necessary for the development project and for the Village.

2. Public Purpose.

The Village Council hereby determines that the Plan constitutes a public purpose.

3. Best Interest of the Public.

The Village Council hereby determines that it is in the best interests of the public to proceed with the Plan in order to halt property value deterioration in the Downtown District, to increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District.

4. Approval and Adoption of the Plan.

The Plan is hereby approved and adopted as provided herein. The duration of the plan shall be twenty years from the date of this Ordinance or the date of maturity of the last

bonds pursuant to the Plan, whichever is later, except as it may be extended by subsequent amendment of the Plan pursuant to the Act.

A copy of the Plan and all amendments thereto shall be maintained on file in the Village Clerk's office.

5. Preparation of Base Year Assessment Roll.

(a) Within sixty (60) days of the publication of this Ordinance, the Village Manager, working together with the Township Assessor and the information provided by the Township Assessor, shall prepare the initial base year assessment roll. The base year assessment roll shall list each taxing jurisdiction in the Development Area on the effective date of this Ordinance, the initial assessed value of each parcel of property within the Development Area, and the amount of tax revenue derived by each taxing jurisdiction from ad valorem and personal property taxes on the property in the Development Area.

(b) The Village Manager shall transmit copies of the base year assessment roll to the Village Treasurer, Township Treasurer, County Treasurer, the Authority and each taxing jurisdiction, together with a notice that the base year assessment roll has been prepared in accordance with this Ordinance and the tax increment financing plan contained in the Plan approved by this Ordinance.

6. Preparation of the Annual Tax Increment Assessment Roll.

Each year within 15 days following the final equalization of the property in the Development Area, the Village Manager, working together with the Township Assessor and with information provided by the Township Assessor, shall prepare the tax increment assessment roll. The tax increment assessment roll shall show the information required in the base year assessment roll and, in addition, the amount by which the current assessed value as finally equalized for all taxable property in the Development Area exceeds the assessed value of the property as shown on the base year assessment roll (the "captured assessed value"). Copies of the annual tax increment assessment roll shall be transmitted by the Village Manager to the same persons as the base year assessment roll, together with a notice that it has been prepared in accordance with this Ordinance and the Plan.

7. Establishment of Project Fund; Approval of Depository.

The Treasurer of the Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the Village Treasurer, to be designated Downtown Development Authority Project Fund. All monies received by the Authority pursuant to the Plan shall be deposited in the Project Fund. All moneys in the Project Fund and earnings thereon shall be used only in accordance with the Plan.

8. Payment of Tax Increments to the Authority.

The Village Treasurer, the Township Treasurer, and the County Treasurer shall, as ad valorem and personal property taxes are collected on the property in the Downtown District, pay a portion of the taxes, except for penalties and collection fees, that the Captured Assessed Value (as defined in Act 197) bears to the Initial Assessed Value (as defined in Act 197) to the Treasurer of the Authority for deposit in the Project Fund, excluding therefrom the taxes denied from debt millage. The payments shall be made on the date or dates on which the Village Treasurer, Township Treasurer and the County Treasurer are required to remit taxes to each of the taxing jurisdictions.

9. Use of Moneys in the Project Fund.

The moneys credited to the Project Fund and on hand therein from time to time shall be used annually in the following manner and following order of priority:

First, to pay to the Village for its payment of debt service on, or to pay into debt retirement fund or funds for all outstanding series of bonds issued pursuant to the Plan or any other series of bonds or obligations pledging or committing the use of tax increment revenues of the Authority as a source of debt service payments, an amount equal to the interest and principal coming due (in the case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.

Second, to establish a reserve account for payment of principal of and interest on bonds issued pursuant to the Plan to the extent required by any resolution authorizing of the bonds.

Third, to pay the administrative, auditing and operating costs of the Authority and the Village pertaining to the Plan, the Development Area, including planning and promotion to the extent provided in the annual budget of the Authority.

Fourth, repay amounts advanced by the Village for project costs, including costs for preliminary plans, and fees for other professional services.

Fifth, to pay, to the extent determined desirable by the Authority and approved by the Village, the cost of completing and remaining public improvements as set forth in the Plan, to the extent those costs are not financed from other sources.

Sixth, to pay the cost of any additional improvements to the Plan that are determined necessary by the Authority and approved by the Village Council in accordance with the Act.

10. Responsibility for Expenditures That Exceed Project Fund.

In the event the Village issues obligations on behalf of the Authority, and the Village is required in any fiscal year to pay out of its general fund any portion of the debt service on such an obligation, the authority shall be required to fully reimburse the Village from its available funds (but only after the set aside for debt service for any fiscal year has been met), including, but not limited to, tax revenues derived from assessed value captured

under tax increment financing, the Authority millage levy or other revenue sources of the Authority.

11. Annual Report.

Within 90 days after the end of each fiscal year, the Authority shall submit to the Village Council, with copies to each taxing jurisdiction, a report on the status of the Project Fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding indebtedness, the amount in any bond reserve account, the initial assessed value of the Downtown Development District, the captured assessed value of the Downtown Development District and the amount of captured assessed value retained by the Authority, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the Village Council or deemed appropriate by the Authority.

12. Refund of Surplus Tax Increments.

Any surplus money in the Project Fund after the Plan is no longer in effect shall be paid by the Authority to the Village Treasurer, Township Treasurer, or County Treasurer and rebated by each to the appropriate taxing jurisdiction.

13. Conflict and Severability.

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of the Ordinance are to the extent of such conflict hereby repealed, and each section of the Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.

14. Effective Date.

The Ordinance is hereby determined by the Village of Edmore to be immediately necessary for the preservation of the peace, health and safety of the Authority and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Edmore Village Council, County of Montcalm, State of Michigan, on June 25<sup>th</sup>, 1990. Ayes: 7 Nays: 0 Ordinance Declared Adopted.

## ORDINANCE NO. 2019-2

### An Ordinance to Amend Ordinance No 249-90

#### Development and Tax Increment Financing Plan for the Downtown Development Authority

##### 8. Payment of Tax Increments to the Authority.

The Village Treasurer, the Township Treasurer, and the County Treasurer shall, as ad valorem and personal property taxes are collected on the property in the Downtown District, pay **sixty percent (60%)** of that portion of the taxes, except for penalties and collection fees, that the Captured Assessed Value (as defined in Act 57 of 2018) bears to the Initial Assessed Value (as defined in Act 57 of 2018) to the Treasurer of the Authority for deposit in the Project fund, excluding therefrom the taxes denied from debt millage. The payments shall be made on the date or dates on which the Village Treasurer, Township Treasurer, and the County Treasurer are required to remit taxes to each of the taxing jurisdictions.

Pursuant to the Development & Tax Increment Financing Plan for the Village of Edmore, Section Entitled Tax Increment Financing Plan, Section F: In view of the necessity of halting property value deterioration and or promoting economic growth within the development area, it is the intention of the Authority to expend or otherwise obligate **sixty percent (60%)** of all tax increment revenues collected to achieve the purposes of the DDA Act.

This amendment to the Ordinance and to the Tax Increment Financing Plan declared adopted at the regular Village Council session on June 10, 2019.

Motion by Colburn, supported by Rasmussen.

Yeas: Colburn, Guild, Moore, Rasmussen, Burr

Nays: Ashbaugh, Hadley

Absent: None

Gloria Burr

Village President

Kerri Peterson

Village Clerk

ORDINANCE NO. 1013-3  
EDMORE PLANNING COMMISSION

An ordinance to repeal ordinance No. 228 of 1931 and to establish a new Village of Edmore Planning Commission in compliance with the Michigan Planning Enabling Act, Public Act 33 of 2008 (MPEA) to supersede the existing Planning Commission established by ordinance No. 228 of 1931; to confer on said Planning Commission all powers and duties provided for in the MPEA.

The Village of Edmore hereby ordains:

**Section 1. Repeal of Ordinance No. 228 of 1931 and Establishment of New Planning Commission in Compliance with the Michigan Planning Enabling Act:**

Ordinance No. 228 of 1931 PA 285, the Planning Act, which established the planning commission for the Village of Edmore under 1931 PA 285, the Planning Act, is hereby repealed, and the planning commission for the Village of Edmore established thereby shall be superseded by the planning commission established by this ordinance pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act (M.C.S.L. 125,3901 *et seq.*) (MPEA), and shall be constituted in accordance with and shall have all of the powers and duties set forth in that act and this ordinance. The members of the existing planning commission shall, however, continue to serve as the members of the planning commission established by this ordinance until such time as new members of the appointed pursuant to section 2 hereof, which appointments shall be made by the Village Council at the first village council meeting that occurs no more than ninety (90) days after the date this ordinance is adopted by the Edmore Village Council.

No matter pending before the planning commission as of the effective date of this ordinance shall be affected in any way by the fact that a new planning commission is being established by the Ordinance. All such pending matters, including, without limitation, all plan reviews, permit reviews, public hearings, etc., shall be carried forward under the new planning commission at the same status as existed prior to the effective date of the Ordinance.

**Section 2. Membership:**

(a) *Number of Members:* The Planning Commission shall consist of 5 members selected by the Village President and appointed by the Village Council. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the qualification set out below.

(b) *Conditions of Membership:*

1. Members of a planning commission other than ex officio members under subsection (5) shall be appointed for 3-year terms. However, of the members of the planning commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year.

2. If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.
  3. The membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the local unit of government to the extent practicable.
  4. Members of a planning commission do not need to be qualified electors of the local unit of government; the Village of Edmore on September 1, 2008, had a population of less than 5,000, as provided in (section 15, subsection 4, subdivision b of PA 33 of 2008).
  5. *Two Ex Officio Members:* The *ex officio* members of the Planning Commission without the right to vote; one being either the Village President or appointed council member and one *ex officio* member being the Village Manager or appointed village official. The term of an *ex officio* member of a planning commission shall be as specified in the Michigan Planning Enabling Act which currently provides as follows:
    - (aa) The term of a chief elected official shall correspond to his or her term as chief elected official.
    - (bb) The term of a member of the legislative body shall expire with his or her term on the legislative body.
- (c) *Vacancy:* If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- (d) *Removal:* Pursuant to section 15, paragraph 9 of the MPEA, The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges prepared by or directed to be prepared by the board of commissioners and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly not attend Commission meetings shall be considered a nonfeasance in office.
- (e) *Appointment of Members:* The Village of Edmore President shall, with the approval of the Village Council, appoint Planning Commission members in the following manner:  
*Representation:* Members shall be representative of important segments of the community and shall also, to the extent possible, be representative of the village. In accordance with the major interests as they exist in the important segments include but are not limited to:
- (1) Tourism and recreation;
  - (2) Business and industry;
  - (3) Public health and human services;
  - (4) Community and economic development;
  - (5) Arts, culture and entertainment;
  - (6) Agriculture, forestry and land use;



- (7) Environment and natural resources;
- (8) Education;
- (9) Transportation, public works and safety.

### **Section 3. Organization and Procedures:**

- (a) The Planning Commission shall elect a chairperson, vice chairperson, and secretary from its members and fill other offices, as it considers advisable. Ex officio members are not eligible to serve as officers. The term of each officer shall be 1 year, with opportunity for reelection as specified in the Planning Commission's bylaws.
- (b) *Bylaws*. The Planning Commission shall adopt bylaws for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- (c) *Advisory Committees*. The Planning Commission may appoint advisory committees whose members may not necessarily be members of the Planning Commission.
- (d) *Annual Report*. The Planning Commission shall submit an annual written report, including a work program for the coming year, and a budget request for the commission to the county board of commissioners.
- (e) *Meetings*. The Planning Commission shall hold not less than 4 regular meetings each year. The time and place of the meetings shall be established by resolution. Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
- (f) *Open Meetings Act*. The business that the Planning Commission may perform shall be conducted at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- (g) *Freedom of Information Act*. A document prepared, owned and used, in the possession of, or retained by the Planning Commission and staff members in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PSA 442, and MCL 15.231 to 15.246.

### **Section 4. Conflict of Interest:**

- (a) Conflict of interest shall be defined as a situation in which a planning commissioner has competing professional or personal interests in the outcome of a vote. Such competing interests include but are not limited to financial reward or the involvement of employers of immediate family members or any that may affect the member's ability to be impartial. Such competing interests can make it difficult to fulfill his or her impartiality. A conflict of interest exists even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the conduct of Planning Commission business. "Immediate family" shall include a member's spouse, children, other dependents, parents, siblings, and a spouse's parents and siblings.
- (b) In accordance with MPEA Section 15. (9), failure of a Planning Commission member to disclose a potential conflict of interest constitutes malfeasance in office.

- (c) Before joining in deliberation, fact finding, or cast a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Following such disclosure, unless a majority of the remaining members of the Planning Commission excluding the member with the potential conflict, finds that no conflict exists, the member with the conflict is disqualified from fact finding, deliberation, and voting on the matter.

**Section 5. Duties and Powers:**

- (a) *Master Plan.* The Planning Commission shall make and approve a master plan as a guide for development within the county and shall adopt same in accordance with the requirements of Section 31 through 51 of the MPEA. Other duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).

**Section 6. Amendment to the MPEA:**

Any amendments made to the MPEA shall hereby be declared to automatically control the activities and function of the Planning Commission.

**Section 7. Severability:**

If any part of this ordinance shall be deemed to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

**Section 8. Repeal of Inconsistent Ordinances or Resolutions:**

Any prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly "Ordinance to Provide for the Creation, Organization, Powers, and Duties of a Planning Commission for Edmore, Michigan, Ordinance Number 228 of 1931 and any amendments thereto are hereby repealed.

**Section 9. Effective Date.**

This ordinance shall be effective on the day following the day when notice of its adoption is published in a newspaper of general circulation in the county.

Adoption of the ordinance was moved by Schuitema and supported by Ashbaugh,

Ayes: Guild, Adams, Ashbaugh, Burr, Deja, Rasmussen, Schuitema.

Nays: none

The ordinance was declared adopted.

Chet Guild, Village President

10-10-2013 Date of publication

ORDINANCE No. 2015-1 (as amended)

SALARY FOR ELECTED AND APPOINTED OFFICERS

An Ordinance relative to the compensation and salaries of certain officers in the Village of Edmore.

THE VILLAGE OF EDMORE ORDAINS:

Section 1. COMPENSATION BASED ON ATTENDANCE AND PAID QUARTERLY.

The compensation of the president, clerk, and treasurer, and council members shall be based upon attendance at each regular and special council meeting. Such compensation shall be provided in the annual budget of the Village and shall be paid quarterly to these elected officials. Elected and appointed official and employees for the Village of Edmore participate in a Simplified Employee Pension (SEP). Officers become eligible for the plan after six (6) months.

Section 2. COMPENSATION FOR PRESIDENT.

The President shall receive \$135.00 for attending at least one regular or special meeting per month. There shall be no additional compensation for attending more than one regular, committee, or special scheduled meeting per month. This is the only compensation which may be paid to the president for the discharge of any official duty for and on behalf of the Village during his or her tenure of office, except he or she may be paid bona fide expenses incurred in service on behalf of the Village as are authorized, itemized and approved by the Edmore Village Council.

Section 3. COMPENSATION FOR CLERK.

- A. If the Clerk is not otherwise employed by the Village of Edmore, then the Clerk shall receive \$135.00 for each regular or special meeting attended. There shall be no additional compensation for attending more than one regular, committee, or special scheduled meeting per month. This shall constitute the only compensation which may be paid to the Clerk for the discharge of any official duty on behalf of the Village during his or her tenure of office. He or she may be paid bona fide expenses incurred on behalf of the Village. Any expenses must be itemized and approved by the Edmore Village Council.
- B. If the Clerk is otherwise employed by the village for 20 or more hours per week, then he or she shall receive \$50 per month in addition to the compensation he or she receives for the performance of other village duties. He or she may be paid bona fide expenses incurred on behalf of the Village. Any expenses must be itemized and approved by the Edmore Village Council.

#### Section 4. COMPENSATION FOR TREASURER

- A. If the Treasurer is not otherwise employed by the Village of Edmore, then the Treasurer shall receive \$135.00 for each regular or special council meeting attended. There shall be no additional compensation for attending more than one regular, committee, or special scheduled meeting per month. This shall constitute the only compensation which may be paid to the Treasurer for the discharge of any official duty on behalf of the Village during his or her tenure of office. He or she may be paid bona fide expenses incurred on behalf of the Village. Any expenses must be itemized and approved by the Edmore Village Council.
- B. If the Treasurer is otherwise employed by the village for 20 or more hours per week, then he or she shall receive \$50 per month in addition to the compensation he or she receives for the performance of other village duties. He or she may be paid bona fide expenses incurred on behalf of the Village. Any expenses must be itemized and approved by the Edmore Village Council.

#### Section 5. COMPENSATION FOR COUNCIL MEMBERS

Council members shall receive \$90.00 for attending at least one regular or special council meeting per month. There shall be no additional compensation for attending more than one regular, committee, or special scheduled meeting per month. This is the only compensation which may be paid to Council Members for the discharge of any official duty for and on behalf of the Village During their tenure of office. Council Members may be paid bona fide expenses incurred on behalf of the Village. Any expenses must be itemized and approved by the Edmore Village Council.

Section 6. VALIDITY OF ORDINANCE. If any section, paragraph, sentence, clause or phrase of this Ordinance shall be held invalid, the same shall not affect any other part of the Ordinance.

Section 7. REPEAL CLAUSE. Any Ordinances and resolutions and parts thereof, insofar as the same may be in conflict herewith, are here by repealed.

Section 8. EFFECCTIVE DATE. This Ordinance shall take effect immediately after publication in a newspaper of general circulation within the Village of Edmore.

Adoption of the amended Ordinance was moved by Ballard, and supported by Kohn.

Ayes: Kluwe, Ashbaugh, Ballard, David, Deja, Kohn    Absent: Adams

Nays: none

Karl Kluwe, Village President

I, Tracy Clerk, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on January 12, 2015, noticed in accordance with state law.    Tracy Clark, Clerk

ORDINANCE NO. 2013-4 (as amended)

VILLAGE MANAGER

An ordinance establishing the office of Village Manager; providing for the appointment, compensation and discharge of such official; specifying the branches of Village government and activities under the management and control and defining and limiting the rights, powers and liabilities of the Village Manager.

THE VILLAGE OF EDMORE ORDAINS:

Section 1. 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 Section 2, Chapter 11 and Section 8 of Chapter V of Act No.3, P.A. of 1985, as amended, which is the charter of the Village, there is hereby established the office of Village Manager.

Section 2. Appointment of Village Manager.

The President shall, with the concurrence of four or more Trustees, appoint a Village Manager for an indefinite term and 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 five or more, but only after a hearing before the Council. The President may, for cause, suspend the Manager with full pay until the hearing. The action of the Council in removing the Manager shall be final.

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

The Manager need not be a resident of the Village in accordance to Michigan Public Act 212 of 1999.

Section 3. Acting Village Manager

The President, with the concurrence of four or more Trustees, shall appoint or designate an acting Manager during a vacancy in the office of Village Manager and shall make a permanent appointment with 180 days from the effective date of the vacancy. A Village Manager appointment in accordance with section 2 of this ordinance, shall be deemed to be the acting Manager from the appointment.

Section 4. Compensation

The Village Manager shall receive such compensation as the Council shall determine annually by resolution or contract.

## Section 5. Duties

The Village Manager shall be 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.

The Manager shall have the following functions and duties:

- A. Attend all meetings of the Village Council and committees thereof and take part therein but without a vote.
- B. Be responsible for personnel management and shall issue, subject to Council approval, personnel roles applicable to all Village employees. The Manager shall have the following responsibilities:
  - (1) To appoint, suspend or remove all appointed administrative officers and department heads, subject to Council approval. The Manager shall recommend to the Council the salary or wages to be paid each such official.
  - (2) To appoint, suspend or remove all other employees of the Village. All such actions shall be based on merit and taken pursuant to personnel rules approved by the Council. The Manager shall fix the salaries or wages of all such employees, subject to Council approval.
- C. Exercise supervisory control over all departments including the police department, the department of public works, and the finance department.
- D. Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions of the Village Clerk and Village Treasurer.
- E. Shall be authorized to attend all meetings of Village boards and commissions including the Village Planning Commission with the right to take part therein with a vote.
- F. Prepare and administer the budget as provided in the Uniform Budgeting and Account Act, Act No. 2, P.A. of 1968, as amended.
- G. Be the purchasing agent of the Village.
- H. Prepare and maintain an administrative code defining the duties and functions of the several officers and departments of the Village, subject to Council approval.
- I. Investigate all complaints concerning the administration of the Village, and shall have the authority at all times to inspect the books, records and papers of any agent, employee or officer of the Village.
- J. Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village, and
- K. Perform other duties required from time to time by the Village Council.

#### Section 6. Purchasing Responsibilities.

The Village Manager shall act as purchasing agent for all Village Offices and departments. The Manager may delegate some or all the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties.

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed \$1,000 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 hereafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar limit without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such 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.

#### Section 7. Dealing with Employees.

Neither the Council or the Village President shall attempt to influence the employment of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for the purpose of inquiry, the President and Council and its members shall deal with departments under the jurisdiction of the Village Manager through the Manager.

##### Section 7.1 Interactions with Council.

- A. Except for purposes of inquiry, the council and its members shall deal with the administrative service for which the village manager is responsible solely through the manager, and neither the council nor any member thereof shall have authority to or shall give orders to any subordinate employee of the city, either publicly or privately.
- B. The Village manager will work in good faith with the Village Council and any appointed commission or committee on personnel issues regarding policies and procedures found in the Personnel Handbook that would interfere with the image, reputation or efficient delivery of village services.
- C. No member of the Council shall direct or request the following:
  - (1) The appointment of any person to or the removal of any person from any employment or office for which the city manager is responsible.
  - (2) The purchase of equipment, supplies, materials or services from any specific person for the setting of village contract.

- D. It is not the intention of this section to prevent frank discussion of the business of the village between the manager and any member of the Council at any time, but the intention is to prevent the personal favoritism or prejudice of any member of the council from hampering the administration of the village.

Section 8. Severability.

If any portion of the ordinance or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or application, provided that such remaining portions or applications are not determined by said Court to be inoperable, and to this end, this ordinance is declared to be severable.

Section 9.

This ordinance shall become effective 45 days after the date of adoption. If a petition, signed by not less than 10 percent of the registered electors of the Village, is filed with the Village Clerk within the 45-day period, this ordinance shall not become effective until after the ordinance is approved at an election held on the question as provided by law.

Adoption of the ordinance was moved by Schuitema, and supported by Deja.

Voting for: Adams, Guild, Rasmussen, Deja, Ashbaugh, Burr, Schuitema

Voting against: none

The ordinance was declared adopted.

Chet Guild, Village President

Effective Date: 12-16-2013

I, Gloria Burr, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on November 11, 2013, noticed in accordance with state law.

Gloria Burr, Clerk



## ORDINANCE NO. 2009-001

### APPOINTMENT OF VILLAGE CLERK AND VILLAGE TREASURER

The Village of Edmore Ordinance No. 2009-001, which provides for the appointment of the village clerk and treasurer. Ordinance is adopted pursuant to 1895 PA 3 as amended, on January 5<sup>th</sup>, 2009, and will take effect 45 days after the date of adoption and publication unless a petition signed by not less than ten percent of the registered electors of the Village is filed with the Village Clerk within the 45-day period, in which case the ordinance will take effect upon the approval of an election held on the question.

Motion by Schuitema, supported by Ballard, to adopt the following Village Ordinance: **An Ordinance** (number 2009-001) to provide for the appointment of the Clerk and the Treasurer of the Village of Edmore.

#### **The Village of Edmore ordains:**

##### **Section 1. Establishment of office.**

As authorized by section 1 (3) chapter II of the 1895 PA 3, as amended, the village clerk and village treasurer shall be chosen by nomination by the village president and appointment by a majority vote of the village council.

##### **Section 2. Term of office.**

The term of office of the village clerk and village treasurer shall be two years, beginning November 20, after the clerk's and treasurer's election and qualification, if the regular village election is held at the general election.

##### **Section 3. Effective date.**

This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the village is filed with the village clerk or village office within such 45 days.

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

##### **Section 4. Adoption**

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

##### **Section 5. Publication**

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

The motion was ADOPTED by the following roll call vote:

In favor: Leonard, Ashbaugh, Ballard, Davis, Deja, Nye, Schuitema

Against: none

The motion was declared adopted by President Leonard.

ORDINANCE No. 2013-1 (as amended)

BURNING ORDINANCE

An ordinance to amend sections 1,2 and 3 of Ordinance No. 223 "Burning" Ordinance, and to add new sections 1.1, 2.1, and 3.1 to Ordinance No. 223 "Burning" Ordinance.

THE VILLAGE OF EDMORE ORDAINS:

SECTION 1. AMENDMENT OF ORDINANCE NO. 223; ADDITION OF NEW SECTION 1.1 ORDINANCE NO. 223 ENTITLED "BURNING ORDINANCE" IS HEREBY AMENDED TO ADD A NEW SECTION 1.1, WHICH NEW SECTION SHALL READ IN ITS ENTIRETY AS FOLLOWS:

SECTION 1.1. DEFINITIONS:

As used in this ordinance, the words "campfire", "clean wood", "garbage", "construction material and demolition waste", "open burning", "refuse", "outdoor burning", "outdoor boiler/burner", "Portable Fire Receptacle Unit", "Fire Pit", and "Refuse" have the following meanings:

- (a) "Ashes" shall mean residue from fire used for cooking and for heating buildings.
- (b) "Campfire" means an outdoor fire burning clean wood or charcoal intended for recreation or cooking but not including a fire intended for disposal of waste or refuse or construction material and demolition waste. A campfire must be contained within a fire pit unless within and in accordance with the rules of a designated campground.
- (c) "Clean Wood" means natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues such as in plywood or other composite wood products, except that clean wood does include manufacture "starter logs" commercially available and commonly used in fireplaces and campfires.
- (d) "Construction Material and Demolition Waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, other wood materials including but not limited to treated wood and painted wood, wiring, plastics, packaging, and rubble, and includes any material other than clean wood that results from construction, remodeling, repair, and demolition operations on a house, commercial, or industrial building or structure.
- (e) "Garbage" shall mean wastes resulting from the handling, preparation, cooking and consumption of food; wastes from handling, storage and sale of produce.
- (f) "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney but does not include any burning in any portable fire receptacle unit.
- (g) "Outdoor Burning" means any open burning or any other burning outside the walls of any man-made building, house, or other structure, including any burning in an outdoor boiler/burner, portable fire receptacle unit or fire pit.
- (h) "Outdoor Boiler/Burner" means a wood-fired boiler, wood burner, stove, furnace, device, appliance, equipment, apparatus, or structure that is designated, intended and/or used

to provide hot water heat, hot water, or steam to any associated structure, and that operates by burning wood, charcoal, coal, corn, pellets, or other fuel sources approved for or customarily used for burning in an outdoor boiler/burner and is not located within the structure to be heated.

- (i) "Portable Fire Receptacle Unit" means outdoor burning or open burning fire receptacles which are not permanently affixed to any structure such as a chimney, patio warmer, smokers and grills, or other portable devices used for outdoor recreation, cooking and/or heating.
- (j) "Fire Pit" means a permanently fixed, outdoor burning or open burning receptacle located no closer than twenty feet from any public surface street, or within twenty (20) feet of any building or property line. All fire pits must be constructed in accordance with Section 2.1 of this Ordinance.
- (k) "Refuse" shall mean combustible trash including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; non-combustible trash, including but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall include solid wastes resulting from industrial processes and manufacturing operations such as food processing waste, boiler-house cinders, timbers, scraps, and shavings, whether animal, vegetable, mineral, wood, or synthetic material.
- (l) The definitions set forth in this Section 1.1 shall apply to the above terms whether capitalized or not, plural or singular, and however used throughout this Ordinance No. 223.

SECTION 2. AMENDMENT OF SECTION 2 OF ORDINANCE NO. 223, ADDITION OF SECTION 2.1 AND 2.2 OF ORDINANCE NO. 223 IS HEREBY AMENDED AND RESTATED IN ITS ENTIRETY AS FOLLOWS:

#### SECTION 2.1 BURNING WITHIN VILLAGE

It shall be unlawful to burn any garbage or other refuse outside any building at any time in the Village of Edmore. No person shall ignite or otherwise cause any campfire, open burning, outdoor burning or other burning whatsoever on any of the lands within the Village of Edmore except in accordance with the terms of this Ordinance. No person shall ignite or cause to burn any waste or refuse or construction material and demolition waste or any other debris, material, or refuse whatsoever on any of the lands within the Village of Edmore except in accordance with the terms of the Ordinance. The provisions of the Ordinance shall not prohibit the burning of clean fuels in an indoor fireplace or stove for the purpose of cooking or providing heat, nor shall it prohibit the use of portable fire receptacle units, campfires, or other burning allowed under the terms of this Ordinance.

#### SECTION 2.2 PERMISSIBLE BURNING

- (a) The person or persons tending the campfire shall remain in complete control over the campfire at all times, shall ensure that the campfire does not threaten surrounding

properties, and shall ensure that equipment suitable for extinguishing the campfire are nearby and readily available for use to control the fire. Suitable equipment includes but is not limited to a garden hose with water supply, a shovel, fire extinguisher, or other equipment of similar effect.

- (b) The quantities of clean wood or charcoal placed in a campfire at one time shall not exceed an amount which would reasonably be controllable or which is likely to create a flame greater than three feet above the ground level.
- (c) At no time shall any burning occur on or within twenty (20) feet of a building or property line, with the exception of the use of portable fire receptacle units.
- (d) Materials used in any portable fire receptacle unit shall be limited to clean wood, charcoal, natural or propane gas, or other manufactured clean burning fuels such as pellets or "starter logs". Materials used in any campfire shall be limited to clean wood, charcoal, or other manufactured clean burning fuels such as pellets or "starter logs".
- (e) Portable fire receptacle units may be operated on wood decks or other decking as long as safety precautions are used such as placing non-combustible material like brick, stone, concrete, or approved non-combustible mats or other materials between the portable fire receptacle unit and the combustible material. If a portable fire receptacle unit is not operated by burning natural or propane gas, the charcoal, clean wood, or other fuel supply shall be situated no closer than six (6) feet from the unit.
- (f) Fire pits shall be not greater than four (4) feet in diameter and must be constructed of a non-combustible material such as concrete, brick, stone, metal, soil, or other non-combustible material. Pits excavated into the ground need not be lined with any material below the ground surface. Pits placed on the ground shall have a six (6) inches high border above the surface of the ground consisting of non-combustible material, which surrounds the campfire.

SECTION 3. AMENDMENT OF ORDINANCE NO. 223; ADDITION OF NEW SECTION 3.1, ORDINANCE NO. 223 ENTITLED THE "BURNING ORDINANCE" IN HEREBY AMENDED TO ADD A NEW SECTION 3.1 WHICH SHALL READ IN ITS ENTIRETY AS FOLLOWS:

**BURNING PAPERS.** It shall be unlawful to burn paper, excelsior, or other materials which maybe blown about by the wind or pollute the air anywhere in the Village of Edmore unless same is burned in a stove, fireplace or furnace or in an incinerator sufficiently constructed to prohibit the escape of ignited particles.

**SECTION 3.1 OUTDOOR BOILERS AND BURNERS**

All outdoor boilers/burners shall be installed to meet all of the following requirements:

- 1. Be positioned at least twenty (20) feet from each lot line;
- 2. Be positioned at least one hundred (100) feet from the primary structure on each adjacent lot;
- 3. Be positioned to the rear of the primary structure on the lot on which it is placed;
- 4. Be installed by a licensed contractor, according to a mechanical permit; and
- 5. Be installed with an exhaust stack at least as high as the highest chimney of the primary structure on the lot on which it is placed or on an adjacent lot.

6. No outdoor burner shall be installed, put to use, or remain in use without first obtaining a permit from the Village of Edmore, issued by the office of the Village Manager or such office or official of the Village of Edmore as the Village Manager may designate. Such permits may be issued in the discretion of such official representative of the Village of Edmore, based upon the applicant's adherence with the following factors, and upon the furnishing to the Village the following information:
  - a. A drawing providing and identifying all of the information necessary to assure compliance with this section.
  - b. Manufacturer's specifications for the outdoor boiler/burner.
  - c. Proof of compliance with all applicable state and federal statutes, rules, regulations, and permit requirements, including, without limitation, all applicable building and construction codes, fire codes, and the zoning ordinance.
7. Any person owning and operating an outdoor boiler/burner after September 9, 2013, shall apply for the permit required by Section 3.1 (A) (6) within sixty (60) days of such date. The Village official reviewing such application shall issue the permit to such a person notwithstanding reasonable variations from the requirements of subsections 1-5 of this Section 3.1 (A), so long as such pre-existing outdoor boilers/burners are deemed safe and acceptable with the discretion of the Village official. The Village official may require reasonable alterations to the pre-existing unit prior to issuing the permit in the interest of public safety. All pre-existing outdoor boiler/burners are subject to this Ordinance and all parts hereof, specifically including Sections 3.1 (A) (8) – (11).
8. The area around an outdoor boiler/burner shall be free of substantial vegetation or other combustible material in a radius of ten (10) feet from the unit, or in a distance specified by the particular manufacturer of such unit, whichever is greater.
9. Only dry natural hard wood without additive, coal, charcoal, corn, pellets or other approved or customarily used alternate fuel sources may be burned in an outdoor boiler/burner.
10. Outdoor boiler/burners and associated installations shall be subject to inspection by the Village Zoning Administrator and State Mechanical Inspector at any reasonable time to assure compliance with this section or other applicable laws. Inspection by the Mechanical Inspector shall be required before any outdoor boiler/burner is put into service.
11. Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance with this section. This ordinance shall not be a defense to any civil claims for nuisance or for any other cause.

#### SECTION 4. BURNING YARDWASTE.

It shall be unlawful to burn grass, leaves, branches, or any other yard waste at any time in the Village of Edmore.

#### SECTION 5. WINDBLOWN REFUSE.

It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it would be blown by the wind so as to be scattered; and it shall be unlawful to permit the escape of soot, ashes or other solid materials or refuse so as to be windblown or scattered.

SECTION 6. PENALTY.

All violations of this Ordinance shall be civil infraction, and upon conviction thereof, shall be punishable by a fine of One Hundred (\$100.00) Dollars. Each day that such person, firm or corporation allows the violation of the ordinance to continue shall constitute a separate offense.

Adoption of the Ordinance was moved by Deja and supported by Adams.

Voting for: Rasmussen, Ashbaugh, Schuitema, Burr, Deja, Adams

Voting against: Guild

The Ordinance was declared amended/adopted.

Chet Guild, Village President

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Date of Publication

Gloria Burr, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on September 9, 2013, noticed in accordance with state law.

Gloria Burr, Clerk

ORDINANCE NO. 237-86

FIRE CONTROL

AN ORDINANCE TO ESTABLISH CERTAIN FIRE CONTROL AND FIRE DETECTION DEVICES IN RENTAL DWELLING UNITS WITHIN THE VILLAGE OF EDMORE AND TO PROVIDE FOR PENALTIES FOR FAILURE TO PROVIDE DEVICES AS REQUIRED HEREIN.

THE VILLAGE OF EDMORE ORDAINS:

SECTION I.

- A. Requirement: It shall be the responsibility of the owner of each new and existing rental unit within the Village of Edmore to install smoke detectors in each such rental unit as is hereinafter provided. It shall also be the responsibility of the owner of each new and existing rental unit in the Village of Edmore to provide fire extinguishers as is hereinafter provided. Smoke detectors shall be capable of sensing visible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed by the 1<sup>st</sup> day of December 1986, in the manner hereinafter provided and thereafter maintained in working order in compliance with this Ordinance. Failure to install smoke detectors as is required under this Ordinance will subject the owner of any such rental unit to the penalties set forth in Section XI hereof.
- B. Rental unit means residence apartment, motel room, hotel room, boarding room, or boarding house for which consideration is paid by one person to another for use or occupancy thereof.

SECTION II:

- A. At least one (1) smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the family living unit in which the bedrooms (or sleeping rooms) are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this Section.
- B. At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that the detector intercepts rising smoke before it reaches the sleeping area.
- C. Owner is defined as the person who holds legal title to the premises, however, should a land contract be in existence and recorded with the Montcalm County Register of Deeds, or should an affidavit or memorandum as to the existence of land contract be recorded with the Montcalm County Register of Deeds, then the land contract purchaser shall be considered the owner for purposes of this Ordinance.
- D. This Ordinance does not include single family rental houses.



### SECTION III – Alternative:

As an alternative to self-contained smoke-detectors, an approved fire detection system may be installed and maintained. Each fire detection system must be individually approved and a permit issued therefore by the Fire Chief or his designee.

### SECTION IV – Equipment:

All devices, combinations of devices, and equipment required herein must be installed in conformance with this Ordinance. The Fire Chief shall prepare a list of approved smoke detector devices and a list of approved fire extinguisher devices and equipment which list may be subsequently amended by the Fire Chief as necessary. Such approval shall be permanent unless the Fire Chief subsequently finds that the equipment is hazardous or unreliable in which case the Fire Chief may suspend or revoke approval. The Fire Chief may in such case determine whether replacement of an existing installation shall be required. The list of approved smoke detectors and/or fire extinguishers shall be kept at the office of the Village Clerk for the Village of Edmore and at the office of the Fire Chief for the Village of Edmore and shall be available upon request to any person if request is made by mail or in person at either office.

### SECTION V – Installation:

- A. In this subsection, “New” means constructed or built after December 1, 1986.
- B. In new rental units or apartment buildings, at least one smoke detector in each apartment or dwelling unit shall be wired directly (hard wired) to the building’s power supply. Other smoke detectors required hereunder may be alarms which meet the requirements of Section X.
- C. In existing rental units and/or apartment buildings, smoke detectors may be hard wired or may be battery operated or powered by electric plug if the same comply with Section X hereof.
- D. In new hotels or motels, smoke detectors in hallways, stairways, common areas and storage areas must be wired directly (hard wired) to the building’s power supply. In such individual motel or hotel sleeping rooms, one smoke detector must be provided, either hard wired or powered in conformance with Section X hereof.
- E. In existing hotels, motels, boarding rooms, or boarding houses, smoke detectors must be provided in hallways, stairways, common areas and storage areas. Such smoke detectors may be wired directly (hard wired) to the building’s power supply or in conformance with Section X hereof. Any existing hotels, motels, boarding houses or boarding rooms, should the building or any part thereof be renovated in a major renovation project (defined as a project costing equal to 10% or more of the building’s state equalized value), then the smoke detectors in the hallways, common areas, stairways, and storage areas shall be hard wired.

### SECTION VI – Certification of Change of Occupancy:

After December 1, 1986, at every change of occupancy of every dwelling unit in the Village of Edmore occasioned by or incidental to a sale, lease, or sublease of a rental unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor, or sublessor, as the case may be ) to certify in

writing before occupancy, to the new occupant that all smoke detectors as required by this Ordinance are installed and in proper working condition. Failure to comply with this subsection shall be punishable as a misdemeanor as is provided herein and shall be evidence of the negligence of or inattention of the grantor. This subsection shall not, however, render any lease or contract or sublease void for failure to have certification required hereby.

#### SECTION VII – Inspection:

The Fire Chief or his designee, may, after forty-eight (48) hour notice, inspect any device or installation which is required by this Ordinance.

#### SECTION VIII – Supplemental Standards:

This Ordinance is intended to be used with and as a supplement to the existing construction and fire codes now in effect within the Village of Edmore.

#### SECTION IX – Fire Extinguishers:

Each rental unit, as defined herein, must have readily available and readily accessible within the rental unit itself a five (5) pound ABC fire extinguisher, the brand and type to be approved by the Fire Chief. It is the responsibility of the owner to keep the fire extinguisher within the rental unit and in property working order. In hotels, motels or residential hotels, all the following regulations shall apply to the placement of fire extinguishers instead of the requirement that a fire extinguisher be placed in each room;

1. Minimum of two (2) extinguishers per floor located in an accessible hallway area;
2. Minimum of one (1) extinguisher for each five (5) rental units.
3. Placement of a fire extinguisher every fifty (50) feet per hallway and per floor or story.

#### SECTION X:

- A. Battery type smoke detectors may be used provided that the batteries mounted to assure that the following conditions are met:
  1. All power requirements are met for at least one year's life, including weekly testing.
  2. A distinctive audible trouble signal is given before the battery is incapable of operating (from aging, terminal corrosion, etc.) the device(s) for alarm purposes.
  3. For a unit employing a lock-in alarm feature, automatic transfer is provided from alarm to a trouble condition.
  4. The unit is capable of producing an alarm signal for at least four (4) minutes at the battery voltage at which a trouble signal is normally obtained followed by seven (7) days of trouble signal operation.
  5. The audible trouble signal is produced at least once every minute for seven consecutive days.
  6. The monitored batteries meeting these specifications are clearly identified on the unit near the battery compartment.
- B. Electric, plug in smoke detectors may be used and operated from a wall plug provided that the plug is fitted with a plug restraining device and provided that the wall outlet power supply is not controlled by a switch other than the main power supply.

#### SECTION XI:

Violation of any portion of this Ordinance shall constitute a misdemeanor punishable by a fine of \$500.00 plus costs, and/or a jail term of up to 90 days in the Montcalm County Jail. Any officer of any corporation or any partner of any partnership found to be in violation of the Ordinance shall be subject to serve a jail sentence or pay a fine as is stated in this Section.

#### SECTION XII:

This Ordinance shall be effective upon publication and on the 29<sup>th</sup> day of April, 1986.

The following is a list of available fire extinguishers and smoke detectors which are U.L. listed.

##### FIRE EXTINGUISHERS

AMEREX  
ANSUL  
BUCKEYE  
BADGER  
CHEMETRON  
GENERAL  
KIDDE  
NORRIS INDUSTRIES  
PEM-ALL  
PYRO CHEM  
PYRONAUTS  
MAP  
R.C. INDUSTRIES  
AMWAY CORP.

##### SMOKE DETECTORS

A.T.O. INC.  
ADEMCO  
ADT  
BRK ELECTRONICS  
DETECTOR ELECTRONICS  
EDWARDS CO.  
GAMEWELL  
HONEYWELL  
KIDDE  
EDISON ELECTRONICS  
EMERSON ELECTIVE DIV.  
GILLETTE  
PYROTRONICS  
SQUARE D  
STATITROL DIV.  
WELL FARGO ALARMS  
WHEELOCK SIGNALS  
AMWAY CORP.  
PITTMAY DIV.

## ORDINANCE NO. 257-93

### AN ORDINANCE TO ADOPT REGULATIONS AND PROCEDURES FOR BASIC CABLE TV RATE REGULATIONS

THE VILLAGE OF EDMORE ORDAINS:

#### Section 1. Definitions.

For purposes of this Ordinance, "Act" shall mean the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time; "FCC" shall mean the Federal Communications Commission; "FCC Rules" shall mean all rules of the FCC promulgated from time to time pursuant to the Act; "basic cable service" shall mean "basic service" as defined in the FCC Rules, and any other cable television service which is subject to rate regulation by the Village pursuant to the Act and the FCC Rules; "associated equipment" shall mean all equipment and services subject to regulation pursuant to 47 CFR 76.923; and an "increase" in rates shall mean an increase in rates or a decrease in programming or customer services as provided in the FCC Rules. All other words and phrases used in the Ordinance shall have the same meaning as defined in the Act and FCC Rules.

#### Section 2. Purpose; Interpretation.

The purpose of this Ordinance is to: 1) adopt regulations consistent with the Act and the FCC Rules with respect to basic cable service rate regulation, and 2) prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the Village. This Ordinance shall be implemented and interpreted consistent with the Act and FCC Rules.

#### Section 3. Rate Regulations Promulgated by FCC.

In connection with the regulation of rates for basic cable connection with the regulation of rates for basic cable service and associated equipment, the Village of Edmore shall follow all FCC Rules.

#### Section 4. Filing; Additional Information; Burden of Proof.

- (a) A cable operator shall submit its schedule of rates for basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable operator shall file ten (10) copies of the schedule or proposed increase with the Village Clerk. For purposes of this Ordinance, the filing of the cable operator shall be deemed to have been made when at least ten (10) copies have been received by the Village Clerk. The Village council may, by resolution or otherwise, adopt rules and regulations as allowed by law prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

- (b) In addition to information and data required by rules and regulations of the Village pursuant to Section 4(a) above, a cable operator shall provide all information requested by the Village Manager that is related and helpful in connection with the Village's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The Village Manager may establish reasonable deadlines for submission of the requested information and the cable operator shall comply with such deadlines.
- (c) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC Rules including, without limitation, 47 USC 543 and 47 CFR 76.922 and 76.923.

#### Section 5. Proprietary Information.

- (a) If this Ordinance, any rules or regulations adopted by the Village pursuant to Section 4(a), or any request for information pursuant to Section 4(b) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure.  
The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the Village determines that the preponderance of the evidence shows that non-disclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. The Village shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied, (1) where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or (2) the cable operator may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.
- (b) Any interested party may file a request to inspect material withheld as proprietary with the Village. The Village shall weigh the policy considerations favoring non-disclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant, deny, or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.
- (c) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 CFR 0.459.

#### Section 6. Public Notice; Initial Review of Rates.

Upon the filing of ten (10) copies of the schedule of rates or the proposed increase in rates pursuant to Section 4 (a) above, the Village Clerk shall publish a public notice in a newspaper of general circulation in the Village which shall state that: 1) the filing has been received by the Village Clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying, and 2) interested parties are encouraged to submit written comments on the filing to the Village Clerk not later than seven (7) days after the public notice is published. The Village Clerk shall give notice to the cable operator of the date, time, and place of the meeting at which the Village Council shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first-class mail at least three (3) days before the meeting. In addition, if a written staff or consultant's report on the schedule or rates or the proposed increase is prepared for consideration of the Village Council, the Village Clerk shall mail a copy of the report by first-class mail to the cable operator at least three (3) days before a meeting at which the Village Council shall first consider the schedule of rates or the proposed increase.

#### Section 7. Tolling Order.

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after thirty (30) days from the date of filing under Section 4 (a) above unless the Village Council (or other properly authorized body or official) tolls the thirty (30) day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within thirty (30) days of the date of filing. The Village Council may toll the thirty (30) day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.

#### Section 8. Public Notice; Hearing on Basic Cable Service Rates Following Tolling of 30-Day Deadline.

If a written order has been issued pursuant to Section 7 and 47 CFR 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the Village any additional information required or requested pursuant to Section 4 of this Ordinance. In addition, the Village Council shall hold a public hearing to consider the comments of interested parties within the additional 90 day or 150 day period, as the case may be. The Village Clerk shall publish a Public notice of the public hearing in a newspaper of general circulation within the Village which shall state: 1) the date, time and place at which the hearing shall be held, 2) interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates, and, 3) copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the Clerk. The public notice shall be published not less than fifteen (15) days before the hearing. In addition, the Village Clerk shall mail by first-class mail a copy of the public notice to the cable operator not less than fifteen (15) days before the hearing.

#### Section 9. Staff or Consultant Report; Written Response.

Following the public hearing, the Village Manager shall cause a report to be prepared for the Village Council which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decisions of the Village Council pursuant to Section 10. The Village Clerk shall mail a copy of the report to the cable operator by first-class mail not less than twenty (20) days before the Village Council acts under Section 10. The cable operator may file a written response to the report with the Village Clerk. If at least ten (10) copies of the response are filed by the cable operator with the Village Clerk within ten (10) days after the report is mailed to the cable operator, the Village Clerk shall forward it to the Village Council.

#### Section 10. Rate Decisions and Orders.

The Village Council shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC Rules. If the Village Council issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this Section shall be issued within 90 days of the tolling order under Section 7 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under Section 7 in all cases involving a cost-of-service showing.

#### Section 11. Refunds; Notice.

The Village Council may order a refund to subscribers as provided in 47 CFR 76.942. Before the Village Council orders any refund to subscribers, the Village Clerk shall give at least seven (7) days written notice to the cable operator by first-class mail of the date, time, and place at which the Village Council shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the Village Council.

#### Section 12. Written Decisions; Public Notice.

Any order of the Village Council pursuant to Section 10 or Section 11 shall be in writing, shall be effective upon adoption by the Village Council, and shall be deemed released to the public upon adoption. The Clerk shall publish a public notice of any such written order in a newspaper of general circulation within the Village which shall: 1) summarize the written decision, and 2) state that copies of the text of the written decision are available for inspection or copying from the office of the Clerk. In addition, the Village Clerk shall mail a copy of the text of the written decision to the cable operator by first-class mail.



### Section 13. Rules and Regulations.

In addition to rules promulgated pursuant to Section 4, the Village Council may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC Rules.

### Section 14. Failure to Give Notice.

The failure of the Village Clerk to give the notices or to mail copies of reports as required by this Ordinance shall not invalidate the decisions or proceedings of the Village Council, so long as there is substantial compliance with this Ordinance.

### Section 15. Additional Hearings.

In addition to the requirements of this Ordinance, the Village Council in its sole discretion, may hold additional public hearings upon such reasonable notice as the Village Council shall prescribe.

### Section 16. Additional Powers.

The Village shall possess all powers conferred by the Act, the FCC Rules, the cable operator's franchise, and all other applicable law. The powers exercised pursuant to the Act, the FCC Rules, and this Ordinance shall be in addition to powers conferred by law or otherwise. The Village may take any action not prohibited by the Act and the FCC Rules to protect the public interest in connection with basic cable service rate regulation.

### Section 17. Failure to Comply; Remedies.

The Village may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the Village) for failure to comply with the Act, the FCC Rules, any orders or determinations of the Village pursuant to this Ordinance, any requirements of this Ordinance, or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC Rules, any orders or determinations of the Village pursuant to this Ordinance, any requirements of this Ordinance, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial or renewal of a cable operator's franchise.

### Section 18. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

### Section 19. Conflicting Provisions.

In the event of any conflict between this Ordinance and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this Ordinance shall control.



Section 20. Effective Date.

This Ordinance shall take effect one day after its publication in a newspaper of general circulation in the Village of Edmore.

Chet Guild, Village President

Shirley Drain, Village Clerk

## ORDINANCE NO. 236-84

### CATV ORDINANCE

An ordinance providing for the regulation, installation and operation of a cable television system and/or community antenna system, and/or community radio system within the Village of Edmore.

THE VILLAGE OF EDMORE ORDAINS:

**Section 1.** This ordinance shall be known and may be cited as the CATV Ordinance.

#### **Section 2. CONSENT AGREEMENT REQUIRED**

No person or any other entity shall own or operate a cable television system, and/or a community antenna television and/or community antenna radio system (hereafter abbreviated as CATV system) in the Village of Edmore except by consent agreement granted by the Village of Edmore, which consent agreement shall comply with all the specifications of this ordinance.

#### **Section 3. TERM OF CONSENT AGREEMENT AND NONEXCLUSIVE**

No consent agreement granted hereunder, nor any renewal thereof, shall be for a term of more than 15 years. The consent agreement or any renewal thereof shall be revocable or renewable only in accordance with this ordinance and such consent agreement shall be nonexclusive.

#### **Section 4. FORFEITURE OF CONSENT AGREEMENT**

The Village of Edmore may cancel the consent agreement and all right and privileges of the grantee thereunder in the event the grantee shall: (A) Substantially violate any provision of the consent agreement or ordinance, where such violation shall remain uncured for a period of 30 days subsequent to the receipt by grantee of a written notice of said violation. No such cancellation may be made if the violation is not the fault of the grantee; (B) Attempt to evade any of the provisions of this ordinance or any consent agreement thereunder or practice any fraud or deceit upon the Village or customers served.

#### **Section 5. GRANT OF AUTHORITY**

The Village may hereafter grant a nonexclusive consent agreement to construct, operate, and maintain a CATV system in, upon, along, across, above, over and under, streets, alleys, easements, open areas, public ways, and public places now laid out or dedicated, and all extensions thereof and additions thereto, in the Village.

#### **Section 6. APPLICATION FOR CONSENT AGREEMENT**

Any person or other entity seeking a consent agreement for a CATV system within the Village of Edmore shall first submit an application for a consent agreement in writing to the Village Clerk in such form as may be prescribed, including but not limited to the following;

- (A) The applicant shall provide the Village sufficient information so that the Village may be assured that adequate funds are available to build and operate the proposed system.

- (B) Applicant shall disclose any other cable television system where it has or has had any ownership or operating interest.
- (C) Applicant shall furnish a statement of proposed system growth, including anticipated revenues and expenses.
- (D) The applicant shall set forth the details of its proposed system, including but not limited to, channel capacity, details on programming offered, rates proposed, public access and interconnect systems offered, and any other information which this Village may from time to time require.
- (E) The applicant shall disclose the names of all partners, officers, stockholders holding more than 10% of the applicant's or its parent company's stock.
- (F) The name, mailing address, and telephone number of the proposed operator.
- (G) The corporate charter, partnership agreement or other similar document which sets forth the legal status of the proposed operator.
- (H) A list of the owners and officers of the proposed operator.
- (I) The most recent annual financial statement of the proposed operator.
- (J) A list of the proposed television and/or radio signals to be carried.
- (K) A statement of the estimated cost of providing service to the Village and how the proposed operator will bear this cost.
- (L) A detailed description of the method of installation of cable and other electrical conductors and equipment.
- (M) Copies of all forms or documents proposed to be used for easements or agreements to use or go upon the property of another for installation, operation, and maintenance of the system.
- (N) Evidence that the operator can obtain performance and labor and material bonds.
- (O) A schedule of all rates and charges to subscribers and users of the system.
- (P) A specific timetable for providing services to residents within the Village.
- (Q) A description of services other than existing television signals which the proposed operator intends to offer subscribers. Such services may include two-way communication, public access channels, educational access channels, and local government access channels.
- (R) A statement that the operator will comply with all the Federal Communication Commission Rules and Regulations related to CATV.
- (S) Any other information, as may be requested, by the Village Council.
- (T) Any applicant who is granted a consent agreement under this ordinance agrees to pay all reasonable legal, attorney and fees for said ordinance, and consent agreement.

## **Section 7. GRANTED CONSENT AGREEMENT**

No consent agreement under this ordinance shall be granted any entity until the application for the same has been on file with the Village clerk and open to inspection by any interested party for a period of 28 days. After said 28 days and after a full hearing by the Village council at a regularly conducted council meeting, said consent agreement may be granted.

## **Section 8. OBSERVANCE OF OTHER LAWS**

Any person or entity who operates a CATV system under this ordinance shall comply with all applicable statutes, ordinances, and/or rules and regulations now in effect or which in the future may be in effect. Any consent agreement granted under this ordinance shall be a privilege to be held in personal trust by the original company. It cannot be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, merger, consolidation or otherwise, without the prior consent of the Village council as expressed by resolution. Any such proposed transfer or assignment shall be made only by an instrument in writing, a duly executed copy of which shall be filed with the Village clerk.

## **Section 9. PERFORMANCE BOND**

Any person or entity granted a consent agreement under this ordinance shall post a performance bond in such amount to insure the Village of Edmore that grantee will fully and faithfully install and update a CATV system in accordance with the terms of this ordinance as amended and/or any consent agreement granted hereunder. Failure to fully comply with this ordinance or any consent agreement granted hereunder shall result in a forfeiture of said bond to the benefit of the Village of Edmore and may result in a termination and forfeiture of the consent agreement. Upon activation of the system to 95% of those requesting service, the performance bond shall be reduced to \$1,000.00 which shall continue as long as a CATV system is operated.

## **Section 10. CONSENT AGREEMENT RULES**

The grantee shall have the authority to make such rules, regulations, terms, and conditions covering the conduct of its business as shall be reasonably necessary to enable the grantee to exercise its rights and performance obligations under this ordinance or consent agreement granted hereunder. Provided, however, that such rules, regulations, terms, and conditions shall not be in conflict with the provisions of this ordinance, any other ordinance, or any other state or federal law. A copy of such rules, regulations, terms and conditions shall be filed with the Village Clerk.

## **Section 11. ACCESS TO RECORDS**

All books and records of the consent agreement concerning its operations within the Village shall be made available at reasonable times for inspection and audit by the Village or any designee of the Village. Such inspection shall be allowed within 30 days after any request for such inspection or audit has been made.

## **Section 12. FINANCIAL STATEMENT**

The grantee shall file with the clerk annually an audited statement of any and all revenues received from the operation of this system within the Village of Edmore. Said statement shall be filed within 60 days after the close of the fiscal year. The Village hereby reserves the right to cause independent audit of the grantee's operations.

### **Section 13. OTHER RECORDS AND INFORMATION**

The Village shall be entitled to copies of all correspondence from or to any and all regulatory agencies relating to the grantee's operation of the system within the Village. Furthermore, the Village shall be entitled to copies of all consumer complaints, whether they be in writing or oral, made by customers within 30 days following receipt of such complaint by grantee.

### **Section 14. COMPLETION OF SYSTEM**

Within 12 months after the date a consent agreement is granted hereunder, CATV service shall be available to 75% of all potential customers who have requested the same. Within 20 months after the date a consent agreement is granted hereunder, CATV service shall be available to 90% of all potential customers who have requested the same. Within 24 months after the date a consent agreement is granted hereunder, CATV service shall be available to 90% of those customers, potential or otherwise, who have requested the same. All potential grantees shall furnish the Village written information on the proposed saturation level required by them to provide service to any area in the Village and, given said saturation requirements, shall detail what areas, due to economic unfeasibility, will not be provided CATV service.

### **Section 15. ANNUAL CONSENT AGREEMENT FEE**

Grantee shall pay to the Village of Edmore consent agreement fee equivalent up to 3% of its annual gross revenue. Each applicant for a consent agreement under this ordinance shall state the percentage of annual gross revenue it will pay as consent agreement fee. Annual gross revenue being defined as all gross receipts from the basic subscribed fees of the CATV system within the Village but not including advertising revenue, revenues from pay station channels (such as Home Box Office or Show Time) and service and installation charges and any other revenue received now or in the future. Said payment shall be made to the Village of Edmore within 60 days after the close of the fiscal year of the grantee, following its inception of service to customers within the Village. Said payment shall be accompanied by a financial statement detailing the source and origin of all revenues and expenses received or incurred by the grantee during the period of time covered by the annual payment.

### **Section 16. RATES**

Rates charged by the grantee for monthly service hereunder shall be fair, reasonable, nondiscriminatory, and designed to meet all necessary costs of service and to provide a fair return to the grantee.

### **Section 17. ADJUSTMENT TO RATES**

Grantee may adjust its rates, fees and charges, after the grant of the initial consent agreement, but in no case shall any of the charges exceed by more than 10%, the average of any of such charges charged CATV subscribers within Montcalm County and Kent County located in Michigan.

### **Section 18. DISPUTE**

In the event a dispute arises as may be specified in other sections of this ordinance giving reference to this section, such matters shall be resolved by a panel of 3 arbitrators, one to be

appointed by the Village, one by the grantee, and a third to be selected by the first two. Said arbitrators shall conduct a review of the Village's action in accordance with the rules of the American Arbitration Association and may uphold the Village's action or upon review of the data presented, render a final and binding decision on the dispute. The entire cost of said appeal and review is to be borne by the grantee which costs shall include the cost incurred by the Village in presenting its case before the arbitrators. Both the Village and the grantee agree that the decision of the arbitrators shall be final and binding.

#### **Section 19. OPERATIONAL STANDARDS**

The standards for operation of the CATV system shall meet the requirements specified in this ordinance or any consent agreement granted hereunder.

#### **Section 20. OTHER STANDARDS AND CONDITIONS**

- (A) All transmission and distribution structures, lines and equipment erected by the grantee within the Village shall be located so as not to interfere with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places, and not to interfere with existing installations in such streets. In all areas of the Village where the cables, wires, or other like facilities of public utilities are placed underground either now or in the future, the grantee shall place its cables underground to the maximum extent given the existing technology. In all other areas of the Village, grantee shall place the lines above ground and shall be allowed to use existing public utility structures upon such conditions as required by said utilities. A built records of location and character of all facilities constructed, including underground facilities, shall be filed with the Village.
- (B) In the case of any disturbance of pavement, sidewalk, driveway, or other surfacing by the grantee, the grantee shall at its own expense and in the manner approved by the Village, replace and restore all paving, sidewalk, driveway, or other surface of any street or alley disturbed.
- (C) If at any time during the period of the consent agreement the Village shall lawfully elect to vacate, alter, improve, or change the grade or location of any street, alley, or other public way, the grantee shall upon 60 days' notice by the Village, remove, replace, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense, and in each instance comply with other requirements of the Village.
- (D) The grantee shall not place poles, conduits or other facilities above or below ground where the same will interfere with any gas, electric, telephone, or other fixture already in place.
- (E) The grantee shall, on request of any person holding a moving permit issued by the Village or other governmental authority, temporarily move its wires or facilities to permit the moving of buildings or structures; the expenses of such temporary removal to be paid by the person requesting the same, and the grantee shall be given not less than five (5) days advance notice to arrange for such temporary changes.
- (F) The grantee may trim any trees that are both upon and overhanging the streets, alleys, sidewalks, and public places of the Village so as to prevent the branches of such trees

from coming in contact with the wires and cables of the grantee. However, at the option of the Village, the Village may supervise such activity and may direct specifically what trimming is to be allowed, if any. The grantee will give at least one working day advance notice of any such trimming.

- (G) Any opening, obstructions, or disturbance of streets, public ways, and/or other Village properties made by the grantee in the exercise of its rights under this ordinance and/or consent agreement granted, shall be guarded and protected at all times by the placement of adequate barriers, fences, or boardings. The bounds of said barriers during periods of dusk and darkness shall be clearly designated by adequate warning lights.
- (H) Grantee, at its expense, shall protect, support, temporarily disconnect or relocate, any of its facilities when required by the Village or its designee by reason of traffic conditions, public safety, street vacation, street construction, change of establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks, or any other type of structures or improvements by public agencies.
- (I) The facilities installed by the grantee shall be capable of producing and distributing color television signals. Any signals the grantee received in color shall be distributed in color if technically feasible. Furthermore, any system installed by the grantee shall have two way capability.

#### **Section 21. REMOVAL OF FACILITIES**

Following termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of said subscribers upon their written request of the same. Removal of said facilities and equipment shall not be required in those areas where a customer or property owner has granted the grantee an easement which is separate and apart from any contractual arrangements for service between said party and the grantee.

#### **Section 22. EMERGENCY USE OF FACILITIES**

Grantee shall, in the case of any emergency or disaster, make its entire system available to the Village or to any other governmental or civil defense agency that the Village shall designate.

#### **Section 23. EMERGENCY ALERT**

The system shall be designed to provide an audio alert system to allow authorized officials to automatically override the audio signal of all channels and transmit and report emergency information.

#### **Section 24. SUBSCRIBER COMPLAINTS AND REQUESTS**

The grantee shall have a listed telephone and such telephone shall be so operative that complaints, requests for service, repairs, or adjustments may be received at any time without charge to grantee's subscribers.

## **Section 25. OTHER OPERATIONAL STANDARDS**

- (A) The grantee shall provide a free outlet to each school located within the Village as well as a free outlet to each Village office building, fire station and/or police station, however, if such building is more than 200 feet from the CATV cable, a charge of the actual cost plus 10% for the installation beyond 200 feet may be charged.
- (B) The Grantee shall reserve one channel for programming produced by any school located within the Village. Grantee shall have no obligation to provide equipment and other facilities for such programming.

## **Section 26. RESOLUTION OF SUBSCRIBER COMPLAINTS**

Any person who has a complaint that grantee is not operating or maintaining the CATV system in accordance with the applicable provisions of this ordinance or consent agreement granted hereto, or has a complaint regarding the quality of service, equipment, malfunction, and similar matter provided by grantee, shall register such complaint with grantee. Grantee shall promptly respond to and investigate any such complaint. Any complaint that has not been reasonably solved to the subscriber's satisfaction may be presented to the Village council for a hearing after reasonable notice to all parties. The notice shall state the time, place and issues involved and opportunity shall be afforded all parties to present evidence and arguments with respect thereto. The Village council shall prepare a written report resolving said complaint. The Village may adopt appropriate rules of procedure for notice and hearing in contested matters. The decision of the Village shall be made within 30 days after conclusion of the hearing, and such decision shall be based upon facts presented. Any person not satisfied with the decision of the Village may proceed to arbitration as provided in Section 18.

## **Section 27. INSURANCE, BONDS, AND INDEMNIFICATIONS**

- (A) Liability and Indemnification of the Village.

The grantee shall indemnify and hold harmless the Village of Edmore and its officers, agents, attorneys, boards, commissions, and employees at all times during the term of the consent agreement granted hereby and specifically agrees that it will pay all damages and penalties which the Village may be legally required to pay as a result of granting the consent agreement. Such damages and penalties shall include, but not be limited to, damages arising out of installation, operation, or maintenance of the CATV system authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by the consent agreement. In case suit shall be filed against the Village either independently or jointly with the grantee to recover for any claim or damages, the grantee, upon notice to it by the Village shall defend the Village against the action and, in the event of a final judgement being obtained against the Village, either independently or jointly with the grantee by reason of the acts or failure to act of the grantee, or because of acts or failure to act by the Village or its boards, commissions, officers, agents, attorneys, or employees, the grantee will pay said judgement and all costs, and hold the Village and its officers, agents, boards, commissions, attorneys, and employees harmless therefrom. The grantee shall indemnify and hold the Village, its boards, commissions, officers, agents, attorneys and employees



harmless for any and all liability and pay all costs incidental thereto which may result from a legal determination by a court of competent jurisdiction that a consent agreement is required, and the consent agreement issued hereunder is void or voidable on that basis.

(B) Insurance

Insurance in such forms and in such companies shall be approved by the Village, such approval not to be unreasonably withheld, to protect the Village and its officers, agents, boards, commissions, attorneys, and employees and the grantee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation, or maintenance of any aspect of the system. The amount of such insurance shall be not less than the following:

- (1) \$500,000 minimum aggregate for bodily injury or death in any one occurrence;
- (2) \$1,000,000 minimum aggregate for bodily injury or death in any one single policy year;
- (3) \$500,000 minimum for property damage in any one single occurrence; and
- (4) \$1,000,000 minimum aggregate for property damage in any one single policy year; or
- (5) \$1,000,000 single limit, each occurrence, for bodily injury or property damage liability.

Workmen's Compensation Insurance shall also be provided as required by the laws of the State of Michigan, as amended.

All said insurance coverage shall provide a 10-day notice to the Village Clerk in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective.

Copies of all policies required hereunder shall be furnished to and filed with the Village Clerk, prior to the commencement of operations or the expiration of prior policies, as the case may be, and all shall be cancellable only upon 30 days' written notice being given first to the Village.

(C) Non-Waiver.

Neither the provisions of this section, nor any bonds accepted by the Village pursuant hereto, nor any damage recovered by the Village thereunder, shall be construed to excuse unfaithful performance by the grantee or limit the liability of the grantee under this ordinance or the consent agreement from damages, either to the full amount of the bond, or otherwise.

**Section 28. VILLAGE LAW**

The consent agreement and authority granted hereunder are specifically made subject to all applicable provisions of law regulating and granting authority to the Village and shall be subject in all respects to the rights and powers of the Village and limitations on the Village and grantee as set forth in applicable statutes and any amendments thereto, and grantee shall abide and be bound by said rights, powers, and limitations.

## **Section 29. STSTEM DESIGN, CHANNEL CAPACITY, AND INTERCONNECTION**

- (A) The system shall be engineered, installed, maintained, operated, and equipped so as to at all times meet the technical standards of the Federal Communications Commission including specifications for frequency boundaries, visual carrier for frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation, system radiation and all other standards established by the FCC.
- (B) The system will be constructed and operated pursuant to Certificates of Compliance issued by the Federal Communications Commission.
- (C) The grantee shall maintain at least one specially designated non-commercial public access channel available on a first-come non-discriminatory basis which can be used by local educational and Village authorities or other responsible groups or individuals. The grantee may adopt rules and regulations to control the use by such non-governmental users. The grantee may reject use by such non-government users where the information or transmission is obscene or in the opinion of the grantee in bad taste or contrary to applicable rules, regulations, or statutes. In addition, other portions of the system's non-broadcast band width, including unused portions of the specially designated channels, shall be available for leased uses. On at least one of the leased channels priority shall be given part-time users. These channels may be shared with other cities, townships, or villages serviced from the same headend.
- (D) It will have available equipment for local production and presentation of cablecast programs and will not enter into any contract, arrangement or lease for the use of such equipment for a substantial portion of time which inhibits the use of the equipment for public access programming.
- (E) The educational access channel and the local government access channel will be made available free-of-charge for at least 5 years after the system first offers channel time for such cablecasting purposes. One public access channel will always be made available without charge. Charges for equipment, personnel, and production of public access programming will be reasonable and consistent with the goal of affording users a low-cost means of television access.
- (F) The grantee will exercise no control for governmental units or schools over the content of access cable programs other than taking appropriate steps to insure compliance with operating rules.

## **Section 30. USE OF POLES**

The Village may use any of the poles or other connecting facilities of the grantee without any cost to the Village provided such use does not interfere in the operation of the system. All holes,

openings, or any objects placed upon a public street, road, or public property shall be property barricaded and lighted.

#### **Section 31. DISCONNECTION**

Disconnection of any subscriber may occur only for intentional damage to facilities of the grantee or for failure to pay properly charged fees as are allowed hereunder.

#### **Section 32. INTERVENTION**

The grantee hereby agrees not to oppose the intervention of the Village into any lawsuit to which the grantee is a party.

#### **Section 33. CONDEMNATION**

The Village by entering into this agreement does not waive or release any rights of condemnation it may have now or in the future concerning any property of any kind of the grantee.

#### **Section 34. BANKRUPTCY OR RECEIVERSHIP**

The Village is hereby given the right to revoke the consent agreement in the event bankruptcy proceedings are initiated either by or against the grantee or in the event a receiver is appointed for the grantee.

#### **Section 35. BUGGING**

The grantee shall not allow the bugging of its facilities by any individual or entity for any purpose whatsoever.

#### **Section 36. SUBSCRIBER LISTS**

The grantee agrees not to sell or give out to any individual or entity any list of all or part of their subscribers save as may be required by premium channel originators, but if such is required, notice shall be given to subscribers of such.

#### **Section 37. INSPECTION**

The Village shall have the right to inspect any construction or installation work performed by the grantee in the Village it deems necessary to assure compliance with the terms of this agreement or any other pertinent provisions of the law.

#### **Section 38. OBSERVANCE OF FCC REGULATIONS**

Grantee shall comply with all applicable rules and regulations of the Federal Communications Commission (FCC) which are not in effect or which may hereafter be approved or enacted by FCC.

#### **Section 39. CONFLICT FCC SECTION REQUIREMENTS**

In the event of conflict of provisions herein with provisions of FCC rules and regulations and/or federal statutes, the provisions of FCC rules and regulations or federal statutes shall prevail to the extent they preempt the requirements hereof.

#### **Section 40. FILING COMMUNICATIONS WITH REGULATORY AGENCIES**

Copies of all petitions, applications, and communications submitted by the grantee to FCC, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matter affecting cable television operation in the Village shall also be submitted simultaneously to the Village by filing the same with the Village clerk.

#### **Section 41. PREFERENTIAL OR DISCRIMINATORY PRACTICES PROHIBITED**

The grantee shall not, as to rates, charges, service facilities, rules and regulations, employment or any other matters, make or grant any undue preference or advantages to any person or subject any person to any undue prejudice or disadvantage except as otherwise provided herein.

#### **Section 42. CONSTRUCTION DEFAULT BY GRANTEE**

Upon failure of the grantee to promptly commence, pursue or to complete any work required by law or by the provisions hereof or the grantee to be done to the satisfaction of the Village, the Village may cause such work to be done and the grantee shall pay the reasonable cost thereof within 30 days after receipt of an invoice therefor.

#### **Section 43. NO RECOURSE**

The grantee shall have no recourse whatsoever against the Village, its officers, boards, commissions, agents, or employees for any loss, cost, expense, or damages rising out of any of the provisions and requirements of this ordinance or any consent agreement issued.

#### **Section 44. SAFETY**

The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods preventing failures and accidents which are likely to cause damage or injury to the public.

#### **Section 45. SYSTEM MAINTENANCE**

Grantee shall put, keep, and maintain all parts of the CATV system in good condition throughout this entire consent agreement period.

#### **Section 46. CUSTOMER SERVICE**

Grantee shall render efficient service, make repairs promptly, and interrupt services only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum system use.

#### **Section 47. TWENTY-FOUR HOUR COMPLAINT NOTICE**

Grantee shall maintain an office in the metropolitan area, which shall be open during usual business hours, have a publicly listed telephone, and be so operated that complaints and requests for repair or adjustments may be received on a 24-hour basis. The metropolitan area shall be deemed to be within not further than a radius of 30 miles of the Village limits.

#### **Section 48. COMPLAINT RESPONSE**

Grantee shall maintain a repair and trouble-shooting force capable of responding to subscriber complaints or requests for service with 24 hours after receipt of the complaint or request. No charge shall be made to the subscriber for this service except where customer misuse or abuse of grantee equipment can be clearly established.

#### **Section 49. PUBLICATION, EFFECTIVE DATE**

This ordinance shall be published within one week after the date of adoption, and shall take effect 30 days after publication.

Arlene Downs, Clerk Village of Edmore

## ORDINANCE NO. 241-88

### CONSUMERS POWER COMPANY ELECTRIC FRANCHISE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF EDMORE ORDAINS:

#### SECTION 1. GRANT, TERM.

That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Village of Edmore, Montcalm County, Michigan, for a period of thirty years.

#### SECTION 2. CONSIDERATION.

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

#### SECTION 3. CONDITIONS.

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

#### SECTION 4. HOLD HARMLESS.

The Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

## SECTION 5. RATES.

The Grantee shall be entitled to charge the inhabitants of said Village for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon property application by whether said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Village of Edmore, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

## SECTION 6. FRANCHISE NOT EXCLUSIVE.

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

## SECTION 7. REVOCATION.

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

## SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

## SECTION 9. REPEALER.

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of the ordinance adopted on January 7, 1959 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power, and authority to construct, maintain and use electric lines consisting of poles, masts, towers, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places in the VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, and to do a local electric business therein, for a period of thirty years, and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Power Company.

#### SECTION 10. EFFECTIVE DATE.

This ordinance shall take effect immediately after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon the acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Edmore, Montcalm County, Michigan, on the 25<sup>th</sup> day of July 1988.

May 14, 2018 Public hearing held to amend the Consumers Power Company Ordinance No. 241. There were no comments.

May 14, 2018 Regular Council session. Ordinance No. 2018-2

Moved by Ashbaugh, supported by Deja to approve the franchise agreement with Consumers Energy. (Consumers Power Company).

Yeas: Ashbaugh, Burr, Davis, Deja, Hadley, Kohn. Absent: Village President

Ordinance adopted.



ORDINANCE NO. 264-98

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, ENERGY and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, ORDAINS:

SECTION 1. GRANT TERM.

The VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, hereby grants to the CONSUMERS ENERGY COMPANY, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee", the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION.

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms thereof.

SECTION 3. CONDITIONS.

No highway, street, alley, bridge, waterway, or other public places used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS.

Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

#### SECTION 5. EXTENSIONS.

Said Grantee shall construct and extend its gas distribution system within said Village, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

#### SECTION 6. FRANCHISE NOT EXCLUSIVE.

The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

#### SECTION 7. RATES.

Said Grantee shall be entitled to charge the inhabitants of said Village for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village, acting by its Village Council, or by Grantee.

#### SECTION 8. REVOCATION.

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

#### SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION.

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulation of the Michigan Public Service Commission or its successors, applicable to gas service in said Village.

#### SECTION 10. REPEALER.

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the Village Council on April 22, 1968 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, it's successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, for a period of thirty years,

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company (now known as Consumers Energy Company).

SECTION 11. EFFECTIVE DATE.

This ordinance shall take effect the day after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the VILLAGE OF EDMORE, MONTCALM COUNTY, MICHIGAN, on the 12<sup>th</sup> day of January, 1998.

Rick Perkins, Village President

Shirley Drain, Village Clerk

## ORDINANCE NO. 266-99

### AN ORDINANCE TO REGULATE WIRELESS FACILITIES

#### **Article 1. General Provisions**

##### **1.1 Title**

These regulations shall officially be known, cited and referred to as the Wireless Telecommunications Facilities Regulations of the Village of Edmore (hereinafter “these regulations”).

##### **1.2 Purposes**

In order to protect the public health, safety and general welfare of the community, while accommodating the communications needs of residents and business, these regulations are necessary in order to:

1. Facilitate the provision of wireless telecommunications services to the residents and business of the village.
2. Minimize adverse visual effects of towers through careful design and siting standards.
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements.
4. Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applications and those existing towers that are physically capable of sharing.

#### **Article 2. Wireless Communications Facility Application Procedure and Approval Process**

##### **2.1 General Procedure**

The submission of applications for wireless communications facilities shall follow the same procedure as the Edmore Zoning Ordinance prescribes for all other zoning applications.

##### **2.2 Additional Procedures**

1. In addition to the information required elsewhere in the Village of Edmore Zoning Ordinance, Zoning Compliance Permits for wireless communication facilities shall include the following information:

- A. Describes the tower height and design including a cross section and elevation.
- B. Documents height above grade for all potential mounting positions for co-locating antennas and the minimum separation distances between antennas.
- C. Documents the tower’s capacity, including the number and type of antennas that it can accommodate.

D. Documents what steps the applicant will take to avoid interference with established public safety telecommunications.

E. Includes an engineer's stamp and registration number.

F. Includes other information necessary to evaluate the request.

G. A copy of the Federal Aviation Administration's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1).

H. Proof of compliance with applicable Federal Communications Commission regulations.

### **Article 3. General Approval Standards**

Generally, the Village Council shall grant approval of a wireless communication facility if the following conditions are met:

1. The location of the proposed tower is compatible with the Zoning Ordinance.
2. All efforts to locate on an existing tower have been unsuccessful or it is legally or physically impossible to locate an existing tower.
3. The submitted site plan complies with the performance criteria set in these regulations.
4. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or major view corridor.
5. The lowest six feet of the facility/tower shall be visually screened by trees, large shrubs, solid walls or fences and/or nearby building.
6. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.
7. The owner of the wireless communications facility has agreed to permit other persons/cellular providers to attach cellular antenna or other communications apparatus that do not interfere with the primary purpose of the facility.
8. There exists no other facility/tower that can reasonably serve the needs of the owner of the proposed facility/tower.
9. The proposed facility/tower is not constructed in such a manner as to result in needless height, mass or guy wires.
10. The color of the proposed facility/tower will be of a light tone or color (except where required otherwise by the FAA) so as to minimize the visual impact and that the tower will have a security fence around the tower base or the lot where the tower is located.
11. The facility/tower is in compliance with any other applicable local, state, or federal regulations.

## **Article 4. General Wireless Communications Facility Performance Standards**

### **4.1 Co-Location Requirements**

All commercial wireless telecommunications towers erected, constructed or located within the village shall comply with the following requirements:

1. A proposal for a new commercial telecommunications service tower shall not be approved unless the Village council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one miles search radius (one-half mile search radius for towers under 120 feet in height, one quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:
  - A. The planned equipment would exceed the structural capacity of the existing building or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - B. The planned equipment would cause interference materially adversely impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
  - C. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
  - D. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. Any proposed commercial wireless telecommunications service tower shall be designed, structurally, electronically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height, or for at least two additional users if the tower is over 60 feet in height unless the Village Planner finds that such accommodations are not necessary. Towers must be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at varying heights.

### **4.2 Tower and Antenna Design Requirements**

Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

2. Commercial wireless telecommunications service towers shall be of a monopole design unless the Village Planner determines that an alternative design would better blend in to the surrounding environment.

#### 4.3 Tower Height

The maximum tower height permitted in the village is calculated by applying the following:

1. If the tower is designed to accommodate only one service provider, the maximum height shall be 120 feet from pre-construction grade.
2. If the tower is designed to accommodate two service providers, the maximum height shall be 160 feet from grade.
3. If the tower is designed to accommodate more than two service providers, the maximum height shall be 200 feet from grade.

#### 4.4 Accessory Utility Building

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design on non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

#### 4.5 Tower Lighting

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically requested by the Federal Aviation Administration or other federal or state authority for a particular tower.

#### 4.6 Antennas Mounted on Structures, Roofs, Walls and Existing Towers

The placement of wireless telecommunications antennas on roofs, walls and existing towers may be approved by the Village Council, providing the antennas meet the requirements of these regulations, after submittal of:

1. A final site and building plan, and;
2. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

#### 4.7 Temporary Wireless Communications Facilities

Any facility designed for temporary use is subject to the following:

1. Use of a temporary facility is allowed only if the owner has received a temporary use permit from the Village Planner.
2. Temporary wireless facilities are permitted for use of no longer than 30 days for use while constructing permanent facilities and no longer than 5 days for use during a special event.
3. The maximum height of a temporary wireless facility is 50 feet from grade.

#### 4.8 Interference with Public Safety Telecommunications

No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of a new service or changes in the existing service, telecommunications providers shall notify the municipality at least ten business days in advance of such and allow the village to monitor the interference levels during the testing process.

#### 4.9 Abandoned or Unused Towers or Portions of Tower

Abandoned or unused towers or portions of towers shall be removed as follows:

1. The owner of a wireless facility shall file annually a declaration with the Village Manager as to the continuing operation of every facility installed subject to these regulations. Failure to do so shall be determined to mean that the facility is no longer in use and considered abandoned.
2. All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless the Village Manager approves a time extension not to exceed 180 days. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon the cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities may be removed by the municipality and the costs of removal assessed against the property.
3. Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.

#### 4.10 Signs and Advertising

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.



Adopted: 1-25-1999

Rick Perkins, Village President

Shirley Drain, Village Clerk

## **ORDINANCE NO. 271-03**

### **TELECOMMUNICATIONS ORDINANCE**

#### **Section 1 Purpose**

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

#### **Section 2 Conflict**

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

#### **Section 3 Terms Defined**

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

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

*Village* means the Village of Edmore.

*Village Council* means the Village Council of the Village of Edmore or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

*Village Manager* means the Edmore Village Manager or his designee.

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

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

*Authority* means the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Authority created pursuant to Section 3 of the Act.

*MPSC* means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.

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

*Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

*Telecommunication Facilities or Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communication act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined a commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two way communication device.

*Telecommunications Provider, Provider and Telecommunications Services* mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332 (d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

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

#### **Section 4      Permit Required**

- a. *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.
- b. *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6 (1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village Manager, and one copy with the Village Attorney. Upon receipt, the Village Clerk shall make 7 copies of the application and distribute a copy to the Village Council. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6 (5) of the Act.

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

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

## **Section 5      Issuance of Permit**

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

(45) days from the date a telecommunications provider files an application for a permit under Section 4 (b) of this ordinance for access to a public right-of-way within the Village. Pursuant to Section 6 (6) of the Act, the Village Manager shall notify the MPSC when the Village Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Village Manager shall not unreasonably deny an application for a permit.

- b. *Form of Permit.* If an application for permit is approved, the Village Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6 (1), 6 (2) and 15 of the Act.
- c. *Conditions.* Pursuant to Section 15 (4) of the Act, the Village Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
- d. *Bond Requirement.* Pursuant to Section 15 (3) of the Act, and without limitation on subsection (c) above, the Village Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

#### **Section 6      Construction/Engineering Permit**

A telecommunications provider shall not commence construction upon, over, across, or under the public right-of-way in the Village without first obtaining a construction or engineering permit as required under chapter 101 of this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

#### **Section 7      Conduit or Utility Poles**

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

#### **Section 8      Route Maps**

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

## **Section 9      Repair of Damage**

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

## **Section 10      Establishment and Payment of Maintenance Fee**

In addition to the non-refundable application fee paid to the Village set forth in subsection 4 (d) above, a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

## **Section 11      Modification of Existing Fees**

In compliance with the requirements of Section 13 (1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13 (4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13 (4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error

## **Section 12      Savings Clause**

Pursuant to Section 13 (5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

## **Section 13      Use of Funds**

Pursuant to Section 10 (4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited

into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

#### **Section 14     Annual Report**

Pursuant to Section 10 (5) of the Act, the Village Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

#### **Section 15     Cable Television Operators**

Pursuant to Section 13 (6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broad band internet transport access services.

#### **Section 16     Existing Rights**

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

#### **Section 17     Compliance**

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

- a. Exempting certain route maps from the Freedom of Information Act 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4 (c) of this ordinance;
- b. Allowing certain previously issued permits to satisfy the permit requirements thereof, in accordance with Section 4 (f) of this ordinance;
- c. Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500.00 application fee, in accordance with Section 4 (g) of this ordinance;
- d. Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 5 (a) of this ordinance;
- e. Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 5 (a) of this ordinance;
- f. Not unreasonable denying an application for a permit, in accordance with Section 5 (a) of this ordinance;

- g. Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5 (b) of this ordinance;
- h. Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;
- i. Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use, in accordance with Section 5 (d) of this ordinance;
- j. Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;
- k. Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;
- l. Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and
- m. Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

#### **Section 18      Reservation of Police Powers**

Pursuant to Section 15 (2) of the Act, this ordinance shall not limit the Village's right to review and approve a telecommunication provider's access to an ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety, and welfare of the public.

#### **Section 19      Severability**

The various parts, sentences, paragraphs, section, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

#### **Section 20      Authorized Village Officials**

The Village Manager or his or her designee is hereby designated as the authorized Village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal charter violations bureau) for violations under this ordinance as provided by the Village Code.



**Section 21     Municipal Civil Infraction**

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a violation of the Village Code. Nothing in this Section 21 shall be construed to limit the remedies available to the Village in the event of a violation by a person of this ordinance or a permit.

**Section 22     Repealer**

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

**Section 23     Effective Date**

This ordinance shall take effect on November 10, 2003.

## ORDINANCE NO. 2013-5

### OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS

An Ordinance to amend Sections 1, 2, 3 and 6 of Ordinance No 273-05 "Offenses against Public Peace, Safety and Morals" and the Repeal of Section 7 – Discarded Refrigerators of Ordinance No. 273-05.

THE VILLAGE OF EDMORE ORDAINS:

#### Section 1. DEFINITIONS:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and not merely directory.

(a) VILLAGE: is the Village of Edmore.

(b) PERSON: is any person, firm, partnership, association, corporation, company, club, or any kind of organization.

(c) MINOR: is a person, male or female, under the age of eighteen (18) years.

(d) "NUDITY" shall be defined as:

- (1) The showing of the human male or female genitals or pubic area with less than a fully opaque covering; or
- (2) The showing of the human male or female buttocks or anus with less than a fully opaque covering; or
- (3) The showing of the female breast with less than a fully opaque covering of any part of the nipple; or
- (4) The showing of covered male genitals in a discernible state.

(e) "PUBLIC PLACE" shall be defined as:

(1) All out-of-doors land and areas open to the general public including public streets and alleys; and

(2) All buildings, rooms, theaters, athletic grounds, bars, dance halls and lounges open to the public whether or not entrance was gained by payment of an admission charge.

(f) PENALTIES shall be defined as:

(1) Violations of this ordinance shall be a misdemeanor, punishable by a fine of up to \$500.00.

## Section 2. NO PERSON IN THE VILLAGE SHALL

- (a) Tumultuous Conduct Disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous offense or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by them or under their control.
- (b) Assault. Beat, strike, wound, imprison, or inflict violence on another, or assault another with intent to commit murder, rape, mayhem, robbery or larceny. Nor shall any person assault another with a lethal weapon, instrument or thing with intent to commit upon the person of another any bodily injury.
- (c) Fighting. Fight another person except in the boxing exhibitions duly authorized and licensed under the law.
- (d) Unlawful Occupancy. Occupy, lodge, or sleep in any vacant lot, vacant or unoccupied building or other structure, or in any automobile, truck or other vehicle without the permission of the owner or persons entitled to the possession of the same.
- (e) Fraudulent Schemes. Engage in any fraudulent scheme, device or trick to obtain money or other valuable thing from others; or any person who aids or assists such trick, device or scheme.
- (f) Conduct in School or School Grounds.
  - (1) Create a disturbance in any private, public or parochial school or on the surrounding school grounds or in the fields or grounds lawfully used for school activities.
  - (2) Fail to leave school premises immediately when so direct by the principal or his designee
- (g) Fireworks.
  - (1) Cast, throw, light or fire any squib, rocket, cracker, bomb, torpedo, grenade or other combustible firecracker or fireworks of any kind prohibited under the slated law 750.243A within the limits of the Village of Edmore.
  - (2) Discharge, ignite or offer for sale or possess any fireworks except the type and under the conditions permitted by the Michigan Fireworks Safety Act (MCL 28.451 *et seq*) as adopted Ordinance 2012-1.

### Section 3. OFFENSES AGAINST PUBLIC SAFETY

No person in the Village of Edmore shall:

- (a) Interfere with Police Department
  - (1) Resisting Officer. Resist any Police Officer, any member of the Police Department, or any person duly empowered with police authority, including officers of the court, while in the discharge or apparent discharge of this duty, or in any way interfere with or hinder them in the discharge of their duty.
  - (2) Assisting in Escape. Offer or endeavor to assist any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority to escape or attempts to escape from such custody.
  - (3) Failure to Stop Upon Police Signal. Attempt to flee or elude an officer in uniform or properly identified as an officer, after said officer has given a visual or audible signal by hand, voice, or other means, to stop.

### Section 4. OFFENSES AGAINST MORALS

No person in the Village of Edmore shall:

- (a) Window Peeping. Look, peer, or peep into or be found loitering around or within view of any window within a building occupied as the residence of another with the intent of watch or looking through said window to observe any person undressed or in the act of undressing or dressing.
- (b) Sexual Intercourse. Undertake or attempt to undertake sexual intercourse or undertake the motion of sexual intercourse on any public lawn, sidewalk, street, alley, park, yard, school grounds, cemetery or parking lot open to the public or in view of the public from public property.
- (c) Nudity. Appear in a state of nudity in any public place, including any building or establishment open to the public in the Village of Edmore.

### Section 5. MINOR CURFEW

- (a) It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any public sidewalks, streets, alleys, parks or public building or places of amusement or entertainment or other public grounds or places in the Village of Edmore between the hours of 10:00 p.m. and 6:00 a.m. and on days Monday through Thursday unless such minor is accompanied by a parent, guardian, custodian, or unless the minor is returning home from school or church function or entertainment, or unless the employment of such minor makes it necessary to be upon the streets, alleys or other public places during the prohibited hours herein above mentioned.

- (b) It shall be unlawful for any minor under the age of eighteen (18) to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any public sidewalks, streets, alleys, parks, or public building or places of amusement or entertainment or other public grounds or places in the Village of Edmore between the hours of 11:00 p.m. and 6:00 a.m. and on days Friday through Sunday unless such minor is accompanied by a parent, guardian, custodian, or some adult eighteen (18) years of age delegated by the parent or guardian to accompany such minor, or unless such minor is returning home from school or church function or entertainment, or unless the employment of such minor makes it necessary to be upon the streets, alleys or other public places during the prohibited hours herein above mentioned.
- (c) It shall be unlawful for any minor under the age of (18) years to loiter, idle, wander, stroll, frequent or otherwise be or remain in or upon any public sidewalks, streets, alleys, parks or public building or places of amusement or entertainment or other public grounds or places in the Village of Edmore between the hours of 12:00 a.m. and 6:00 a.m. unless such minor is accompanied by a parent, guardian, custodian, or adult delegated by the parent or guardian to accompany such minor, or unless such minor is returning home from school or church function or entertainment, or unless the employment of such minor makes it necessary to be upon the streets, alleys or other public places during the prohibited hours herein mentioned above.
- (d) Any person assisting, aiding, abetting or encouraging any minor under the age of eighteen (18) years found violating the provisions of this Ordinance shall be guilty of a violation of this Ordinance.
- (e) Police officers may, at their discretion, take into custody any minor under the age of seventeen (17) years found violating the provisions of this Ordinance and return them to their place of abode, or may make a complaint against such minor under the Juvenile laws of this state, provided that, if after investigation by the officer taking such minor into custody, it is found that such minor is incorrigible or willfully absents themselves from home, and that the parents, guardians, or legal custodian are unable to control such minor, then such complaint will be made against such minor under the Juvenile law of this state.

#### Section 6. FIREARMS, BOWS AND SLINGS

- (a) It shall be unlawful for any person to shoot with a slingshot, bow and arrow within the Village of Edmore limits unless the Chief of Police has approved such location.
- (b) It shall be unlawful for any person to use or shoot an air gun or air rifle (gas or spring), or permit the same to be done within the limits of the Village of Edmore, except on such persons own premises when the slug of the bullet is not projected outside of such person's premises.

- (c) It shall be the duty of the Chief of Police and all officers of the Village of Edmore to seize all such air and spring guns or rifles found in use in violation of this section. Upon judicial determination by the court having jurisdiction of such offenses and of the person committing the same, that such gun or rifle was used in violation of this Ordinance. Such gun or rifle shall be destroyed or disposed of by the Chief of Police in a manner directed by the court.
- (d) Except in the lawful defense of his person, family or property, no person shall fire or discharge within the Village any firearm, or any toy firearm, in which any explosive substance can be used.
- (e) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps gunpowder, or any other explosive substance

#### Section 7. DISORDERLY PERSONS

- (a) It is unlawful for any person to make, aid or assist in making any riot, disturbance or improper diversion, or to aid in assisting in collecting a crowd for any unlawful purpose.
- (b) No person shall menace or threaten injury to the person or property of another, or put any person in fear.
- (c) No person in a public place shall be intoxicated and also endanger directly the safety of another person or the safety of property, or act in a manner that causes a public disturbance.
- (d) No person shall permit or suffer any house, building or other place owned or occupied by him to be a resort for noisy, boisterous, or disorderly person, nor permit or suffer therein any noisy, boisterous or disorderly person. Or knowingly allow minors to be in violation of any sections of this ordinance.
- (e) No person, group of persons, firm or corporation shall disrupt or hinder the orderly administration of government.
  - (1) Penalty.  
Violation of this section shall be a misdemeanor, which is punishable by a maximum fine of \$500.00

Section 8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon publication in a newspaper duly circulated within the Village of Edmore.

Adoption of the ordinance was moved by Schuitema and supported by Rasmussen.

Voting for: Guild, Ashbaugh, Burr, Rasmussen, Deja, Schuitema. Voting against: None

The Ordinance was declared amended/adopted.

Chet Guild, Village President

Date of Publication: December 20, 2013

I, Gloria Burr, the lawful Clerk of the Village of Edmore attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on December 9, 2013, noticed in accordance with state law.

Gloria Burr, Clerk

ORDINANCE NO. 255-92

SKATEBOARD, BICYCLES & HORSES

An ordinance regulating horses and bicycles, roller skates, rollerblades, skateboards, scooters, coasters and similar devices within the downtown area of the Village of Edmore.

THE VILLAGE OF EDMORE ORDAINS:

**Section 1. Regulation of horses, and bicycles, roller skates, rollerblades, skateboards, scooters, coasters and similar devices.**

- (a) No person shall ride or walk a horse or use a bicycle, rollerskates, rollerblades, skateboard, scooter, coaster or similar device on any sidewalk adjacent to Main Street between the Fifth Street and First Street in the Village of Edmore.
- (b) Any person who shall ride or walk a horse or use a bicycle, rollerskates, rollerblades, skateboard, scooter, coaster or similar device on a sidewalk, walkway or other pedestrian facility where permitted within the village shall not hinder or impede the passage of pedestrians or vehicles.
- (c) Any person who shall ride or walk a horse or use a bicycle, rollerskates, rollerblades, skateboard, scooter, coaster or similar device on a sidewalk, walkway, or other pedestrian facility where permitted within the village shall yield the right-of-way to all pedestrians upon said sidewalk, walkway, or other pedestrian facility.
- (d) No person shall ride on or in any manner use a bicycle, roller skates, rollerblades, skateboard, scooter, coaster or similar device which is being towed by any vehicle, bicycle or pedal powered contrivance within the village.

**Section 2. Penalties and Enforcement.**

- (a) Any violation of the provisions of this Ordinance shall be a Misdemeanor.
- (b) Punishment upon conviction thereof shall be a fine of not more than \$100.00 or imprisonment for not more than ninety (90) days, or, by both such fine and imprisonment in the discretion of the Court.
- (c) In addition to the penalties set forth above, the Police Department of the Village of Edmore may impound and retain possession of any bicycles, rollerskates, rollerblades, skateboards, scooters, coasters and similar devices operating in violation.



**Section 3. Conflicting Ordinances Repealed.**

All ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

**Section 4. Severability.**

If any section, paragraph, clause, or provision of the Ordinance is held for any reasons to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

**Section 5. Effective Date.**

This Ordinance shall take effect and be in full force on and after August 3, 1992.

Shirley Mallory, Village Clerk

## ORDINANCE NO. 201-28

### OILS & GASES

An Ordinance prohibiting, restraining and regulating the storage and sale at wholesale or retail of gasoline, kerosene, naphtha, benzene, or the products, compounds or adulterations thereof, or other inflammable, combustible or explosive oils or fluids, within the corporate limits of the Village of Edmore, without first obtaining a permit therefor, and to provide a penalty for the violation thereof, and to repeal all other ordinances which conflict with the provisions hereof.

#### THE VILLAGE OF EDMORE ORDAINS:

Section 1. No person, persons, firm or corporation shall have, keep, or store for sale, or sell at wholesale or retail, within the corporate limits of the Village of Edmore, gasoline, kerosene, naphtha, benzene, or the products, compounds or adulterations thereof, or any other inflammable, combustible or explosive oils or fluids, without first obtaining a permit for that purpose from the Village Council.

Section 2. Any person, persons, firm or corporation desiring to have, keep, or store for sale or sell at wholesale or retail, within the corporate limits of the Village of Edmore, any gasoline, kerosene, naphtha, benzene, or the products, compounds or adulterations thereof, or any other inflammable, combustible or explosive oils or fluids, shall, before such permit shall be issued, make application in writing to the Village Council, stating:

- (a) The location, street, building or structure, where such oils or fluids are to be kept or stored.
- (b) In case a building is to be constructed for the storage of such oils or fluids, such application shall also state the kind and size of such proposed building.
- (c) The maximum capacity of the tanks or containers in which such oils or fluids are to be kept or stored.

Section 3. When an application for such permit is made and filed with the Village Council, a hearing shall be had thereon, at the next regular meeting of the Council, and the Council, after such hearing, may grant or deny the same, when in their judgement, by reason of the traffic, fire or explosion hazard, the public health or safety would be in any manner imperiled or jeopardized.

Section 4. No permit shall be granted where the location, building, structure, tanks or containers in which such oils or fluids are to be kept or stored, is within any residential district in the Village, unless such application is accompanied by the written approval of at least seventy-five percent of the owners of the lands and premises within a radius of two hundred feet of such location, building, structure, tanks or containers.

Section 5. Where a proposed location is within any residential district in the Village, any building where such oils or fluids are to be kept or stored, in no case shall be built less than a minimum distance of fifteen (15) feet from adjoining property line. All installations and tanks shall comply with the standards of the State of Michigan relative thereto, in effect at the time of installation; except that in no case shall underground storage tanks with a total capacity of five

hundred (500) to twenty thousand (20,000) gallons, be placed closer to adjoining property line, which may be built upon, than the following minimum distances:

500 to 1,500 gallons capacity not less than 10 feet.

1,501 to 5,000 gallons capacity not less than 20 feet.

5,001 to 20,000 gallons capacity not less than 30 feet.

All underground storage tanks of a greater capacity than twenty thousand (20,000) gallons; and all above ground storage tanks shall be installed only by a special permit from the State Fire Marshal.

Section 6. Each and every day that such oils or fluids are kept, stored, or sold in violation of the terms and provisions of this ordinance, shall be a separate and distinct offense and punishable as hereafter provided.

Section 7. Any violation of the terms of this ordinance shall constitute the having, keeping, and storing of such oils or fluids, and shall be deemed a public nuisance and liable to abatement as such.

Section 8. Any person who shall violate any of the provisions or requirements of this ordinance, on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the County Jail, not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the Court.

Section 9. It shall be the duty of the Village Marshal to enforce the provisions and requirements of this Ordinance, and to enter complaint against any person violating any of the provisions or requirements of this ordinance.

Section 10. In case any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, invalid, or void, such section shall not affect the validity of the remaining portions thereof, and said Village Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, clauses, or phrases be declared unconstitutional, illegal, invalid or void.

Section 11. Whenever any person shall be convicted of the violation of any of the provisions or requirements of this Ordinance, the Court shall render judgement thereon and inflict such punishment, either by fine or imprisonment, or both, as the nature of the case may require, together with such costs of prosecution as may be allowed by law, and as the Court shall order, but such punishment shall not in any case exceed the limit fixed by this Ordinance, for the offense charged, and in rendering such judgment and inflicting such punishment the Court may award against the offender a conditional sentence, and order and adjudge such offender to pay a fine with the costs of prosecution, within a limited time, to be expressed in the sentence, and in default thereof to suffer such imprisonment as is provided by this Ordinance, and adjudged by the Court, and in case such Court shall only impose a fine and costs of prosecution, the offender

may be imprisoned in the County Jail, of said County of Montcalm, until the payment of such fine and costs, and for a period of not more than ninety days.

Section 12. All ordinances and parts of ordinance conflicting with the provisions of this Ordinance are hereby repealed.

Section 13. This Ordinance shall take effect and be in force on and after the nineteenth day of September in the year A.D. 1928, at the hour of 12 o'clock noon. Passed, ordained and enacted by the Village Council of the Village of Edmore, this twenty-seventh day of August A.D. 1928.

## ORDINANCE NO. 259-94

### REGULATION OF DOGS WITHIN THE VILLAGE OF EDMORE

A REVISED ORDINANCE TO PROHIBIT ALLOWING DOGS TO RUN AT LARGE; TO CONTROL EXCESSIVE BARKING AND OTHER POTENTIAL NUISANCES CAUSED BY DOGS; TO PROVIDE HUMANE STANDARDS FOR THE KEEPING AND TREATMENT OF DOGS; TO DEFINE VICIOUS DOGS AND REGULATE THE KEEPING OF SAME; TO PROVIDE FOR SEIZURE, IMPOUNDMENT AND DESTRUCTION OF DOGS UNDER CERTAIN CONDITIONS; AND TO PROVIDE FOR PENALTIES TO DOG OWNERS OR KEEPERS WHO ALLOW DOGS IN THEIR CARE TO CAUSE A VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, WITHIN THE VILLAGE OF EDMORE.

THE VILLAGE OF EDMORE ORDAINS:

#### Section I. STATE LAW

All provisions of the State Dog Law relative to license, assessment, confinement of animals, etc. are hereby incorporated into this Ordinance.

#### Section II. AUTHORITY

The Village of Edmore is empowered to regulate and control dogs within the Village limits pursuant to Chapter VII of the General Law Village Charter, Act 3 of 1895, as amended.

#### Section III. DEFINITIONS

**AT LARGE** – A dog shall be deemed to be at large when off the real property of its owner and not under effective physical restraint by its owner.

**HUMANE TREATMENT** – Basic care of any dog including, but not limited to: provision of wholesome, unsoiled and nutritious food and water in sufficient quantities for the dog's general health and wellbeing at all times; provision of kennels and other places dogs may be kept which offer adequate ventilation, light, sanitary conditions, exercise and sleeping spaces, and protection from the elements for the dog's general health and well being at all times; provision of medical care by an accredited veterinarian as needed; the absence of mental or physical abuse suffered from beating, tormenting, overworking, abandonment, poisoning, overloading or other means.

**LICENSING AUTHORITY** – The agency or department of Montcalm County government or any designated representative thereof charged with administering the issuance and revocation of permits and dog licenses.

**NUISANCE** – A dog shall be considered a nuisance if it: damages, defecates in, or otherwise defiles public property or private property, other than that of the owner, unless there is an immediate and complete clean-up and/or repair of the affected property by the dog's owner. A dog shall also be considered a nuisance if its owner allows it to cause sustained unsanitary conditions posing a threat to human or animal health anywhere within the Village of Edmore; if it causes a disturbance by excessive barking or other excessive noise making; or if it chases vehicles.

OWNER – Any person having the right of property or custody of a dog; Any person who keeps or harbors a dog, or knowingly permits a dog to remain on or about any premises owned or occupied by that person.

RESTRAINT – A dog shall be considered under proper restraint if it is effectively confined to the owner's real property by appropriate fencing or other barriers (which must also meet all zoning requirements); if its movements are constrained by a tether or chain affixed to the dog's collar which does not permit it to roam within five feet of any sidewalk, street, alley or property line; or if it is effectively secured by a leash or lead which is directly and physically controlled by the owner, and not longer than twelve feet in length.

VICIOUS DOG – A dog shall be considered vicious if it threatens, molests, interferes with, terrorizes, attacks or inflicts injury on any person or animal without provocation; if it is observed to otherwise endanger the safety of persons and other animals; If it is harbored solely or in part for the purpose of dog fighting or combat with other animals.

Notwithstanding the foregoing, no dog shall be declared vicious by reason of any injury or property damage sustained by a person or other animal, if such injury or damage came as an immediate response by the dog to any of the following conditions: A person committing a willful trespass or other tort upon premises owned or occupied by the dog's owner; Provocative teasing, tormenting, abuse, or assault of the dog by a person or other animal; The commission or attempted commission of a crime; Defense of a human being or other animal threatened with eminent attack by another person or animal.

#### Section IV. KEEPING OF DOGS

- A. Prohibition of dogs running at large: No person owning or otherwise having custody of any dog shall permit that dog to run at large at any time within the Edmore Village limits.
- B. Unlicensed Dogs: Pursuant to MCL 287.266; MSA 12.516, on or before March 1<sup>st</sup> of each year the owner of any dog over six months of age shall obtain a license for each dog in his/her possession. Failure to maintain a properly licensed dog within the Village of Edmore shall be considered a violation of this ordinance.
- C. Vaccination of dogs for rabies: All dogs kept within the Village limits of Edmore shall be vaccinated for rabies with a vaccine licensed by the U.S. Department of Agriculture. Said vaccination shall be documented in writing and signed by an accredited veterinarian or authorized animal control officer. Any person having a dog not vaccinated pursuant to this ordinance shall be in violation thereof.
- D. Rabid animals: No person, other than an accredited veterinarian, shall own, harbor, or care for any dog or any other animal within the Edmore village limits that has contracted rabies or is suspected of having contracted rabies. Any such dog or other animal, within the Village of Edmore shall be immediately reported by the owner to a police officer of the Edmore-Home Police Authority or to the Montcalm County Sheriff Department. Failure by the owner to make such notification promptly shall be considered a violation

of this ordinance. Any such dog or other animal shall, on demand by any police officer, health official or animal control officer, be surrendered by the owner for impoundment.

- E. Harboring a nuisance dog: No person shall harbor or keep any dog within the Edmore village limits which creates a disturbance of the general peace, causes serious annoyance for other persons within the Village of Edmore by loud, frequent and habitual barking or creates any of the other nuisance conditions set forth above.
- F. Harboring a vicious dog: No person shall harbor or keep any dog within the Edmore village limits which can be deemed vicious by its actions pursuant to the definition of vicious dogs set forth above.
- G. Humane treatment: All dog owners within the Edmore village limits shall provide their dogs with humane treatment as defined above. In addition, no person shall encourage, train or cause their dog to engage in any form of dog fighting or in any form of combat with any other type of animal where injuries are likely.
- H. Number of dogs permitted. No one person or corporation, except an accredited veterinarian or retail pet shop, shall keep more than four dogs over four months of age simultaneously at any single lot, parcel of land or street address within the Village of Edmore.

#### Section V. VIOLATIONS AND PENALTIES

- A. Violations: Any person who is the owner or rightful possessor of a dog within the Edmore village limits who fails to abide by, and keep their dog in abidance by, the provisions set forth herein shall be in violation of this ordinance. Each day that a violation exists shall be considered a separate offense.
- B. Penalties: Any person convicted of violating or permitting the violation of any provision of this ordinance shall be punished by a fine of not more that \$250.00 for each offense, imprisonment of not more than ninety days in jail, or both. Exact penalties shall be decided by a court of competent jurisdiction in response to a sworn complaint by an authorized officer of the Village of Edmore.

#### Section VI. SEIZURE, IMPOUNDMENT, DESTRUCTION

- A. Seizure: Any dog that is in violation of any section of this ordinance shall be subject to seizure by Police Officers of the Edmore-Home Police Authority and/or Montcalm County Animal Control Officers.

- B. Notice of Seizure: An Edmore-Home Police Officer shall serve notice in writing, either personally or via certified mail, of the seizure of any dog and the impoundment thereof by the Edmore-Home Police Authority. Attempting to notify the owner pursuant to information provided on a dog license shall be considered conclusive presumption of adequate notification. However, all reasonable efforts shall be made to identify the owner and to notify that owner about the seizure, the reason(s) for taking that action, the place of impoundment, and the requirements for claiming the dog.
- C. Impoundment: Upon seizure of any dog found to be in violation of this ordinance, such dog shall be impounded in the Montcalm County Animal Shelter or in another place designated for that purpose by the Village Council.
- D. Destruction: Any dog impounded under this ordinance shall be humanely destroyed unless the owner claims the dog within five days of notification of impoundment and pays appropriate fees covering the cost of impounding the dog. Such fees may include but are not limited to, the cost of food, medical care, labor and transportation  
Notwithstanding the foregoing, rabid dogs, or dogs suspected of being rabid, may be humanely destroyed at any time during impoundment, but may also be held for observation or treatment at the discretion of the impounding authority.
- E. Other authorities: Dogs seized or impounded by authorities other than an Edmore-Home Police Officer are subject to the seizure, impoundment, notification and destruction policies of those other authorities.

#### Section VII. ORDER TO SHOW CAUSE

- A. Summons – In the event that a dog is impounded as a vicious dog and the owner claims that dog within the specified time frame, or in the event that the owner retains possession of a dog that has otherwise been found in violation of this ordinance, an authorized officer of the Village of Edmore may petition a court of competent jurisdiction via a sworn complaint to issue a summons requiring said dog owner to appear in court and show cause why the dog should not be seized and humanely destroyed and to show cause why the owner should not be fined and/or jailed pursuant to this ordinance.
- B. Sworn complaint – The sworn complaint by an authorized officer of the Village of Edmore shall petition a court of competent jurisdiction for said summons on the basis that any of the following conditions exist:
  - i) The dog has defiled or destroyed property or repeatedly causes such in trespassing on the property of a person who is not the owner.
  - ii) The dog has attacked, terrorized, bitten or otherwise caused injury to a person or another animal.
  - iii) The dog has shown vicious habits or has molested a person or another animal.



- iv) The dog has repeatedly been allowed to run at large, bark excessively, make other excessive noise, or otherwise cause a serious annoyance or disturbance of the general peace.
  - v) The dog has suffered a significant inhumane treatment or mental or physical abuse which the owner has caused and/or has not taken satisfactory steps to correct.
  - vi) The dog is unlicensed, substantially abandoned, in excess of the limit on the number of dogs permitted by this ordinance, or unvaccinated against rabies.
- C. Court Order – After a hearing in response to such a sworn complaint and summons, a court of competent jurisdiction will determine the future disposition of the dog and the imposition of fines and/or jail confinement for its owner pursuant to this ordinance.
- D. Failure to comply with court order - Any person who fails to comply with the Court's order shall be subject to a \$250 fine, jail confinement for up to ninety days, or both.
- E. Court costs – All costs incurred by the Village of Edmore in obtaining compliance with this ordinance via a court of competent jurisdiction shall be reimbursed by the dog owner to the Village of Edmore within thirty days of a court's order in favor of the complaint. Failing that, these costs will be added to the property taxes of the dog owner or sought via the court as garnishment from the dog owner's income.

#### Section VIII REPEAL OF CONFLICTING ORDINANCES

- A. Repeal – On the effective date of the adoption of this ordinance, Ordinance Number 259-94, Ordinance Number 213 as adopted on February 2, 1953, and any amendments thereto, are hereby repealed.
- B. Other ordinance – Any part of any ordinance which is inconsistent with, or otherwise in conflict with, this revised ordinance, Ordinance Number 259-94, is hereby repealed on the effective date of this revised ordinance.

#### Section IX. SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance is held, for any reason, to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining parts of this ordinance.

#### SECTION X. EFFECTIVE DATE

This ordinance shall become effective and be in full force on September 1, 1994.

Shirley Drain, Village Clerk

Chet Guild, Village President

ORDINANCE NO. 2017-5

CHICKEN ORDINANCE

An Ordinance to allow for the keeping of chickens.

THE VILLAGE OF EDMORE ORDAINS:

A person who keeps or houses hens on his or her property shall comply with the following requirements:

- (1) Obtain a non-transferable permit from the village clerk. A non-refundable fee of \$5.00 five dollars shall be paid at the time the permit application is submitted.
- (2) No more than one hen per each ten (10) square feet of enclosures (ten square feet per adult hen and baby chicks), with no more than six (6) hens over six (6) months of age.
- (3) The principal use of the person's property must be as an owner-occupied single-family dwelling.
- (4) No person shall keep a male chicken (rooster). If any person shall be found to have a male chicken, they shall be notified by the village. Once notified the person shall have five days to remove the male chicken or their permit will be immediately revoked.
- (5) No person shall slaughter any hens except as required for the culling of injured or ill chickens.
- (6) The hens shall be provided with a covered enclosure.
- (7) A person shall keep hens in the backyard only. For this section, "backyard" means the portion of a lot enclosed by the property's rear lot line and the side lot lines to the point when the side lot lines intersect with the imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- (8) All enclosures for the keeping of hens shall be constructed, repaired and maintained in a manner to prevent rats, mice or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- (9) All feed and other items associated with the keeping of hens that are likely to attract or to become infested shall be stored in a covered, rodent-proof container so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with such items and the container shall be stored in an enclosed shed or garage.

- (10) Chicken coops and enclosures shall be set back not less than ten feet from side and rear lot lines and not less than forty (40) feet from any residential structure on adjoining lots. Chicken coops and enclosures existing prior to the adoption of this section shall be permitted less than the required setback distance provided a permit is obtained within 90 days from the date of section adoption and in accordance with condition of this section.

Any person keeping hens remains subject to the public nuisance provisions of this Code and any private restrictions on the use of property that may be contained within deed restrictions or similar instruments.

Adopted on September 11, 2017  
Published on September 18, 2017  
Effective on September 18, 2017

## ORDINANCE NO. 243-88

### SNOW REMOVAL (As Amended)

An ordinance regulating the removal of ice and snow from sidewalks in the business district of the Village of Edmore and to provide for the recovery of such cost in an accidental loss.

#### THE VILLAGE OF EDMORE ORDAINS:

##### Section One

Business District. The following shall be and is hereby declared the business district for the purpose of this ordinance. Beginning at the corner of Second and Main Street thence East to the corner of Lewis and Main Street, including both North and South sides of Main Street.

##### Section Two

The occupants or owners of any lot or building abutting any sidewalk in the business district shall clear all ice and snow from sidewalks adjoining such lot or building within the time frame required by this ordinance. When snow shall have fallen or drifted upon any sidewalk in the fore described business district, the owners or occupants of the lot or building adjoining or abutting the sidewalk shall remove such snow as shall have fallen or accumulated at the close of business on the proceeding day, by or before 10:00 a.m. of the following day; snow falling or drifting during the day shall be removed before 10:00 a.m. the following day. When any ice shall form on any sidewalk in the business district, the owners or occupants of the building or lot adjoining such sidewalk shall, if practical, immediately remove the said ice and when immediate removal is impractical, shall immediately cause salt, sand, or sifted ashes to be spread upon the ice in such manner and such quantity as to prevent the sidewalk from being slippery and dangerous to pedestrians and shall remove said ice as soon as shall be practical thereafter.

##### Section three

Failure to Clear. If any occupants or owners of any lots or buildings adjoining or abutting a sidewalk in the business district shall fail to clear ice or snow from the sidewalk within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalks, they shall be guilty of a violation of this ordinance and the Village Maintenance Foreman may have the snow or ice cleared and the expense of the removal shall be a debt to the Village and may be collected as an assessment. Charges for ice and snow removal shall be named each time the city is forced to remove the snow or ice in compliance with this chapter or ordinance

##### Section Four

The Village of Edmore prohibits the use of trucks or any other vehicles requiring licensure for snow removal on the sidewalks in the Main Street Business District located between Second and Lewis Streets. Authorized Department of Public Works Vehicles may be used to remove snow as needed. If any occupants or owners of any lots or buildings located in the downtown area use any vehicles of these type for snow removal in that area and damage any planters, trees, sidewalks, bricks or any other appurtenances, the owner or occupant will be assessed the damages equal to materials and Village DPW labor required to repair the damage.

Section Five

Effective date

This Ordinance shall become effective on the nineteenth day of December, 1988.

ATTEST:

VILLAGE OF EDMORE

Shirley Mallory, Village Clerk

Roy Pruden, Village President

## ORDINANCE NO. 235-83

### STREET EXCAVATION

An Ordinance regulating the opening and excavating of streets, alleys, sidewalks, and other public grounds, requiring a permit therefor and payment of a fee; imposing requirements for the protection of life and property in connection with excavation work; regulating the backfilling and resurfacing of excavations; and prescribing penalties for violations of its provisions.

THE VILLAGE OF EDMORE ORDAINS:

#### Section 1. SHORT TITLE:

This Ordinance shall be known and may be cited as the “Street Excavation Ordinance of the Village of Edmore”.

#### Section 2. PERMIT REQUIRED:

Unless acting under a contract with the Village of Edmore, it shall be unlawful for any person, firm, or corporation, other than a duly authorized Village official or employee in the course of their employment, to construct, reconstruct, repair, alter, dig, or grade any sidewalk, curb, curb-cut, driveway, street, alley, or other public place within the limits of the Village of Edmore without first having obtained and having in force a permit as hereinafter provided.

#### Section 3. APPLICATIONS:

Applications for such permits shall be made to the Village office, and shall describe the location of the intended work, the purpose therefor, and the person, firm, or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all Ordinances, laws, and rules and regulations relating to the work to be done.

#### Section 4. FEES:

The Village Council shall, by resolution, fix and determine the various fees and charges incidental to the issuance of any permit required under the provisions of this Ordinance.

#### Section 5. BOND:

No such permit shall be issued unless and until the applicant therefor has, if so required by the Village Council, filed with the Village Clerk a bond in the sum of not to exceed Twenty-five Thousand Dollars (\$25,000.00) conditioned to indemnify the Village for any loss, liability, or damage that may result or accrue from or because of making, existence, or manner of guarding or constructing or work to be done under the permit. Such bond shall have, as a surety, a corporation licensed to do business in the State of Michigan as a surety company and shall be approved by the Village Attorney.

#### Section 6. DEPOSIT:

No such permit shall be issued unless and until the applicant therefor has deposited such a sum of money as shall be deemed by the Village office sufficient to cover and pay all expenses of furnishing such material, doing such work, making such inspection, and taking such means as

shall be required to properly restore and secure against settlement of the street, sidewalk, pavement, curb, and gutter, necessary to be replaced in consequence of making such excavation, opening, or disturbance. The sum or sums of money so collected and deposited shall be paid into the Village Treasury and be used solely for the purpose of paying for the repairing and replacing of any such pavement or broken surface broken into or disturbed by any of the purposes mentioned herein. After completion of the work to the satisfaction of the Village official, he shall certify to the Village Treasurer the cost of the work and the amount of any surplus remaining from the amount deposited in such case, and such surplus shall thereupon be returned to the property claimant. If, for any reason, the amount of such deposit shall have been insufficient to cover the cost of such work, or if any damage shall have been done not contemplated in the original estimate, which shall have caused increased expenditure, the amounts of such deficiency or damage shall be certified to the Village Treasurer, who shall collect the same from the person to whom the permit was issued. No further permit shall be granted to any persons, or any other person in his behalf, until the amount of such deficiency or damage shall have been paid.

#### 7. MANNER OF WORK:

It shall be unlawful to do any such work in any way contrary to or at variance with the terms of the permit therefor, and the rules and regulations issued pursuant to this Ordinance.

No injury shall be done to any pipes, cables, or conduits in the performance of such work; and notice shall be given to the persons maintaining any such pipes, cables, or conduits, or to the Village official charged with the care thereof, which are or may be endangered or affected by the performance of such work before such pipes, cables, or conduits shall be disturbed.

No unnecessary damage or injury shall be done to any tree or shrub or to the roots thereof.

#### Section 8. GUARDING EXCAVATIONS AND OBSTRUCTIONS:

Any person making or causing to be made an excavation or opening in any street, alley, sidewalk, or other public place, or within five feet of the line of any street or public place, shall, between sunset and sunrise on every night that the same remains open or danger exists therefrom, keep such excavation or opening fenced or barricaded and properly lighted so as to warn all persons of such excavation or opening and all obstructions. No unauthorized persons shall remove or interfere in any way with any lantern or other danger signal or any such barriers.

#### Section 9. RESTORING SURFACE:

All openings shall be refilled and temporarily resurfaced on or before the time fixed in the permit. Such temporary resurfacing shall be maintained by the person to whom the permit is issued until the Village of Edmore or person designated by it, shall permanently resurface such opening. The cost of such final resurfacing to be charged against the deposit provided for in Section 6 of this Ordinance.

#### Section 10. SUPERVISION:

A Village Official shall, from time to time, inspect or cause to be inspected all work being done under permits to see to the enforcement of the provisions of this Ordinance, and all work done under a permit shall be under the supervision of the Village, who shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonable necessary to enforce and carry out the intent of this Ordinance. Violation of such rules and regulation, after their approval by the Village Council by resolution, shall constitute a violation of this Ordinance.

#### Section 11. PENALTY:

Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall be punished for each offense, upon conviction, by a fine of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00), and costs of prosecution, or by imprisonment in the County Jail for a period of not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

#### Section 12. RULES AND REGULATIONS GOVERNING OPENINGS AND EXCAVATIONS IN PUBLIC GROUNDS IN THE VILLAGE OF EDMORE AND ESTABLISHING FEES RELATIVE THERETO:

Subject to the supervision and control of the Village Council, the Village does hereby establish the following rules, regulations, and fees for the management and control of openings and excavations in public property within the Village of Edmore, to be effective on September, 1983

#### Section 13. SIDEWALKS:

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

1. All grade shall be established or approved by the Village Council or a designated representative.
2. Sidewalks shall be not less than 4 inches in thickness and expansion paper may be required in the joints. Where the sidewalk crosses a drive, 6 inch thickness shall be required.
3. Curing compounds may be required when in the opinion of the Village Council or a designated representative such should be used.
4. All concrete used in sidewalk construction shall be capable of resisting a pressure of 2500 pounds per square inch without failure, 28 days after placement.
5. All sidewalks shall have a fall toward the gutter of 2/10 inches per foot width of sidewalk.



#### Section 14. DRIVEWAY:

Definition: "Driveway" shall mean the area between the property line and curb line used for vehicular approach.

1. All grades shall be established or approved by the Village council or a designated representative.
2. Maintenance of driveways shall be the responsibility of the owner.
3. All drives shall maintain a gutter line as specified by the Village

#### Section 15. STREETS:

Definition: "Street or Highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

1. All materials used on or under, any street shall be subject to the approval of the Village Council.
2. All openings shall be refilled and temporarily resurfaced on or before the time fixed in the permit. Such temporary resurfacing shall be maintained by the person to whom the permit is issued until the Village or person designated shall permanently resurface such opening. Refilling shall be done with such materials and in such a manner as designated by the Village Council or a designated representative.

#### Section 16. GENERAL:

Notice of Completion: The person responsible for the performance of work under the permit shall notify the Village office of such completion. In the event of an open cut or excavation, the Village office shall be notified before such cut or excavation may be backfilled.

#### Section 17. FEES:

Permit --	Sidewalks (including grade)	No Fee
	Sidewalks (regrade only)	\$ 1.00
	Street Opening	\$ 1.00
	Curb Cut and Replacement	\$ .50
	Annual Permit – Utilities Only	\$25.00
	Driveway (including grade)	No Fee
	Driveway (regrade only)	\$ 1.00

The above rules, regulations, and fees were approved by the Village Council of the Village of Edmore on the 12<sup>th</sup> day of September, 1983.

Section 18. REPEAL:

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, are hereby repealed.

Section 19. SEPARABILITY:

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 20. EFFECTIVE DATE:

This Ordinance shall take effect ten (10) days after its passage and publication as provided by law. Passed and approved by the Village Council of the Village of Edmore, Michigan, in regular session held September 12, 1983.

## ORDINANCE NO. 270-02

### TAX EXEMPTION ORDINANCE

An ordinance to provide for a service charge in lieu of taxes for a proposed multiple family dwelling project for persons of low income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

THE VILLAGE OF EDMORE ORDAINS:

SECTION 1. This Ordinance shall be known and cited as the "Village Tax Exemption Ordinance".

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 ( 1966 PA 346, as amended, MCLA Section 125.1401 et Seq., MSA Section 116, 114 (1) et. Seq.). The Village of Edmore is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the Village of Edmore will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Village of Edmore acknowledges that ED Limited Dividend Housing Association Limited Partnership, (the Sponsor") has offered, subject to the receipt of a mortgage loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Village Crossings on certain property described as: Com at a point where N line of PMRR R/W intersects the W side of Montcalm County Highway No. 571, which said Hwy extends along E side of said lands, thence N along the W side of said Hwy 540 ft., W 300 ft. S 350 ft, W 175 ft, S 115 ft more or less to N line of said RR R/W, thence E along N line of said RR R/W to point of Beg. Sec. 20 T12N R6W, in the Village of Edmore, also described as, part of the east one-half of the southeast one-quarter, Section 20, T.12N.-R 6W., Home Township, Montcalm County, Michigan. More particularly described as beginning at a point where the North line of the Pere Marquette Railway right-of-way (said railway being abandoned) intersects the West right-of-way line of Montcalm County Highway No. 571, (First street/Wyman Road) which is N.00Deg-00'-00"W., along the East line of said Section 20, 1043.32 feet, to the North line of the Pere Marquette Railway right-of-way line (said railway being abandoned), and N.76deg-59'11"W., along said North line of the Pere Marquette Railway right-of-way (said railway being abandoned) 33.87 feet from the Southeast corner of said Section 20; thence N.00Deg-00'00"W. (Deeded North) along the West right-of-way line of Montcalm County Highway No. 571, (First Street/Wyman Road), 540.00 Feet; thence N90deg-00'-00"W., (Deeded as West)

perpendicular to said East Section Line, 300.00 Feet; thence S.00 Deg-00'-00"E. (Deeded as South) parallel with said East Section Line, 350.00 feet; thence N. 90-00'-00"W. (Deeded as West) perpendicular to said East Section line, 175.00 Feet; thence S. 00Deg-00'-00"E., (Deeded as South) parallel with said East section line, 80.22 feet (Deeded as 115 feet more or less) to said North line of the Pere Marquette Railway right-of-way (said railway being abandoned); thence S.76Deg-59'11"E., (Deeded as east) along said North line of the Pere Marquette Railway right-of-way (said railway being abandoned) 487.52 feet to the point of beginning. Containing 3.88 acres more or less, subject to easements and rights-of-way of record, to serve persons of low income, and that the Sponsor has offered to pay the Village of Edmore on account of this housing development an annual service charge for public services in lieu of all taxes.

### Section 3. Definitions.

All terms shall be defined as set forth in the State Housing Development Authority Act of 1966, being Public Act 346 of 1966, of the State of Michigan, as amended, except as follows:

- A. Act means the State Housing Development Authority Act., being Public Act 346 of 1966, of the State of Michigan, as amended.
- B. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- C. Authority means the Michigan State Housing Development Authority.
- D. Housing Development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.
- E. Reserved for definition of class (i.e. Elderly, family, handicapped, etc., to which this Ordinance shall apply).
- F. Mortgage Loan means a loan to be made by the authority to the sponsor for the construction and/or permanent financing of the housing development.
- G. Sponsor means person(s) or entities which have applied to the Authority for an allocation under the Low Income Housing Tax Credit Program to finance a Housing Development.
- H. Utilities mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

#### SECTION 4. Class of Housing Developments.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be multiple dwellings for families which are financed or assisted pursuant to the Act. It is further determined that Village Crossings is of this class.

#### SECTION 5. Establishment of Annual Service Charge.

The Housing Development identified as Village Crossings and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The Village of Edmore, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a mortgage loan from the Michigan State Housing Development Authority to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to four percent (4%) of the annual shelter rents minus utilities.

#### SECTION 6. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term "low income persons or families" as used herein shall be the same meaning as found in Section 15 (a) (7) of the Act.

#### SECTION 7. Contractual Effect of Ordinance.

Notwithstanding the provisions of section 15 (a) (5) of the Act, to the contrary, a contract between the Village of Edmore and the Sponsor with the Authority as third part beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

#### SECTION 8. Payment of Service Charge.

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the Village of Edmore, except that the annual payment shall be paid on or before August 31 of each year.

SECTION 9. Duration.

This Ordinance shall remain in effect and shall not terminate so long as the Mortgage loan remains outstanding and unpaid or the Authority has any interest in the property, provided that construction of the Housing Development commence within one year from the effective date of this ordinance.

SECTION 10. Severability.

The various sections and provisions of this ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 11. Effective Date.

This Ordinance shall become effective on June 20, 2002, or as otherwise provided in the Charter. All ordinances or parts of ordinances in conflict with this Ordinance as repealed to the extent of such conflict.

Shirley Drain, Village Clerk

Rick Perkins, Village President

Adopted: 6-10-2002

Effective: 6-20-2002

Amended 10-28-2002

ORDINANCE NO. 252-92 (as amended)

RENTAL HOUSING ORDINANCE

An ordinance to provide for the registration and inspection of all rental units within the Village; to provide for the issuance of certificates of compliance; to authorize registration fees; and to provide penalties for violations of this ordinance.

THE VILLAGE OF EDMORE ORDAINS:

**Article I.**

**Section 1. Statement of Purpose.**

The Village of Edmore recognizes the importance to the general health, safety and welfare of its citizens and in particular its citizen-tenants to maintain safe and sanitary conditions in all rental dwellings and rental units throughout the Village. This ordinance is designed to promote the continued maintenance of quality and safe rental units which enhances living conditions for the tenants and neighbors, promotes maintenance of property values of all nearby properties and reduces cause of blight and other deleterious factors affecting neighborhoods.

**Section 2. Definitions.**

As used in this ordinance, the following terms shall have the following meanings respectively ascribed to them in this section.

- (a) Certificate of Compliance – a certificate issued by the Village of Edmore which certifies compliance with the provisions of the Codes and Ordinances of the Village of Edmore.
- (b) Lease – Any written or oral agreement that sets forth any and all conditions concerning the use and occupancy of rental dwellings or rental units.
- (c) Notice of Violation – A notice issued to the owner or Responsible Local Agent stating that there has been a violation of a provision of this ordinance or any other applicable code, ordinance, rule or regulation concerning said premises.
- (d) Occupants – Includes all tenants, lessees and persons residing within a rental dwelling or rental unit.
- (e) Owner – Any person, agent, firm, or corporation having a legal or equitable interest in the premises.
- (f) Premises – Any lot or parcel of land including a rental dwelling or rental unit.
- (g) Rental Dwelling – Any structure, building, or other facility promised and/or leased to a residential tenant or tenants for use as a home, residence, or sleeping unit. This definition includes but is not limited to one and two family dwellings, multiple dwellings, apartment units, boarding houses, flats, or rooming houses.
- (h) Rental Unit – Any one area, room structure, flat, apartment, or facility of a rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease.

### Section 3. Registration Required.

The owner of any rental dwelling or rental unit shall register each rental dwelling and all rental units contained within the rental dwelling with the Village and shall designate a person, as defined in Section 6, as the Responsible Local Agent who shall be legally responsible for operating the registered rental dwelling or rental unit and shall also be responsible for providing access to such premises for making the inspections necessary to ensure compliance with the terms of this Ordinance and all applicable Codes and Ordinances adopted by the Village of Edmore. A "Certificate of Compliance" shall not be issued if the registration provisions of this Ordinance are not complied with.

### Section 4. Registration Forms and Fee.

Application for registration shall be made annually on October 1<sup>st</sup> in such form and in accordance with such instructions as may be provided by the Village Clerk and shall include at least the following information:

- (a) The name, address and telephone number of applicant;
- (b) The names, addresses and telephone numbers of all owners of the rental building;
- (c) The name, address and telephone number of the Responsible Local Agent;
- (d) The address of, number of rental units in, each rental dwelling, and the number of occupants in each rental unit.
- (e) An authorization appointing a Responsible Local Agent signed by both the Owner and the Responsible Local Agent.

A registration fee for each rental unit shall be paid at the time of registration. The Village Council shall, by resolution, set the registration fee, which shall include the inspection fee applicable to a Certificate of Compliance. No post office boxes will be acceptable as a legal address. Upon registration the Village Clerk shall inform the applicant of Certificate of Compliance requirements.

### Section 5. Registration Term and Renewal.

Registration shall be made prior to the use or occupancy of any rental dwelling or rental unit. In the case of rental dwellings and rental units which exist on the effective date of this ordinance, registration shall be made within sixty (60) days of such effective date. The term of the registration shall be valid as long as the owner remains unchanged or for one (1) year, whichever is shorter. Any new owner shall register in accordance with Section 3 and apply to have the Certificate of Compliance for each rental dwelling and rental unit transferred into the new owner's name within ten (10) days of the date of transfer of ownership. Transfer of the prior Certificate of Compliance will not be issued unless the new owner undergoes satisfactory inspection of the rental premises. A fee for each rental dwelling (which shall be established by resolution of the Village Council) shall be paid at the time of registering the transfer of ownership, which fee shall also include the transfer of the Certificate of Compliance, if any.



#### Section 6. Responsible Local Agent.

The Responsible Local Agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust association, organization or other entity, having his or her place of residence within fifty (50) miles of the Village of Edmore, and shall be designated by the owner as responsible for operating such premises in compliance with all the provisions of the Village of Edmore Codes and Ordinances. The owner may act as the Responsible Local Agent provided he or she lives within fifty (50) miles of the Village of Edmore. All official notices of the Village may be issued to the Responsible Local Agent, and any notice so issued shall be deemed to have been issued upon the owner of record.

#### Section 7. Transfer or Ownership.

It shall be unlawful for the owner of any rental dwelling or rental unit who has received a notice of violation of any code or ordinance of the Village to transfer, convey, lease, or sell (including by land contract) his or her ownership and/or interest in any way to another, unless such owner shall have furnished to the Village Clerk a signed and notarized statement from the grantee, vendee, lessee, or transferee acknowledging the receipt of such notice of violation.

#### Section 8. Certificate of Compliance Required.

No person shall lease, rent or cause to be occupied a rental dwelling or rental unit unless there is a valid Certificate of Compliance issued by The Village of Edmore in the name of the Owner/Responsible Local Agent and issued for the specific rental dwelling or rental unit. The certificate shall be issued after an inspection by a certified building inspector, and may include inspection of the mechanical system, electrical system, plumbing system, and fire safety compliance, to determine that each rental dwelling and rental unit complies with the provisions of the Codes and Ordinances of the Village of Edmore. Such inspections shall be commenced after the effective date of this

ordinance and shall continue until all rental dwellings and rental units in the Village have been inspected. The inspection process then then be continued for all such units every two years.

Once issued, a Certificate of Compliance will be valid for a period of two years (Provided that the rental dwelling and rental units remain in compliance with all applicable code and ordinances), but will terminate on the date of the next subsequent inspection

A subsequent inspection of a rental dwelling or rental unit shall be made under any of the following circumstances:

- (a) Upon receipt of a complaint from an owner or occupant that the premises are in violation of an applicable Code or Ordinance.
- (b) Upon receipt of a report or a referral from a police department, other public agency or department, or any individual indicating that the premises are in violation of an applicable Code or Ordinance and which is based on the personal knowledge of the person making the report.

- (c) If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of an applicable code or ordinance.
- (d) Upon receipt of information that a rental dwelling or rental unit is not registered with the Village of Edmore as required under Section 4 of this Ordinance.
- (e) As part of a community wide rental unit inspection program as authorized by a resolution of the Edmore Village Council.

The inspection fee of a subsequent inspection shall be paid by the owner of the property, unless the inspection is based on a complaint filed without a factual basis, in which case no inspection fee shall be charged.

The owner will be given sixty (60) days from the date of each inspection to make necessary repairs and obtain a Certificate of Compliance for the affected rental dwelling or rental unit. The Village Clerk may revoke a Certificate of Compliance for a violation of any code or ordinance, rule or regulation of the Village of Edmore.

#### Section 9. Inspection Guidelines.

The Village of Edmore shall prepare a list of inspection guidelines to be used in inspection relating to the enforcement of this ordinance. The guidelines shall not be effective until approved by the Village Council. The inspection guidelines shall be issued to the applicant for a Certificate of Compliance or an inspection report and made available free of charge to the general public.

#### Section 10. Posting of Certificate of Compliance.

A copy of current Certificate of Compliance shall be posted in a conspicuous place either within each rental dwelling and rental unit or in a common area shared by all occupants of a rental dwelling or rental units.

#### Section 11. Applicable to Existing Rental Dwellings and Rental Units.

This ordinance applies to all rental dwelling and rental units within the Village existing on the effective date of the ordinance and to those subsequently constructed. For rental dwellings and units existing on the effective date of this ordinance which have been registered in accordance with the provisions of this ordinance, the prohibitions against leasing, renting and occupying contained within section 8 and the posting requirements of section 10 shall be inapplicable to such dwellings or units until sixty (60) days after the Village makes its initial inspection of such dwellings or units. This will permit the owner time to make the necessary repairs and obtain a Certificate of Compliance while maintaining occupancy of the rental unit, provided, however, that if the defects which must be corrected pose an immediate threat to the health, safety and welfare of the occupants, Section 8 prohibiting occupancy shall be immediately applicable.

#### Section 12. Exceptions.

Dwellings that are included in the Farmers' Home Administration Section 515 Rural Rental Housing program as hereby exempted from the registration and inspection guidelines of this Ordinance.

#### Section 13. Violations, Penalty.

Any owner or a rental dwelling or rental unit who shall fail to register his/her rental dwelling and rental unit or who shall fail to obtain a Certificate of Compliance for each of his/her rental dwellings and rental units shall be guilty of a misdemeanor. Any owner who fails to comply with any of the other requirements of this ordinance shall be guilty of a misdemeanor.

Upon Conviction under this section, the owner shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both such fine created by this ordinance shall not limit or derogate any other statute of common law right or action.

#### **Article 2.**

All ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance hereby repealed.

#### **Article 3.**

If any section, paragraph, clause, or provision of this Ordinance is held for any reasons to be invalid, or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

#### **Article 4.**

This Ordinance shall take effect on the 28<sup>th</sup> day of February, 1992.

Shirley Mallory, Village Clerk

## MINIMAL RENTAL HOUSING STANDARDS

### INSPECTION GUIDELINES

All rental units within the Village of Edmore must meet the minimal standards outlined in this inspection. Each rental dwelling or rental unit will require a systematic “walkthrough” to determine if it meets these minimal standards.

Every rental dwelling or rental unit must have at least a LIVING ROOM, KITCHEN, and BATHROOM. (A one-room efficiency apartment with a kitchen area is acceptable. However, there must be a separate bathroom.)

#### ALL ROOMS, HALLS, AND CLOSETS MUST HAVE:

OK

DEF

##### CEILINGS – that are in good condition

\_\_\_\_\_

\_\_\_\_\_

- Not acceptable are large cracks or holes that allow drafts, severe bulging or leaning, loose or falling surface materials such as plaster or tiles.
- Not acceptable are water spots caused by leaking roof.

##### WALLS – that are in good condition

\_\_\_\_\_

\_\_\_\_\_

- Not acceptable are large cracks or holes that allow drafts, severe bulging or leaning, loose or falling surface materials such as plaster or paneling.
- Not acceptable is peeling or chipping paint (Lead Paint).

##### FLOORS – that are in good condition

\_\_\_\_\_

\_\_\_\_\_

- Not acceptable are cracks or holes, missing or warped floor boards or covering that would cause someone to trip.
- Not acceptable are soiled or water damaged floor coverings.
- Not acceptable are floors that allow a “bouncy effect”.

##### LOCKS

\_\_\_\_\_

\_\_\_\_\_

- Locks must be installed on all windows and doors that can be reached from the outside, a common hallway, a fire escape, or other outside place that can be reached from the ground. A window that can not be opened is acceptable.

#### THE LIVING ROOM MUST HAVE:

OK

DEF

ELECTRICITY – at least two electric outlets, or one outlet and one permanent overhead light fixture.

\_\_\_\_\_

\_\_\_\_\_

- Count this as one outlet.
- Not acceptable are broken frayed wiring; missing cover plates; badly cracked outlets; light fixtures hanging from wires with no firm support; open or unprotected splices.
- Overfused and overloaded circuits must be corrected.

**WINDOW** – at least one window in good condition

\_\_\_\_\_

- Not acceptable are windows with cracked, broken, or missing panes; panes that have been covered with any material besides glass or clear plastic; windows that do not shut, or, when shut do not keep out the weather.
- Windows can not be nailed shut.

**THE KITCHEN MUST HAVE:**

**OK**

**DEF**

**ELECTRICITY** – at least two electric outlets and one permanent overhead light fixture.

\_\_\_\_\_

- Count this as one outlet.
- Not acceptable are broken frayed wiring; missing cover plates; badly cracked outlets; light fixtures hanging from wires with no firm support; open or unprotected splices.
- Overfused and overloaded circuits must be corrected

**STORAGE** – some space to store food.

\_\_\_\_\_

- Either cabinets or pantry are/is acceptable.

**PREPARATION AREA** – Counter space to prepare food.

\_\_\_\_\_

**STOVE AND OVEN** – must work.

\_\_\_\_\_

**SINK** – with hot and cold running water.

\_\_\_\_\_

**REFRIGERATOR** – that keeps temperatures low enough so food does not spoil.

\_\_\_\_\_

**SERVING SPACE** – some space to serve food.

\_\_\_\_\_

- A separate dining room or dining area in the living room is acceptable.

**WINDOW** – if exists, must be in good condition.

\_\_\_\_\_

- Not acceptable are windows with cracked, broken, or missing panes; panes that have been covered with any material besides glass or clear plastic; windows that do not shut, or, when shut do not keep out the weather.
- Windows can not be nailed shut.
- 

**THE BATHROOM MUST HAVE:**

**OK**

**DEF**

**WINDOW** – that opens or a working exhaust fan.

\_\_\_\_\_

	OK	DEF
<b><u>TOILET</u></b> – that flushes and does not leak or “run”.	_____	_____

- Not acceptable are toilets with cracks or large chips.

<b><u>TUB OR SHOWER</u></b> – with hot and cold running water.	_____	_____
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- Not acceptable are bathing areas where the tile work is falling off; improper caulking or grouting which allows water to leak onto the surrounding walls or floor.

<b><u>SINK</u></b> – with hot and cold running water.	_____	_____
---	-------	-------

- A kitchen sink will not satisfy this requirement.

<b><u>ELECTRICITY</u></b> – one outlet and one permanent overhead or wall light fixture.	_____	_____
--	-------	-------

- Count this as one outlet
- Not acceptable are broken frayed wiring; missing cover plates; badly cracked outlets; light fixtures hanging from wires with no firm support; open or unprotected splices.
- Overfused and overloaded circuits must be corrected.

**OTHER ROOMS MUST HAVE** (other rooms include bedrooms, utility rooms, heated porches, dens, and finished basements):

	OK	DEF
<b><u>ELECTRICITY</u></b> – at least two electric outlets, or one outlet and one permanent overhead light fixture.	_____	_____

- Count this as one outlet.
- Not acceptable are broken frayed wiring; missing cover plates; badly cracked outlets; light fixtures hanging from wires with no firm support; open or unprotected splices.
- Overfused

<b><u>WINDOW</u></b> – there must be at least one window in every room used for sleeping. Every window must be in good condition.	_____	_____
---	-------	-------

- Not acceptable are windows with cracked, broken or missing panes; panes that have been covered with any material besides glass or clear plastic; windows that do not shut, or, when shut do not keep out the weather.
- Windows can not be nailed shut.

**THE PLUMBING MUST INCLUDE:****OK****DEF**

- Pipes that are in good condition. Lead pipes must be replaced. Pipes that leak or have serious rust are not acceptable.

**OK****DEF**

- A hot water heater located, equipped and installed in a safe manner. The heater must have a pressure and temperature relief valve that is vented downward no more than eight inches above the floor. The heater must be no more than eighteen (18) years old.
- A connection to an approved public or private sewage disposal system.
- "S" traps and mechanical traps are not acceptable and must be replaced.

**THE HEATING AND COOLING MUST INCLUDE:****OK****DEF**

- Enough properly installed heating equipment so that the unit can be made comfortable warm during cold months. (Not acceptable are space heaters.)
- All exterior walls must be insulated to a level considered to be acceptable by the Inspector (e.g. normally an R-11). All ceilings with cold spaces above must be insulated to an R-13 rating.
- Windows that open, or some working ventilation or cooling equipment that can provide air circulation during warm months.

**THE ROOF MUST BE:****OK****DEF**

- In good condition and not leak, with gutters and downspouts securely attached to the building. (Evidence of leaks can usually be seen from stains on the ceiling inside the building).
- Paint on downspouts and gutters that is peeling or chipping is not acceptable.

**THE EXTERIOR WALLS MUST BE:****OK****DEF**

- In good condition with no large holes or cracks. Walls that bow outward are unacceptable.
- Cracking, peeling or chipping paint that may cause danger of lead poisoning for children, is unacceptable. This includes exterior walls, stairs, decks, porches, railings, windows, and doors.

ORDINANCE NO. 222-70

TRAILER PARKS/TRAILERS

An Ordinance providing for the regulation of trailer parks and the parking of trailers on lots located within the Village of Edmore, to promote the general health, welfare and safety of the inhabitants of the Village of Edmore.

THE VILLAGE OF EDMORE ORDAINS:

**Section 1. Definitions.** As used in this ordinance, the following terms shall have the meaning indicated below:

“Trailer coach” shall mean and include any vehicle or similar portable structure constructed so as to permit its being used as a conveyance on a public street and so as to permit the occupancy thereof as a dwelling by one or more persons.

“Trailer coach park” shall mean and include an area of land on which two or more occupied trailer coaches are harbored, either free of charge or for revenue, together with any building, structure or enclosure used as part of the equipment of such park.

**Section 2. License Required.** It shall be unlawful to establish, maintain or operate any trailer coach park in the Village without first having obtained a license therefor. Application for such licenses shall be made in writing to the clerk in compliance with the ordinances relating to license applications, and shall contain the name of the applicant, the location of the proposed park and the number of trailers to be accommodated.

**Section 3. Plan.** Each such application shall be accompanied by a plat or sketch showing the size and location of all buildings and structures.

**Section 4. Fee.** The annual fee for such licenses shall be \$25.00 Dollars plus \$1.00 Dollars for each trailer coach over twenty for which accommodations exist. If the number is increased, this shall be reported to the clerk, and the additional fee, if any, necessitated by such increase shall be paid before the additional spaces are put to use. When a license is applied for, or accommodations are increased during the license year, the fee shall be prorated on the basis of the number of months remaining in the license year.

**Section 5. Character.** No such license shall be issued to any but a person of good character, nor to any corporation of any officer thereof is not a person of good character. It shall be unlawful to hire or keep a manager, superintendent or person in charge of a trailer coach park any person who is not a person of good character, or any person who has been convicted of a felony.

**Section 6. Supervision.** Each trailer coach trailer park, while operated, shall be in a charge of a responsible attendant or caretaker at all times, who shall be responsible, with the licensee, for compliance with the provisions of this ordinance relating to the conduct of such parks.



**Section 7. Spaces.** Each trailer coach shall be allotted a site of not less than 4,356 feet square with minimum width of 33 feet. No trailer coach shall be parked closer than five feet to the side lot lines of a trailer coach park, if the abutting property is improved property, or closer than ten feet to a public street, alley, or building. Each individual trailer site shall abut or face on a driveway or clear unoccupied space of not less than twenty feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of every trailer coach and at least five feet between the ends of every trailer coach.

**Section 8. Water Supply.** An adequate supply of pure water for drinking and domestic purposes from the village water supply system shall be supplied to meet the requirements of the trailer coach park. A water meter shall be installed in each such park.

**Section 9. Sanitary Facilities.** Each trailer coach park shall provide toilets, baths or showers with separate accommodations for men and women.

**Section 10. Garbage.** It shall be the duty of the owner, his agent or caretaker, to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition.

**Section 11. Lights.** The parks shall be kept properly and adequately lighted at all times so that the grounds shall be safe for visitors and occupants.

**Section 12. Permanent Use.** It shall be unlawful for any person to maintain any trailer coach, used for human habitation, upon any plot of ground in the village except in a licensed trailer camp, unless such trailer coach shall be in use as a residence at the date of this ordinance; further provided, that such trailer coaches in use as residences shall not be sold to other parties for the purpose of a residence on any such lot in the village from and after the effective date of this ordinance.

From and after the effective date of this ordinance, it shall be unlawful for any person to remove the wheels for other transporting device from any trailer coach or otherwise to affix said trailer coach permanently to the ground so as to prevent the ready removal of such trailer coach, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the trailer coach to a building and subject to the requirements of the zoning and building ordinances, provided that the provision herein shall not (restrict) the parking of trailers, campers and other mobile living devices for a period not to exceed 72 hours on any lot in the Village of Edmore.

From and after the effective date of this ordinance, it shall be unlawful to occupy for sleeping or other residence purposes any trailer coach which has been rendered immobile by the removal of wheels or placing the same on a foundation, or on the ground, unless such trailer coach in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to single-family dwellings.

**Section 13. Exceptions.** Nothing in this ordinance shall be construed to prohibit the storage of any trailer coach for any length of time when said trailer coach is not used for living or sleeping purposes.

**Section 14. Penalty.** A person, firm or corporation violating this ordinance shall be punished by a fine of not more than One Hundred (\$100.00) Dollars or by imprisonment in the common jail of Montcalm County for a period of not more than ninety (90) days, or both such fine and imprisonment. Each day that such person, firm or corporation allows the violation of this ordinance to continue shall constitute a separate offense.

**Section 15.** This ordinance shall take effect on the 17<sup>th</sup> day of October, 1970. Passed and enacted by the Village Council of the Village of Edmore, this 8<sup>th</sup> day of September, 1970.

Charles J. Mox, Village President

Ordinance No. 222 – List of Property Owners, as amended

Alvin Arntz – Lot 73-74, Preston Addition

Gladys Dobbrastine - 20 rds E&W by 10 rds N&S in SW Cor of NW1/4 of SW1/3 EX S 33 ft.  
Section 21, T12N R6W

Del Nostrant – Lot 52, Original Plat

Velma McHugh – Lot 23, Camps Addition

Pearl LaClear – Lot 226, Original Plat

Eveland Phillips – Lot 97, Preston & Co. Addition

Myles Hansen - N1/2 of Lots 53 & 56, Original Plat

Ina Sedore – Lot 69-70, Preston & Co. Addition

Josephine Hough – Lot 38, Wilmarth Addition

Eva Richardson – N1/2 of Lot 16, Camps Addition

Genevieve Kime – That part of Brown St. lying between Blocks 13 & 14, Browns Addition

Martha Wonsey – Lot 1 Block 16, N1/2 Lot 1 & 2, Block 13 Browns Addition

## ORDINANCE NO. 2017-6

### FENCE ORDINANCE

#### Fences; walls

Section 1. Notwithstanding other provisions of this ordinance, fences and walls may be permitted or required subject to the following:

- a. No fence, wall, screening or planted materials with the exception of flowers annuals and perennials not to exceed 12 inches in height shall be erected in the road right-of-way.
- b. No fence along a sidewalk shall be located nearer than one foot from the inside of the sidewalk line.
- c. No fence wall, screen or planted material shall be erected or maintained in such a way as to obstruct the vision of motorists existing driveways.
- d. No fence, wall, screen or planted material shall be erected or maintained at a street corner in such a manner as to obstruct the vision of motorists within a triangular area formed by the intersection of the street right-of-way lines and a line connecting the two points on those lines located 15 feet from their point of intersection.
- e. It is possible that lots located within a commercial or industrial zone may not contain commercial or industrial activities. If such lots contain only single-family dwelling, duplexes or apartment complexes, then such lots shall comply with the residential zone fence construction and restrictions paragraph in this ordinance.
- f. Gates in fences shall not open over public property.
- g. In areas zoned or used for residential purposes, privacy fences which block the vision shall, in addition to the other requirements of this ordinance, be subject to the following limitations;
  - (1) Privacy fences should not extend beyond the front façade of a residential structure; and
  - (2) All privacy fences are subject to review by the planning commission and/or zoning administrator.
- h. All fences shall be constructed with the finished side of fence facing the public.

Section 2. The height of a fence or wall shall be computed as the distance from the base of the fence or wall, at grade level to the top of the highest component.

Section 3. Height requirements shall be as follows:

- a. Residential fences. All fences and walls in areas zoned or used for residential purposes shall not exceed seven feet in height above grade level, except front yard fences, such as chain link or decorative wrought iron fences which do not block the vision, which shall not exceed five feet in height above grade level.
- b. Business, office or commercial fences. All fences and walls in areas zoned or used for business, office, or commercial purposes shall not be more than six feet in height above grade level.
- c. Industrial fences. All fences and walls in areas zoned or used for industrial purposes shall not exceed eight feet in height above grade level.
- d. Fences and walls for parks, schools, public buildings, and other institutional uses. The height and type of fences or walls enclosing municipal parks, public and parochial school grounds, public buildings and church grounds or land used for playgrounds, parks, picnic areas, golf courses, golf driving ranges or similar facilities for outdoor exercise and recreation shall require the approval of the planning commission after receiving the recommendation of the zoning administrator.

Section 4. Fences and walls shall be constructed of wood, metal or masonry, and other acceptable materials, excluding plastic interwoven weave designs. Only new materials shall be used, which has been manufactured and/or treated in a manner to prevent rust and corrosion, and/or rot and decay. No person shall erect or cause to be erected a fence which is:

- a. Made with or upon which is fixed barbed wire; or
- b. Has any protective spike, nail, or sharp pointed object; or
- c. Charged with electric current.
- d. Any materials that are not manufactured specifically as fencing materials shall be prohibited.

Section 5. All fences and walls must be located entirely on the private property of the person constructing the fence or wall, or provided that if the adjoining property owners consent in writing to the construction of a fence or wall on the property line, it may be constructed on the property line. Such written consent shall be filed with the zoning administrator.

Section 6. No fence or wall shall be erected between the front building line and the front property line of a commercial or industrial use.

Section 7. Fences and walls must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence or wall which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The building inspector shall notify the owner, agent or person in control of the property on which such fence or wall is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence or wall safe, or require that the unsafe fence or wall or any portion thereof to be removed and shall provide a time limiting such repairs, modification, or removal.

Section 8. Fences and walls presently in existence shall not be enlarged, rebuilt, or reconstructed without first obtaining a permit from the zoning administrator.

Section 9. Any newly rezoned property shall comply with all fence and wall requirements for the newly zoned district. Such fences, when replaced or installed shall conform with all provisions of this ordinance. An existing fence when repaired or enlarged does not need to conform to Section 2 and Section 3 of this ordinance.

Section 10. No fence shall be erected or altered without first obtaining a permit from the Village zoning administrator.

- a. Written application for this permit shall contain a drawing showing the location, type of fence to be constructed, description of the property, and such other information as the zoning administrator shall deem necessary.
- b. The village may impose a reasonable fee for processing a permit application.

Section 11. This ordinance will hereby repeal Section 2.07 of Chapter 2 or the Zoning Ordinance (Ordinance No. 233) and shall be in effect from and after its adoption. Fences constructed prior to the adoption of this ordinance that meets the criteria listed in Section 4 of this Ordinance will be permitted.

Adopted: January 8, 2018

Yeas: Ashbaugh, Burr, Davis, Deja, Kohn, Hadley

Nays: None

Absent: Schuitema

Published: January 20, 2018

Effective: February 4, 2018

Aaron Hadley, President Pro-Tem

Michelle Leak-Rensland, Clerk

I, Michelle Leak-Rensland, the lawful Clerk of the Village of Edmore, attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Edmore Council at a regular meeting held on January 8, 2018. Noticed in accordance with state law.

Michelle Leak-Rensland

## ORDINANCE NO. 2014-2

### BLIGHT ORDINANCE

It is the purpose of Ordinance 2014-2 to prevent, reduce or eliminate blight in the Village of Edmore by the prevention or elimination of contributing factors and causes of blight which exist or which may in the future exist in the Village of Edmore. No person, firm or corporation shall maintain or permit to be maintained any of these causes of blight upon any property owned, leased, rented, possessed, controlled or occupied by such person, firm or corporation in the Village of Edmore.

#### **SECTION 1 – Title**

The Title of this Ordinance is the Village of Edmore Ordinance 2014-2 Blight Ordinance.

#### **SECTION 2 – Repeal**

The prior Dangerous Building Ordinance, Ordinance Number 245-89, is hereby repealed.

#### **SECTION 3 – Purpose**

The purpose of Ordinance 2014-2 “Blight Ordinance” is to;

1. Prevent areas of the Village that are, or may become, blighted with the resulting impairment of taxable values upon which operating revenues to the Village of Edmore and other local units of government depend;
2. Eliminate such blighted areas that are detrimental to the health, safety, and general welfare of the citizens, property owners, and economic welfare of the community;
3. Improve and maintain the general character of the Village, and where necessary rehabilitate such blighted areas;
4. Ensure neighborhoods remain aesthetically desirable for single-family residential development.

#### **SECTION 4 – Definitions:**

For the purposes of this Chapter of the codified ordinances of the Village of Edmore the following definitions shall apply:

A. “Nuisance”: Any condition, matter, or item that annoys, injures, endangers the safety, health, comfort or repose of the public or any person; offends public decency; interferes with, obstructs, or renders dangerous any street, public place, highway, or navigable stream; depreciates or lowers property values; or in any way renders the public insecure in life or property, is hereby declared to be a nuisance. Any violation of this ordinance shall also constitute a nuisance.

B. “Blighted Structure”: This shall mean any dwelling, garage, building, outbuilding, accessory building, swimming pool, pond, or structure of any nature or part of any building or structure which, because of disrepair, fire, wind, or other natural disaster or physical deterioration is no longer habitable, if a dwelling; or useful for any other purpose for which it is intended of other than a dwelling, and/or which involves of has any one of the following characteristics:

1. "Deterioration or deteriorated": means the status of an item, process of decay, or degeneration has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, or unusable or unsuitable for its intended use, including but not limited to, the advanced stage of rot, rust, mold, vermin, ingestion, dilapidation, infestation or destruction.

2. "Vacant Structure": This shall mean any building or structure which is unoccupied and which is not securely locked, with the windows glazed, or otherwise protected against the elements and/or from vandals, rodents and other animals or otherwise maintained in accordance with all of the Village's ordinances.

C. "Building Materials(s)": This shall mean the open or outdoor storage upon any property of any new or used building materials unless there is in force a valid building issued for construction upon said property and said materials are intended for (and consistent with) use in connection with such construction or the storage is directly related to a lawful commercial or industrial enterprise. "Building Materials" shall include lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, windows, doors, nails, screws or any other materials used in constructing any building or structure.

D. "Junk": This shall mean the storage or accumulation of any junk, trash, garbage, rubbish, or refuse of any kind, or any abandoned, discarded, unusable, or unused objects or equipment of any kind outdoors for more than thirty (30) days. The term "junk" shall include, but is not limited to, broken or unusable furniture, stoves, refrigerators, freezers, or other appliances stored in the open; cans, implements, parts of motor vehicles, machinery, un-mounted motor vehicle tires, cloth, rubber, bottles, any metals, boxes, cartons, or crates, remnants of wood, metal, or any other materials, broken toys and bicycles, broken lawn furniture, and other castoff material of any kind whether or not the same could be put to any reasonable use.

E. "Litter": This shall include, without limitation, debris, tin cans, waste papers, wastes, rubbish, garbage, filth, refuse, vermin, decaying or dead matter, or deteriorated signs.

"Trash", "rubbish", and/or "garbage" shall include any and all forms of debris not herein otherwise classified.

F. Motor Vehicle: This shall mean and include cars, trucks, tractors, automobiles, motorcycles, vans, boats, snowmobiles, ATVs, motorhomes, and other similar items.

G. "Tall Weeds and Grass": This shall include Canada Thistle (*Cirsium Arvense*), Dodders (any species of *Cuscuta*), Mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), Bindweed (*Convolvulus arvensis*), Perennial Sowthistle (*Sonchus arvensis*), Hoary Alyssum (*Berteroa incana*), Poison Ivy (*Rhus toxicodendron*), Poison sumac (*toxicodendron vernix*) Ragweed (*ambrosia elatior*), Poison Ivy, Milkweed, Bitterdock, Burdock, Goldenrod, Wild Carrots (*Daucus carota*), and all other noxious weeds, and grasses or other similar vegetation of a height/length of one (1) foot or more. Such weeds and grasses are hereby determined and declared to be noxious, dangerous, and unhealthy, tending to cause and promote disease and allergies, and to thereby constitute a public nuisance.

H. "Code Enforcement Officer": This shall mean any person designated by the Village Council of the Village of Edmore to enforce any of the provisions of this Ordinance.

I. "Person": This shall mean any natural person, firm association, partnership, entity, limited liability company, trust or corporation. All persons who violate any of the provisions of this Chapter, whether as owner, occupant, lessee, agent, or employee shall, except as herein otherwise expressly provided, be equally and jointly liable as principals and perpetrators.

## **SECTION 5 – Regulations**

It shall be unlawful for any of the following to occur and/or to be allowed to occur, and such is hereby declared to be a public nuisance and may be addressed under Ordinance 2014-1 "Dangerous Buildings" if necessary or when deemed by the appointed Village Code Enforcement Officer.

- A. It shall be unlawful to keep, own, or possess any structure or part of any structure which, because of disrepair; fire, wind, or other natural disaster; physical deterioration; vandalism; unfinished demolition; or equity stripping is no longer habitable, if a dwelling; or useful for any other purpose for which it is intended.
- B. It shall be unlawful to keep, own, or possess a structure whenever any portion, member, or appurtenance is likely to fall or to become detached or dislodged, or to collapse, and thereby injure persons or damage property.
- C. It shall be unlawful whenever a structure used or intended to be used for dwelling purposes is unfit for human habitation because of dilapidation, decay, damage, faulty construction, act of God, or otherwise, or is in a condition that is likely to cause sickness, disease, or physical harm when so determined by the Health Department or appropriate building official.
- D. It shall be unlawful to own, keep, possess, or maintain any blighted or vacant structure, building, dwelling, garage, outbuilding, factory, shop, store, or warehouse, unless such structure is in the course of construction in accordance with a valid building permit, issued by Montcalm County, and unless such construction is completed within the required time limits of the Village of Edmore and/or building permit.
- E. It shall be unlawful when any building or part thereof, either before or after the effective date of this Chapter, is not completed in accordance with any permit(s) issued pursuant to the Village of Edmore zoning or other code. If not so completed, the property owner shall immediately put the property back in a safe condition ("safe condition" shall be at the discretion of the Village Code Enforcement Officer) or alternately, it shall be torn down and removed from the property and returned to the grade level that existed before excavation.



- F. It shall be unlawful when any building, structure or uninhabited dwelling, whether now existing or hereafter erected, shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage by fire, collapse, or act of God, or by virtue of any other cause. Any such building or structure shall be forthwith repaired or rehabilitated; and the dangerous or hazardous condition removed by the owner or occupant thereof, or in the alternative, torn down and removed, and any open excavation shall be immediately filled to grade level. Such repairs and rehabilitation shall comply in all respects with the provisions of the zoning, building, plumbing, mechanical, and electrical codes governing such buildings. If a building or structure is left in such disrepair, any excavation or repair done to the property will be at the cost of the property owner.
- G. Every lot and parcel of land within the Village shall at all times be kept clean and free from the following:
- \*Refuse and household trash
  - \*Junk
  - \*Commercial or industrial waste
  - \* Unfinished excavations
  - \*Unfinished alteration, construction or demolition of structures
  - \*Used building materials including, but not 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, and other materials.
- H. It shall be unlawful when the exterior of any structure used or intended to be used for single-family residential habitation is not maintained in a condition such that there are no broken windows. All openings for windows and doors shall be maintained and kept in sound working condition. Likewise, exterior surfaces are required to be maintained and kept free from chipping or peeling paint, grime, dirt, or mold.
- I. It shall be unlawful for the outdoor display or use of upholstered or other furniture, including vehicle seats, which were not designed and/or manufactured or intended for outdoor use.
- J. It shall be unlawful when any graffiti is allowed to remain on any structure, fence, sign, vehicle, or other outdoor surface. It shall be the responsibility of the property owner to remove graffiti.
- K. It shall be unlawful to utilize plywood, blankets, newspaper, flags, banners, signs or other building materials not intended or designed as window treatments as permanent window coverings for more than thirty (30) days. All interior window coverings, hardware and mechanisms shall be maintained in good repair and working order.
- L. Every lot or parcel of land within the Village shall at all times be kept free and clear of junk, wrecked or abandoned motor vehicles. The storing or parking of any motor vehicle, or body or chassis of a motor vehicle, not bearing a currently valid license and registration is prohibited in any Residential District unless such motor vehicle, body or chassis is enclosed in a structure or other enclosure so as not to be visible from any adjoining property or public right-of-way.

M. No motor vehicle in a Residential District, licensed or otherwise, shall at any time be in any state of major disassembly, disrepair or in the process of being stripped or dismantled, unless such vehicle is enclosed in a building or other enclosure so as not to be visible from any adjoining property or public right-of-way. No person shall permit the storage or parking of unlicensed vehicles or vehicles in disrepair or disassembly as set forth above, and the owner or occupant of any property upon which such activities exist shall be deemed to have permitted the same.

N. The Village Manager is hereby appointed to serve as the commission of noxious weeds.

The Commissioner of noxious weeds is hereby empowered to enforce the following provisions:

1. It shall be unlawful when any parcel or lot with a structure is not kept free and clear of all noxious weeds as well as all tall weeds and grass that exceed one (1) foot tall. Any such plants or weeds exceeding such height are hereby declared to be a nuisance. It is the responsibility of the property owner to have the parcel or lot properly maintained and cared for at all times. The property owner will be responsible for the cost of the removal of all tall weeds and grass and all noxious weeds.
2. The commissioner of noxious weeds shall send the owner of any parcel of lot found to be in violation of this Ordinance notice, via first class mail, of any such violation and informing them that they must bring the parcel or lot into compliance with this Ordinance.

O. It shall be unlawful when a person knowingly dumps, deposits, places, throws, leaves, or permits the dumping, depositing, placing, throwing or leaving of litter, garbage, or household trash on any public or private property or waters, other than property lawfully designated and set aside for such purposes.

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

Q. It shall be unlawful when yard or area where animals are kept is not well drained, maintained in a sanitary condition, and treated so as to effectively prevent the breeding or harboring of flies, mosquitoes or rodents.

R. It is unlawful to store firewood except in a neat, orderly stack to a height no greater than five (5) feet. The storage of firewood shall be restricted to the rear yard or any side yard of the premises

S. It shall be unlawful in any residential district to keep or maintain any compost pile consisting of materials other than grass, leaves, or other organic plant materials. In residential districts all compost piles shall be located inside a structure of bin.

T. The stockpiling and non-removal of cut of fallen trees, shrubbery, and brush on any parcel or lot with a structure, building, or dwelling is hereby deemed to be a public nuisance and unlawful as it is a threat to the public health and safety and as such is hereby prohibited. The removal and lawful disposal of any and all cut or fallen trees, three-limbs, three-branches, shrubbery or brush shall be done within thirty days (30) from the date of the incident.

## **SECTION 6 - Violations**

- A. A violation of this ordinance constitutes a municipal civil infraction. Any persons, corporations, members of a partnership whether tenant or manager of a private property, who violates or aids another in violation of this ordinance, shall be responsible for a civil infraction violation. The fine for municipal civil infraction shall not be less than \$100.00, in addition to all other cost, damages and remedies provided by law. Increased civil fines may be imposed for subsequent violations. The fine for any offense which is a first repeat offense shall not be less than \$200.00, plus costs. For purposes of this section, "subsequent offense" means violations of the provision of the ordinance (or substantially similar ordinance) committed by the same persons, corporations, member or partnerships within 12 months of a previous violation. Each day during which any violation continues will be deemed a separate offense. The village shall have the option of pursuing both civil infraction ticketing proceeding and/or relief in a court with jurisdiction.
- B. In addition to any other penalties or remedies available, the Village is authorized and empowered to order the property owner to remove or otherwise abate the nuisance. If such notice is given, it shall be in writing, addressed to the property owner as it appears on the latest ad valorem property tax assessment roll, or current owner if such is different and known to the Village, and be mailed via first class mail or posted at the property in violation, and shall inform the property owner of the following:
  - 1. The nature of the violation/nuisance
  - 2. The time in which the violation/nuisance must be abated.
- C. Upon the failure, neglect, or refusal of any property owner to full comply with the provisions of this Ordinance, the Village or its authorized contractor, or other designee, is authorized and empowered to enter the property in violation to abate the nuisance, or to provide and to make payment for the abatement of the nuisance.
- D. When the Village abates a nuisance as provided herein, the cost of any abatement, including legal expenses and any authorized administrative fees, will be billed to the property owner. Such costs and fees will be a debt of the property owner to the Village, which may be assessed as a single lot special assessment in accordance with codified ordinances of the Village of Edmore, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.
- E. The failure to receive the notice as provided for in subsection (2) is not a defense to any action brought by a member of the public for injury or by the Village to collect the costs of abatement or impose penalties or other fees or proceedings as authorized by this Ordinance.

## **SECTION 7 - Request for Variance**

- A. Should the owner or occupant of such land within the Village of Edmore, before or after receiving any notice as referenced within this ordinance, desire to seek a variance from any of the requirements of this ordinance, such person shall have the right to seek a variance from any or all of the requirements contained within this ordinance, pursuant to the manner or method of filing for a variance as provided for by the Edmore Zoning Board of Appeals. The same standards shall apply as if a nonuse variance were involved.
- B. The filing of a property application for a variance, together with the payment of any required fees for the same, shall temporarily suspend the obligation to comply with any noticed violation, until a decision on any such variance application has been rendered by the Village.
- C. Any person who files such an application for a variance, which is later denied, shall have five days after notice of said denial, in which to comply with all the provisions of this Ordinance.

## **SECTION 8 - Effective Date and Adoption**

- A. This Ordinance shall become effective thirty (30) days after it's publication in a local newspaper.
- B. This Ordinance was adopted by the Village Council of the Village of Edmore, Montcalm County, Michigan at a regular meeting thereof held on the 14<sup>th</sup> day of April of the year 2014.

Chet Guild, Village President

Gloria Burr, Village Clerk

ORDINANCE No. 240-87 as amended

GRASS AND NOXIOUS WEEDS

An Ordinance regulating the cutting of grass and noxious weeds in the Village of Edmore, and to provide for the recovery of such costs in an action at law.

THE VILLAGE OF EDMORE ORDAINS:

SECTION I – Grass and Weed Control:

No owner of any lot, place or area within the Village or the agent of such owner shall permit on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass or other noxious grass, that may be growing, lying or located thereon.

SECTION II – Prohibited Acts:

- (a) No owner or agent shall allow growth of ten (10) inches or more at any time of the year of cover grass on any lot, place or area within the Village of Edmore.
- (b) No owner or agent shall allow the growth of any weed or noxious grass on any lot within the Village of Edmore.
- (c) No owner or agent shall allow the growth of any weed or noxious grass upon the sidewalk bordering the respective property line.

SECTION III – Nuisance:

The presence of any condition as defined in Section II shall serve as prima facie evidence of a violation of this ordinance.

SECTION IV – Notice and Remedial Action:

- (a) Upon determination of any existing violation as found in Section II by the Village Department of Public Works Supervisor, the Supervisor shall have the yard, area or sidewalk cut or pruned to correct the violation.
- (b) The cost of these services shall be computed and the owner whose name appears on the local tax assessment records shall be notified of the amount of such cost by first-class mail at the address shown on the records. If he fails to pay, within thirty (30) days after the mailing, said amount will be added to the next tax roll of the Village of Edmore and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village of Edmore.

SECTION V – Repealer Clause:

Any Ordinances or parts of Ordinances in conflict herewith for are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION VI – Validity and Severability:

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portion of this Ordinance.

SECTION VII – Effective Date:

This Ordinance shall be effective thirty (30) days from and after its first publication.

Roy Pruden, Village President

Amended on Monday, January 10, 2011 by unanimous vote.

Lon Leonard, Village President

## ORDINANCE NO. 269-00

### JUNK AND RUBBISH ORDINANCE

**SECTION I:** As provided under MCLA 67.1; MSA 1285, it is determined that the Village of Edmore shall establish a Junk and Rubbish Ordinance. Such ordinance is enacted to protect the citizens of the Village and safety of its residents, to reduce unregulated junk and rubbish, including abandoned and junk motor vehicles, wreckage and parts thereof, and junk farm machinery, wreckage and parts thereof.

### **DEFINITIONS**

**SECTION II:** Items classified as junk in this ordinance include but are not limited to: iron, steel, tools, aluminum, copper, brass, lead, lighting, plumbing fixtures, tires, plastic, rubber, kitchen appliances, furniture, any and all goods held for resale, repair, renovation or discard, and items which are incapable of performing the function for which they were manufactured or intended.

**SECTION III:** Items to be classified as rubbish are items normally discarded including: goods, food products, refuse, waste material, garbage, including, but not limited to, waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals and solid waste.

**SECTION IV:** The term “junk motor vehicle” shall include dismantled or partially dismantled motor vehicles and motor vehicle parts. This definition of junk motor vehicles includes any motor vehicle that is incapable of being propelled under its own power; and/or any motor vehicle not licensed for use upon highways of the State of Michigan for a period in excess of fifteen (15) days. Automobiles that are unlicensed because they are for sale by the owner are exempted for a period of 30 days. Also, exempted are vehicles for sale in a designated commercial zone.

### **REGULATIONS**

- (1) No repairing, redesigning, modifying or dismantling work or operation shall be allowed upon any vehicle or parts thereof except pursuant to authority conferred by the State or Village under governing law, or upon any public right-of-way or public property for a period in excess of twenty-four (24) hours, or upon private property for a period in excess of one week, except such as shall be accomplished within fully enclosed buildings or completely walled enclosures; provided further, that such repairing, redesigning, modifying or dismantling shall be conducted in conformity with any applicable zoning ordinance and in such a manner as not to annoy the owners or occupants of adjoining property.

Motor vehicles temporarily inoperable due to minor mechanical failure, but which are not in any manner dismantled and have substantially all main component parts attached, may remain upon private property not to exceed an aggregate total of fifteen (15) days

- (2) No person, corporation, member or members of a partnership whether tenant or manager of private property, except pursuant to authority conferred by the State or Village, shall allow the accumulation of any items as classified in Section II outside of any enclosed building, for a period in excess of four (4) days.

- (3) No person, corporation, member or members of a partnership whether tenant or manager of private property, except pursuant to authority conferred by the State or Village, shall allow the accumulation of any items as classified in Section III outside of any enclosed building, for a period in excess of four (4) days.

SECTION V: The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

SECTION VI: A violation of this ordinance constitutes a municipal civil infraction. Any person who violates any provision or who aids another person in violation of this ordinance, shall be responsible for a civil infraction violation. The fine for a municipal civil infraction violation shall be not less than \$100, in addition to all other cost, damages and remedies provided by law. Increased civil fines may be imposed for subsequent violations. The fine for any offense which is a first repeat offense shall not be less than \$200, plus costs. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance (or substantially similar ordinance) committed by the same person within 12 months of a previous violation. Each day during which any violation continues will be deemed a separate offense. The Village shall have the option of pursuing both civil infraction ticket proceedings and legal and/or equitable relief in a court with jurisdiction.

SECTION VII: This Ordinance, when accepted and published, will repeal and supercede the provisions of Ordinance #242-88 entitled "Junk and Rubbish Ordinance".

SECTION VIII: This Ordinance will take effect immediately after the date of publication.

We, hereby, certify that this ordinance was enacted by the Village Council of the Village of Edmore, Montcalm County, Michigan, on the 11<sup>th</sup> day of December, 2000.

Donald Rick Christensen, Village President

Shirley Drain, Village Clerk



ORDINANCE No. 244-89

LOITERING

An Ordinance to protect the safety and welfare of the citizens of Edmore.

THE VILLAGE OF EDMORE ORDAINS:

SECTION ONE – DEFINITIONS

Loitering shall mean lingering, idling, delaying, or loafing in or about any street, sidewalk, or public place, or private property open to the public so as to hinder or impede passage of pedestrians or vehicles.

SECTION TWO – LOITERING UNLAWFUL

It shall be unlawful for any person to loiter within the Village of Edmore.

SECTION THREE – PARENTAL RESPONSIBILITY

It shall be unlawful for any parent, guardian or other adult person having the custody or control of any person under the age of eighteen to knowingly suffer, permit, or by inefficient control, to allow said person so violate Section Two of the Ordinance.

SECTION FOUR – VIOLATION AND PENALTY

Any person who shall be convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or imprisonment of not more than ninety days or by both such fine and imprisonment.

Any person under the age of eighteen who violates this Ordinance over whom the probate court has exclusive original jurisdiction shall be dealt with in accordance with juvenile court law and procedure and shall be deemed a delinquent or neglected child as defined by the law of Michigan.

SECTION FIVE – EFFECTIVE DATE

This Ordinance shall become effective on the 30<sup>th</sup> day of January, 1989.

ORDINANCE NO. 2012-1

FIREWORKS

An Ordinance to provide for the regulation and use of fireworks within the Village of Edmore limits.

**THE VILLAGE OF EDMORE ORDAINS:**

Section 1.

No person shall:

- (a) Discharge, offer for sale, or possess any fireworks except the type and under the conditions permitted by the *Michigan Fireworks Safety Act* (MCL 28.451 *et seq.*);
- (b) Ignite, discharge, or use consumer fireworks, as defined in the *Michigan Fireworks Safety Act* (MCL 28-451 *et seq.*):
  - i. On any day other than the day preceding, the day of, or the day after a national holiday;
  - ii On public or school property, without the express permission of the Village or a permit from the Village granting such permission to do so; or
  - iii On church property or the property of another, without express permission from the property owner;
- (c) Ignite, discharge, or use consumer fireworks, or low-impact fireworks, as defined in the *Michigan Fireworks Safety Act* (MCL 28.451 *et seq.*), while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, as the terms are defined in the *Michigan Motor Vehicle Code* (MCL 257.1 *et seq.*).
- (d) Sell consumer fireworks to an individual who is less than 18 years of age.

A person guilty of a violation of this section is responsible for a civil infraction punishable by a fine of not more than \$500.00 and shall, in addition, be liable for the payment of the costs of prosecution in an amount of not less that \$9 and not more than \$500.

Section 2. This Ordinance shall become effective upon its publication.

Section 3. This Ordinance shall be published pursuant to state law.

Moved by Ballard, seconded by Davis to adopt the ordinance. Yeas 6 Nays 0 Absent: Deja  
President Lon Leonard declared the ordinance adopted.

Gloria Burr, Village Clerk

ORDINANCE NO. 260-95

NOISE CONTROL ORDINANCE

AN ORDINANCE TO ENHANCE THE GENERAL PEACE AND THE QUALITY OF LIFE IN THE VILLAGE OF EDMORE BY CURTAILING CERTAIN ACTIVITIES TO THE EXTENT THAT THESE ACTIVITIES PRODUCE ANNOYING AND UNWELCOME NOISE POLLUTION TO THE VILLAGE RESIDENTS AND OTHERS.

THE VILLAGE OF EDMORE ORDAINS:

Section I. PROHIBITED NOISE

- A. It is unlawful for any person to make, continue, or cause to be made or continued, any loud or unnecessary noise or any noise which annoys, disturbs, injured or endangers the comfort, repose, health, peace or safety of others.
- B. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance. However, this enumeration is not exclusive. Additional loud, unnecessary, annoying, disturbing, injuring, or endangering noises are also in violation of this Ordinance.
  - 1. Using, operating, or permitting the use or operation of, any radio, musical instrument, sound amplification equipment or other device which produces or reproduces sound so as to disturb the peace and comfort of others, or with a sound volume that is louder than necessary for convenient hearing by voluntary listeners.
  - 2. Operating any automobile engine or motor without a fully functional muffler and/or other fully functional sound deadening devices, as required by state law.
  - 3. Operating any engine or motor, so as to produce excessive noise by wantonly "revving", "racing" or "gunning" the engine or motor for purposes which are inconsistent with the necessary operation, testing or repair of that engine or motor.
  - 4. Allowing or encouraging excessive dog barking, as specified in the Village Dog Ordinance, Ordinance No. 213.
  - 5. Operating any pile driver, jack hammer, drill, saw, derrick, bulldozer, steam shovel, backhoe, crane, other construction or demolition equipment, or other appliance, the use of which is attended by loud noise, between the hours of 11:00 p.m. and 7:00 a.m., except as may be needed in emergencies such as to provide for public health and safety, or as may be permitted by an approved variance.

Section II. DETECTION OF VIOLATIONS

- A. Noise shall be deemed to be a violation of this ordinance if it is plainly audible at a distance of fifty feet from its source by involuntary listeners, unless permitted by the exclusion or variance criteria set forth herein.
- B. It is not required that a law enforcement officer, other authorized officer of the Village or other complainant be able to understand or make out any specific words or phrases which may be included in the noise for a violation to exist. Moreover, it is not required that complainants be able to identify a particular voice, nor the original cause or type of any noise for a violation to exist.

### Section III. VARIANCES AND EXCEPTIONS

- A. Specific variances to this ordinance maybe granted by the Edmore Village Manager who shall prepare and make available official application forms for that purpose. Variances may only be granted for the following reasons
  - 1. To allow the use of equipment on a construction or demolition project during hours when such would otherwise be prohibited so as to perform needed work on, or to properly secure, a work site before the expected onset of inclement weather.
  - 2. To allow amplified or unamplified music and speech on streets and other public areas which are made purposefully in conjunction with an organized carnival, circus, festival, parade or nonprofit human service charity drive. A similar variance may be made for speech and music made as part of a legal holiday celebration or sale event sponsored by licensed merchants in a commercial zoning district. Variance for these purposes may be issued so long as the music or speech does not pose a traffic or safety hazard; is completely inaudible 250 feet from its source; and is completely curtailed between the hours of 11:00 p.m. and 7:00 a.m.
- B. There shall be no fee to obtain a variance under this ordinance. The Village Manager may direct applicants to adhere to other reasonable and prudent conditions for a variance. A variance may be revoked at any time by the Village Manager or a law enforcement officer if the terms of that variance are not adhered to or if the variance poses a previously unforeseen and dire disruption of the general peace or a threat to public safety.
- C. Nothing in this Ordinance is to be construed as limiting the abilities of authorized law enforcement, public safety or public works personnel from making loud noise as may be required in the performance of their official duties.
- D. Nothing in this ordinance is to be construed as curtailing the ability of industrial businesses in and around the Village of Edmore from sounding a siren at their industrial plant, as may be necessary for the efficient and timely operations of that suplant.

### Section IV. ENFORCEMENT PROCEDURE AND OPTIONS

- A. Appearance Ticket – A law enforcement officer or other authorized officer of the Village of Edmore, will whenever possible direct an alleged violator to cease and desist from creating or continuing a violation of this ordinance. If timely, sustained and satisfactory compliance is not obtained, a law enforcement officer may issue an appearance ticket to the alleged violator. The appearance ticket shall have the same effect as a court summons requiring alleged violators to appear in court and show cause why they should not be fined and/or jailed pursuant to this ordinance.
- B. Summons – A law enforcement officer or other authorized officer of the Village of Edmore may petition a court of competent jurisdiction via a sworn complaint to issue a summons requiring alleged violators of this ordinance to appear in court and show cause why they should not be fined and/or jailed pursuant to this ordinance.

- C. Injunction – A law enforcement officer or other authorized officer of the Village of Edmore may petition a court of competent jurisdiction via a sworn complaint to issue an injunction requiring alleged violators of this ordinance to immediately cease and desist from producing or reproducing such violating noise as specified in the petition.
- D. Search and/or Seizure Warrant – In cases of severe or repeated violations, or if the violator cannot be readily contacted, the court may be petitioned by a law enforcement officer or other authorized officer of the Village of Edmore to issue a warrant directing a law enforcement officer to enter private premises for the purpose of turning off and/or confiscating any audio equipment or other device used to produce or reproduce the violating noise
- E. Basis of Complaint – The appearance ticket or sworn complaint by a law enforcement officer, other authorized officer of the Village of Edmore, or other complainant shall petition a court of competent jurisdiction for said summons, injunction and/or warrant on the basis that either of the following conditions exist:
  - 1. An alleged violator has been directed to cease and desist from violating this ordinance, but failed to do so in a timely, sustained and satisfactory manner.
  - 2. An alleged violator cannot be located or is otherwise unavailable and a court ordered injunction or warrant is needed to end the violation.

#### Section V. FINES AND PENALTIES

- A. Any person found in violation of this ordinance by a court of competent jurisdiction shall be punished by a fine of not more than \$250.00 for each offense, imprisonment of not more than ninety (90) days in jail, or a combination thereof. Each day that a violation exists shall be considered a separate offense. Exact penalties for each offense shall be decided by a court of competent jurisdiction in response to a sworn complaint by an authorized officer of the Village of Edmore.
- B. Any person who fails to comply with the court's order shall be found in contempt of court and shall be fined an additional \$250.00 fine, confined in jail for up to ninety days or both. Any fines yet unpaid ten (10) days after a court ruling finding contempt will be added to the property taxes of the violator or sought, via the court, as garnishment from the violator's income.
- C. Court costs – Any person found in violation of this ordinance by a court of competent jurisdiction shall be ordered by that court to reimburse the Village of Edmore for all court costs incurred in obtaining compliance with this ordinance within thirty days of a court's order in favor of the complaint. Failing that, these costs will be added to the property taxes of the violator or sought, via the court, as garnishment from the violator's income.

#### Section VI. REPEAL OF CONFLICTING ORDINANCES

- A. Other ordinances – Any part of any other ordinance which is inconsistent with, or otherwise in conflict with this ordinance, Ordinance number 260-95, is hereby repealed on the effective date of this ordinance.

Section VII. SEVERABILITY

- A. If any section, paragraph, clause, or provision of this ordinance is held, for any reason, to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining parts of this ordinance.

Section VIII. EFFECTIVE DATE

- A. This ordinance shall become effective and be in full force on April 6, 1995.

Shirley Drain, Village Clerk

## ORDINANCE NO. 205-31

### PEDDLERS

An Ordinance relative to Licensing and Regulating Peddlers in the Village of Edmore.

#### THE VILLAGE OF EDMORE ORDAINS:

Section 1. No person or persons shall engage in the business of hawking or peddling within the corporate limits of the Village of Edmore, without first having obtained a license to do so, from the Village Council of said Village, to be granted and issued by the Village Clerk.

Section 2. Any person or persons going about from place to place, from house to house or from door to door in the Village of Edmore, carrying with them any goods, wares, supplies or property and selling or offering the same for sale, shall be deemed a peddler within the meaning of this Ordinance and any person or persons going about from place to place in said Village, carrying with them any goods, wares, or merchandise and selling or offering the same for sale from any stand, cart, vehicle or other device, or in or upon any street, alley, sidewalk or in or upon the open places or spaces, public grounds or buildings in the Village of Edmore, shall be deemed a peddler within the meaning of this Ordinance and all persons going about said Village with any wagon, carriage, motor vehicle or other vehicle drawn by any horse, horses, or by any other means, carrying good, wares and merchandise from place to place and selling the same or offering the same for sale shall be deemed a peddler within the meaning of this Ordinance.

Section 3. Any person or persons going about from house to house or place to place in the Village of Edmore, selling or offering for sale any article of trade or commerce to be delivered then or at some future time, shall be deemed a peddler within the meaning of this Ordinance.

Section 4. Any person shall be deemed a hawker within the meaning of this Ordinance, who shall sell or offer for sale or attempt to sell any kind of goods, wares or merchandise or personal property by outcry in the street, alleys or upon the sidewalks or in or upon the open places or spaces, public grounds or buildings in the Village of Edmore.

Section 5. This Ordinance shall not be construed as to apply to any person or persons coming into the Village of Edmore with teams, motor vehicles or otherwise, with any produce for market or to any person or persons selling fruit, vegetables or other produce of their own farms or premises.

Section 6. The President and the Village Clerk of the Village of Edmore are hereby authorized to license any person or persons to engage in the business of hawking or peddling in said Village, upon his or their paying the sum of two dollars per day, for each day or fractional part thereof for any number of days less than one week, and ten dollars a week, and twenty dollars for one month and forty dollars for one year.

Section 7. The holder of any license issued under this Ordinance shall, on demand, exhibit the same to any officer of the Village.

Section 8. No license granted under the provisions of this Ordinance shall be assignable or transferable for any purpose, nor shall any person carry on any business or do any act or thing under or by permission of any license granted to any other person or persons.

Section 9. The Village Council may, at any time, revoke any license granted under the provisions of this Ordinance for noncompliance with the terms and conditions upon which it was granted, or on account of any violation of any of the ordinances of the Village of Edmore.

Section 10. Any person who shall violate any of the provisions or requirements of this Ordinance, on conviction thereof shall be punished by a fine of not less than one dollar nor more than one hundred dollars, and the costs of prosecution, or by imprisonment in the County jail of Montcalm County, in the State of Michigan, for a period not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Section 11. Whenever any person shall be convicted of the violation of any of the provisions or requirements of this Ordinance, the Court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, as the nature of the case may require, together with such costs of prosecution as may be allowed by law and as the Court shall order, but such punishment shall not in any case exceed the limit fixed by this Ordinance for the offense charged and in rendering such judgment and inflicting such punishment the Court may award against the offender a conditional sentence, and order and adjudge such offender to pay a fine with the costs of prosecution, within a limited time, to be expressed in the sentence, and in default thereof to suffer such imprisonment as is provided by this Ordinance and awarded by the Court; and in case such Court shall impose only a fine and costs of prosecution, the offender may be imprisoned in the county jail of said County of Montcalm, until the payment of such fine and costs as shall be ordered and adjudged by the Court; but that such imprisonment shall not exceed a period of ninety days.

Section 12. All ordinances and parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 13. This Ordinance shall take effect and be in force on and after the 25<sup>th</sup> day of June A.D. 1931, at the hour of twelve o'clock noon. Passed, ordained and enacted by the Village Council of the Village of Edmore this 4<sup>th</sup> day of June A.D. 1931.



**Village of Edmore**  
**Montcalm County**  
**State of Michigan**

**Ordinance 2019-1**

**Prohibition of Marihuana Businesses or Establishments**

The Village of Edmore Ordains:

- I. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the Village elects to prohibit marihuana businesses and establishments within its boundaries.
- II. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentence, phrases or portions of the Ordinance.
- III. Conflicting Ordinances: All prior existing ordinances adopted by the Village of Edmore inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.
- IV. This ordinance shall take effect immediately following the posting requirements as dictated by law.

ADOPTED, APPROVED AND PASSED by the Village Council of Edmore this 8<sup>th</sup> day of April, 2019. The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the Village Council of Edmore at a regular meeting held on the 8<sup>th</sup> day of April, 2019.

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Tracy Sanchez, Deputy Village Clerk

ORDINANCE NO. 230-81

TRESPASS ORDINANCE

AN ORDINANCE TO DEFINE, AND PROHIBIT, TRESPASSES DIRECTLY OR BY USE OF A MOTOR VEHICLE AND TO PROVIDE A PENALTY FOR VIOLATION THEREOF, AND TO REPEAL ANY ORDINANCE INCONSISTENT HEREWITH.

THE VILLAGE OF EDMORE ORDAINS:

Section 1. Trespasses Prohibited.

It shall be unlawful for any person, firm or corporation to commit a trespass within the Village of Edmore upon either public or private property.

Section 2. Specifically Enumerated Trespasses.

Without constituting any limitation upon the provisions of Section 1 hereof, any of the following acts by any person, firm or corporation, shall be deemed included among those that constitute trespasses in violation of the provisions of Section 1, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or punish any violation of this ordinance.

The aforesaid enumerated acts shall include:

- A. An entry upon the lands of premises of another without lawful authority, after having been forbidden to do so by the owner or occupant; remaining upon the premises of another, upon being notified to depart therefrom by the owner or occupant, or the agent or servant of either, and neglect or refusal to depart therefrom, without lawful authority.
- B. Entering upon any public parking lot, or private parking lot open to the public, or any other area open to the public, whether such entry is made in person or by motor vehicle, in violation of any restrictions as to the time or conduct in said areas, which restrictions are legibly posted on or adjacent to said parking areas by the owner thereof, or by the Village of Edmore; or
- C. Remaining at said parking area or permitting or causing to remain in said area any motor vehicle in the possession of such person in violation of any restrictions as to the time or conduct in said areas, which restrictions are legibly posted on or adjacent to said parking area by the owner thereof, or by the Village of Edmore.

Section 3. Posting.

For purposes of the ordinance, all signs posted at said parking areas, by the owners thereof, or by the Village of Edmore, shall clearly state the restrictions applicable to said area, as to time and manner of entry thereon allowed to the general public. Such restrictions and notices may be posted on private property by the Village of Edmore upon receipt by the Village of a written request by the person in possession and control of said premises.

Section 4. Penalty.

Any person, firm or corporation violating any of the provisions of this ordinance, shall, upon conviction thereof, be guilty of a misdemeanor and punishable by a fine not exceeding \$100.00 and/or imprisonment in the county jail for a period not to exceed 90 days.

Section 5. Separability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision, and such holding shall not affect the remaining portions hereof.

Section 6. Repeal.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Passed and approved by the Village Council of the Village of Edmore, Michigan, in regular session held on July 13, 1981.

ORDINANCE NO. 221-65 (as amended)

USE OF SEWER SYSTEM

An ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof.

THE VILLAGE OF EDMORE ORDAINS AS FOLLOWS:

Article I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1. "ASTM" means American Society for Testing Materials.

Section 2. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

Section 3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

Section 4. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 5. "Cesspool" shall mean an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

Section 6. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 7. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Section 8. "Grease Interceptor" (or "Grease Trap") shall mean a tank of suitable size and material located in a sewer line and designed to remove grease and oily wastes from the sewage.

Section 9. "Health Officer" shall mean the legally designated health authority of the Village of Edmore or his authorized representative.

Section 10. "Industrial Wastes" shall mean the liquid wastes from industrial, manufacturing processes, trade or business as distinct from sanitary sewage.

Section 11. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Section 12. "Nuisance" shall mean, but is not limited to, any condition where sewage (or garbage) is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and for health of persons, or when it shall obstruct the comfortable use or sale of adjacent property.

Section 13. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 14. "p.H." shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 15. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

Section 16. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and in controlled by public authority.

Section 17. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Section 18. "Seepage Pit" (or "Dry Well") shall mean a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints so as to allow the septic tank overflow of effluent to be absorbed directly into the surrounding soil.

Section 19. "Septic Tank" shall mean water-tight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.

Section 20. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Section 21. "Sewage Disposal Facilities" shall mean privy, cesspool, seepage pit, septic tank, absorption field, or other devices used in the disposal of sewage or human excreta.

Section 22. "Sewage Oxidation Pond" (or "lagoon") is a shallow pond, carefully designed and constructed to utilize most effectively certain forces and processes of nature for the treatment of sewage and some kinds of other organic wastes.

Section 23. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 24. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposal of sewage and industrial wastes.

Section 25. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 26. "Shall" is mandatory; "May" is permissive.

Section 27. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration on flows during normal operation.

Section 28. "Storm Sewer" or ("Storm Drain") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Section 29. "Sub-Surface Disposal Field" shall mean a facility for the distribution of septic tank overflow or effluent below the ground surface through a line, or a series of branch lines, of drain tile laid with open joints to allow the overflow of effluent to be absorbed by the surrounding soil throughout the entire field.

Section 30. "Superintendent" shall mean the legally designated authority of the Village of Edmore or his authorized representative being in charge of the maintenance and operation of sewage works.

Section 31. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

Section 32. "Village" shall mean the Village of Edmore, Montcalm County, Michigan.

Section 33. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## Article II

### USE OF PUBLIC SEWERS REQUIRED

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public, or private property, within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage, or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with

the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

### Article III

#### PRIVATE SEWAGE DISPOSAL

Section 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system.

Section 2. Before commencement of construction of a private sewage disposal system the owner or his agent shall first obtain a written permit signed by the Village Superintendent. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the Village Treasurer at the time the application is filed, and shall be in such amounts as the Village Council shall, from time to time, determine by resolution.

Section 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.

Section 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Michigan State Department of Health or any other health authority having jurisdiction in the Village. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than ten thousand (10,000) square feet.

Section 5. No septic tank, cesspool or sub-surface disposal field will be permitted to discharge directly or indirectly to any public sewer or natural outlet.

Section 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

Section 7. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection from sanitary facilities or plumbing shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any septic takes, cesspools, and similar private sewage disposal facilities shall be cleaned of sludge, any kind of covers removed; and be abandoned by filling with suitable material.

Section 8. In the event that the owner or occupant of the property, upon which the same is located, shall fail to comply with the requirements as provided in Article III, Section 7 upon a reasonable notice, then and in such case the Village may do so charging all costs thereof to the property owner or to the occupant of said property, and such charges shall become a debt, collectable as such.

Section 9. The health officer of the Village, in order to protect the health and safety of the people of the Village and of the general public, is authorized and directed to promulgate and amend, from time to time, regulations establishing minimum standards governing the design, construction, installation, and operation of individual sewage disposal facilities. Said regulations shall establish such minimum standards as, in the judgement of the health officer, will insure that the waste discharged to various individual sewage disposal facilities:

- (a) Do not contaminate any drinking water supply.
- (b) Are not accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water.
- (c) Are not a health hazard by being accessible to children.
- (d) Do not give rise to a nuisance due to odor or unsightly appearance.
- (e) Will not violate any other laws or regulations governing water pollution or sewage disposal.

Section 10. The health officer is authorized to promulgate such additional regulations as are necessary in his judgment to carry out the provisions of this ordinance. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer, or by any other governmental unit or body having jurisdiction or to which the Village has delegated such jurisdiction.

#### Article IV

##### BUILDING SEWERS AND CONNECTIONS

Section 1. Only authorized persons shall uncover and make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof and then only after first obtaining a written permit from the Superintendent.

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village before any connection is made to a public sewer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. Permit and inspection fees shall be paid to the Village Treasurer at the time the application is filed, and shall be in such amounts as the Village Council shall, from time to time, determine by resolution.



Section 3. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village from any loss or damage that may directly or indirectly result from the installation of a building sewer.

Section 4. A separate and independent building sewer shall be provided for each building: except where one building stands at the rear of another on an interior lot and no private sewer is available nor can one be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 5. Old building sewers may be used in connection with new buildings only if, on examination and test by the Superintendent, they are found to meet all requirements of this ordinance.

Section 6. The building sewer shall be cast iron pipe ASTM A-74, vitrified clay sewer pipe ASTM C-13, or cement asbestos pipe class 1500, or PVC Schedule 40 plastic pipe. In filled or unstable ground the pipe shall be extra heavy cast iron, except that the non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.

Section 7. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter of the pipe be less than four (4) inches. The slope of building sewer shall be not less than one-eighth ( $\frac{1}{8}$ ) inch per foot if six (6) inch or larger diameter pipe is used, and one-quarter ( $\frac{1}{4}$ ) inch slope per foot if four (4) inch diameter pipe is used.

Section 8. All joints and connections shall be made gas tight and water tight. Concrete encasement will not be considered water tight. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. In low areas having high ground water table, building sewer pipe of vitrified clay shall have premium joints. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

Section 9. All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Superintendent. Trenches shall be adequately guarded with barricades and lights so as to protect the public from hazard. Backfill shall be performed in accordance with good practice to 95% density, except that no backfill shall be placed until the work has been inspected. Streets, sidewalks, parkways, and other public property, disturbed in the course of the work, shall be restored in a manner satisfactory to the Village.

Section 10. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible in accordance with good practice. Changes in direction shall be made only with properly curved pipe or long-radius fittings. Each bend of 45 degrees or over shall have a clean cut.

Section 11. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 12. The connection of the building sewer into the public sewer shall be made at the Wy branch, if such branch is available at a suitable location, otherwise a smooth, round hole, machine-drilled into the main sewer pipe shall be made. The invert of the building sewer at the point of connection shall be at least two (2) inches higher than the invert of the public sewer, but the building sewer shall not extend past the inner surface of the public sewer. A smooth, neat water tight joint shall be made with an approved bituminous type material and secured by encasement in concrete. The connection shall be made under the supervision of the Village Superintendent.

Section 13. No person shall make connection of roof downspouts, footing drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 14. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer.

Section 15. Any deviation from the procedures and materials prescribed in this Article must be approved by the Superintendents before installation.

#### Article V.

##### USE OF THE PUBLIC SEWERS

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, ground water (footing drains), roof runoff, subsurface drainage, cooling water, unpolluted air-conditioning water, or unpolluted industrial process waters to any sanitary sewer. A normal amount of ground water leakage into basements may be drained to the sanitary sewer; however, any excessive volume of basement drainage as determined by the Superintendent will not be permitted.

Section 2. Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water, unpolluted air-conditioning water, or unpolluted process waters may be discharged to a storm sewer or natural outlet upon approval of the Superintendent.

Section 3. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naptha, fuel oil, or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the

sewage treatment facilities including but not limited to, cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.

- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solids or viscous substances in quantities of or such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, containers, etc. either whole or ground by garbage grinders.

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment facilities, degree of treatability of wastes and other pertinent factors. The substances prohibited are, but not limited to:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (45 degrees Centigrade).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (0 degrees and 65 degrees C.).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth (3/4) horsepower (0.76 HP metric) or greater shall be subject to the review and approval of the Superintendent.
- (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 5.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
  - (2) Excessive discoloration such as, but not limited to, dye wastes, vegetable tanning solutions.
  - (3) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sec. 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious affect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes.
- (b) Require pre-treatment to an acceptable condition for discharge to the public sewers
- (c) Require control over the quantities and rates of discharge.
- (d) Required payment to cover the added cost of handling and treating the wastes not covered by existing taxes, sewer charges, under the provision of Section 10 of this article.

If the Superintendent permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities, or additions to, or expansion of existing treatment facilities, shall be submitted for approval of the Superintendent, and of the appropriate state agency. No construction of such facilities shall be commenced until approval is obtained in writing.

Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All

interceptors shall be of a type and capacity approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Section 7. Sand interceptors shall be installed in garages, filling stations and other establishments which have washing facilities producing sandy waste waters.

Section 8. Where installed, all grease, oil and sand interceptors, and preliminary treatment facilities for any waters or wastes shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 9. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be located in a safe and accessible position, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, by the industrial concern.

## Article VI

### CHARGE FOR USE OF PUBLIC SEWER

Section 1. The Village Council shall from time to time establish charges for the use of and connection to the public sewer.

Section 2. Should any user fail or neglect to pay the charge imposed by the Village for the use of the public sewer, the Village may collect same by suit in a court of competent jurisdiction. In addition, the Village may shut off and discontinue any further sewer services to the premises in default and may also shut off and discontinue any water service to such premises.

## Article VII

### PROTECTION FROM DAMAGE

Section 1. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person found violating this provision shall be subject to immediate arrest and charged of disorderly conduct, and punished under Article IX thereof.

## Article VIII

### POWERS AND AUTHORITY OF INSPECTORS

Section 1. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted at all reasonable hours to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this ordinance.

## Article IX

### PENALTIES

Section 1. Any person who shall violate any provision of this ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a maximum of ten (10) days for the satisfactory correction thereof; provided, however, that in cases of serious danger to public health, or potential damage to the sewer system, a forthwith notice to cease the violation may be served, which notice shall have immediate effect.

Section 2. Any person who shall violate any provision of this Ordinance shall, upon conviction of such violation, be punished by a fine of not to exceed Five Hundred Dollars (\$500.00), or by imprisonment for a period of not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court. Each day in which any such violation shall continue shall be deemed a separate offense.

## Article X

### REPEAL

Section 1. All Ordinances, or parts of Ordinances in conflict herewith heretofore adopted by the Village are hereby repealed.

## Article XI

### VALIDITY

Section 1. Each section of this Ordinance is declared to be severable and, should any section or provision be declared unconstitutional or invalid, the same shall not affect the validity of the Ordinance as a whole, nor of any other part thereof.

Article XII

RESTRICTIONS IMPOSED BY OTHER VILLAGE ORDINANCES AND/OR STATUTES OF THE  
STATE OF MICHIGAN

Section 1. If any provision of any other Ordinance of the Village and/or the statutes of the State of Michigan imposes greater restrictions than herein set forth, then the provisions of such Ordinances and/or statutes shall control.

Article XIII

ABATEMENT OF NUISANCES

Section 1. Nothing stated in these regulations may be construed to limit the power of the Village or Health Officer to order the immediate and complete abatement of a public nuisance or menace to the public health or of a condition which, in the opinion of the Village, may be a menace to the public health.

Article XIV

EFFECTIVE DATE AND PUBLICATION

Section 1. This Ordinance shall be in full force and effect on the 1<sup>st</sup> day of June, 1965, and shall be published in its entirety in the Edmore Times.

Alvin Curtis, Clerk

ORDINANCE NO. 258-94

SEWER (BONDS)

An Ordinance to repeal Ordinance No. 220 (as amended) and to provide for the transfer of any surplus funds.

THE VILLAGE OF EDMORE (MONTCALM COUNTY, MICHIGAN) ORDAINS:

- (a) It, appearing that Ordinance No. 220 (as amended) being an Ordinance to establish Sewer bonds within the Village of Edmore, having, by its language, expired and there being no further need for said ordinance, it is hereby repealed.
- (b) It further appearing that surplus funds from said Ordinance are not being held in various Municipal Accounts as required by Ordinance No. 220 (as amended), it is therefore further ordained that any said surplus funds from Ordinance No. 200 (as amended) shall be transferred to the general account of the Village of Edmore.

Effective Date

This ordinance shall become effective on the 15<sup>th</sup> day of July, 1994.

Shirley Drain, Village Clerk

Chester Guild, Village President



ORDINANCE NO. 251-91

SOLID WASTE ORDINANCE

AN ORDINANCE PROVIDING AND REGULATING VILLAGE-WIDE RESIDENTIAL REFUSE COLLECTION; REGULATING VILLAGE-WIDE REFUSE COLLECTION FOR COMMERCIAL BUSINESSES; REGULATING THE STORAGE AND DISPOSAL OF DEFINED MATERIALS; AND TO PROVIDE FOR THE RECOVERY OF SUCH COSTS IN AN ACTION AT LAW.

THE VILLAGE OF EDMORE ORDAINS:

**SECTION I – DEFINITIONS:**

**CHIPABLE YARD REFUSE:** Brush, branches greater than one-quarter (1/4) inch in diameter and less than eight (8) inches in diameter, and small twigs less than one-quarter (1/4) inch in diameter bundled with twine or string.

**COMMERCIAL REFUSE:** Solid waste collected in commercial refuse collection.

**COMMERCIAL REFUSE COLLECTION:** Refuse collection from all commercial, business, institutional, and multi-unit residential establishments which regularly generate more than one (1) cubic yard of waste per week.

**CONTAINERS OR RECEPTACLES – COMMERCIAL:** For the purposes of commercial refuse collection, containers and receptacles shall mean durable, water-tight metal containers or dumpsters with tight-fitting covers meeting Nation Solid Waste Management Association, American National Standards Institute, and Consumer Product Safety Commission requirements as applicable to design, application and safety.

**CONTAINERS OR RECEPTACLES – RESIDENTIAL:** For the purposes of residential refuse collection, containers or receptacles shall mean plastic bags or can liners closed by draw strings or twist ties, and containers constructed of a permanent material such as steel, aluminum, or plastic with tight-fitting covers, which, if lifted manually, shall have a capacity of no less than five (5) gallons or no more than thirty-two (32) gallons, and the gross weight with contents shall not exceed fifty (50) pounds.

**DEMOLITION AND CONSTRUCTION DEBRIS:** Refuse which is incidental to construction, renovation or demolition of buildings, other structures or appurtenances on a premise.

**DESIGNATED COLLECTOR:** A licensed collector who has been awarded a contract with the Village of Edmore to collect refuse.

**FACE CORD:** A unit of wood cut for fuel purposes stored in a two (2) foot wide, four (4) foot height, and eight (8) foot long stack.

**GARBAGE:** Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. Dead animals not in excess of ten (10) pounds shall be considered garbage and may be disposed of as such.

**LEAF COLLECTION SEASON:** A period during the Fall of each year as scheduled by the Manager or Village Council during which a leaf collection service is provided.

**PERSON:** The owner, proprietor, occupant, or agent in charge of any premise.

**PREMISE:** A parcel of land within the Village of Edmore including the adjoining street right-of-way or legal easement, separated from adjacent parcels of land by legal description.

**PROHIBITED WASTE:** Any material that might endanger the collection personnel or which would be detrimental to the normal operation of the collection or incineration, for example: gaseous, solid, or liquid poisons; petroleum based products, such as paint thinners, oil-based paints, engine oils, or fuels; dead animals in excess of ten (10) pounds, ammunitions or explosive materials; concrete, furniture or appliances; auto or equipment parts that weigh in excess of ten (10) pounds; or any material that possesses heat sufficient to ignite any other collectable materials.

**REFUSE:** For the purposes of this ordinance refuse shall have the same meaning as solid waste.

**RUBBISH:** Shall be deemed to include tin, glass, waste paper, cardboard, wood crates and boxes, cold ashes, dirt, and other mineral and combustible material.

**REESIDENTIAL REFUSE COLLECTION:** Weekly refuse pickup from residential buildings with no more than two (2) dwelling units and from small commercial businesses which regularly generate less than six (6) thirty (30) gallon bags of refuse.

**SOLID WASTE:** Garbage, rubbish, ashes, street cleanings, solid commercial and industrial waste, and animal waste. Solid waste does not include human body waste, liquid waste, materials that have been separated either at source or a processing site for the purpose of reuse, recycling, or composting, or any other material that has been identified by State or Federal regulation to be unsuitable for a Type II sanitary landfill.

**SPECIAL COLLECTION PERIODS:** Times during which special refuse can be collected by the designated collector.

**SPECIAL REFUSE:** Furniture, household appliances, and other bulky items, with the exception of construction and demolition debris, that are unsuitable for regular refuse collection services.

**TYPE II SANITARY LANDFILL:** As defined in Michigan Public Act 641.

**VILLAGE REFUSE BAGS:** A bag sold by the Village of Edmore as a suitable container for the purposes of residential refuse collection.

**VILLAGE REFUSE TAGS:** A tag sold by the Village of Edmore which may be attached to an acceptable refuse container for the purposes of residential refuse collection.

**VILLAGE SPECIAL COLLECTION TAGS:** A tag sold by the Village of Edmore which may be attached to special refuse during designated collection periods.

**YARD WASTE:** Grass clippings, leaves, weeds, hedge clippings, garden waste, and twigs and branches no longer than two (2) feet in length and one (1) inch in diameter.

YARD WASTE BAGS: Clear, plastic bags with a volume of no more than fifty-five (55) gallons.

YARD WASTE COLLECTION SEASON: A period each year as scheduled by the Village Manager or Village Council during which a yard waste collection service is provide within the Village.

## **SECTION II – ACCUMULATION OF SOLID WASTE**

- A. No owner or occupant of a residential dwelling unit or commercial establishment shall permit the accumulation of refuse upon a residential or commercial premise for a period in excess of six (6) days.
- B. Yard waste and vegetable waste may be stored for composting purposes in a manner which will not harbor rodents or become a public nuisance.
- C. Wood for home heating or fireplace purposes may be stored outside of a building, if the wood is neatly stacked in a manner similar to that of a face cord. Wood may not be stored in the front yard of a building's lot.

## **SECTION III – UNAUTHORIZED DUMPING AND LITTERING**

- A. No person shall throw or deposit any refuse upon or into any street right-of-way, alley, container or other property on any premise, public or private, without the permission of the owner, proprietor, occupant or agent in charge of that premise.

## **SECTION IV – PROHIBITED WASTES**

- A. No person shall place in any container or receptacle prohibited waste for the purposes of refuse collection, removal or disposal.
- B. No person shall place any yard waste in a refuse container for the purposes of refuse collection, removal or disposal.

## **SECTION V – PRE-COLLECTION REQUIREMENTS – RESIDENTIAL**

- A. For the purposes of collection, those eligible for the Village's residential refuse collection services must place all accumulated refuse in a Village refuse bag, or in any other acceptable refuse container as long as at least one (1) Village refuse tag is attached, with the exception of special waste, construction and demolition debris. Residential refuse not put in a pre-paid Village refuse bag or affixed with a Village refuse tag will not be collected.
- B. No person shall place more than six (6) containers per week for refuse collection. Refuse in excess of six containers will not be collected.

- C. During the yard waste collection season residents eligible for the Village's residential refuse collection services must place their yard waste in a yard waste bag, except during leaf collection season when leaves may be placed by the side of the road for leaf collection services. Yard waste not put in a yard waste bag or which is put in a pre-paid Village refuse bag will not be collected. Yard waste is not included in the six container per week collection limit.
- D. The gross weight of Village refuse bags, containers with Village refuse tags, or yard waste bags placed for collection shall not exceed fifty (50) pounds.
- E. Chipable yard waste may be placed roadside for collection during the yard waste collection season. The chipable yard waste must be stacked with the butts facing the road. Materials which do not meet the definition of chipable yard waste, or chipable yard waste which is not properly stacked will not be collected.

#### **SECTION VI – PRE-COLLECTION REQUIREMENTS – COMMERCIAL**

- A. Commercial establishments shall be responsible for securing an approved method of refuse collection and disposal of refuse. Approved methods shall be limited to: 1) arrangements with a licensed contractor, or 2) transport of an establishment's own material to licensed disposal facility.
- B. During the yard waste collection season commercial establishments are eligible for yard waste collection services if they do not generate more than six bags of yard waste in any given week. All yard waste must be placed in yard waste bags, except during leaf collection season when leaves may be placed by the side of the road for leaf collection services. Yard waste not put in a yard waste bag will not be collected.

If a commercial establishment generates more than six bags of yard waste during in any given week, they shall be responsible for securing an approved method of yard waste collection and disposal. Approved methods shall be limited to: 1) arrangements with a licensed contractor, 2) on-site composting of the yard waste in accordance with Section 2 (B) of this ordinance, 3) transport of an establishment's own yard waste to a licensed disposal facility, or 4) transport to the Village's compost area, after receiving approval from the Department of Public Works Director.

- C. Commercial establishments may place all chipable yard waste at roadside for collection during the yard waste collection season. The chipable yard waste must be stacked with the butts facing the road. Materials which do not meet the definition of chipable yard waste, or chipable yard waste which is not properly stacked will not be collected.

## **SECTION VIII – PRE-COLLECTION REQUIREMENTS – OTHER**

- A. All special, construction and demolition debris must be removed using an approved method. Approved methods shall be limited to: 1) arrangements with a licensed contractor, 2) transport of an individual's or establishment's own material to a licensed disposal facility, and 3) purchase of a Village special collection tag to be used in conjunction with limited, special collection periods.

## **SECTION IX – PRE-COLLECTION REQUIREMENTS – SPECIAL**

- A. At the determination of the Village Council, special collection periods may be designated. During special collection periods, there will be no limit as to the number of bags of refuse that a person may place for collection. All items in excess of fifty (50) pounds and special refuse material must be affixed with at least one Village special refuse tag. Refuse not placed in either a pre-paid Village refuse bag or affixed with a Village refuse tag or a Village special refuse tag will not be collected.

## **SECTION X – VILLAGE REFUSE BAG AND TAG SPECIFICATIONS**

- A. Village refuse bags shall have a distinct logo or other appropriate words which indicate to the refuse collectors that the refuse bags are intended for residential refuse collection services.
- B. Village refuse tags shall be a distinct color, and printed with a distinct logo or other appropriate words which indicate to the refuse collectors that when the tag is affixed to a refuse container, it is intended for residential collection services.
- C. Village special refuse tags shall be a distinct color, and printed with a distinct logo or other appropriate words which indicate to the refuse collector that when a special designated collection period has been established and when the tag is affixed to appropriate refuse material, that it is intended for residential collection services
- D. The Village refuse bags, the Village refuse tags, and Village special refuse tags shall be sold as a price determined by resolution of the Village Council.
- E. Village refuse tags and Village special refuse tags may be sold by the Village offices.
- F. Village refuse bags shall be sold at the Village offices and at retail outlets designated by the Village. Designated sales outlets shall sell the Village refuse bags only at a price established by the Village Council. However, the appropriate sales tax may be charged by the retail establishment if so required by the laws of the State.

## **SECTION XI – COMMERCIAL REFUSE CONTAINER SPECIFICATIONS**

- A. All container units used for commercial refuse collection shall be kept clean and in good repair.
- B. The property owner of each commercial establishment is responsible for maintaining sanitary conditions in and around the refuse container.
- C. The lid and side doors of all commercial refuse collection containers shall be kept closed. No refuse shall be placed beside or on top of a refuse container.

## **SECTION XII – AUTHORITY, COSTS, NOTICE TO REMOVE SOLID WASTE**

- A. The Village Manager and/or Department of Public Works Director is hereby authorized and empowered to notify, in writing, the owner and/or tenant(s) of any premise to remove solid waste found to be not in compliance on such premises (unless the same is on the abutting public right-of-way in which case no notice is required). Such notice shall be by hand delivery or certified mail, addressed to said owner and/or tenant(s) at the last known address.
- B. If solid wastes are not removed from the premises within six (6) days after the date of mailing such notice, or if the solid waste is on abutting public right-of-way, the owner and/or tenant(s) of the premises shall be subject to the penalties as set forth in Section 14 of this ordinance. The Village Manager and/or Department of Public Works Director is also hereby authorized and empowered to pay for the removal of the solid waste or to order the removal by the Village.
- C. When the Village has effected the removal of such waste or has paid for its removal, the actual cost thereof, including the administrative costs to the Village, shall be the responsibility of the owner or party in interest of the property on which or in front of which the condition existed and shall be paid by the owner or party in interest in whose name the property appears on the Village's real property tax assessment records.
- D. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he or she fails to pay the same within thirty (30) days after the mailing, by the Village, of a notice of the amount thereof, the Village Clerk shall add the same amount to the next tax roll of the Village and such amount shall be collected in the same manner in all respects as provided by law for the collection of taxes by this Village.

### **SECTION XIII – VALIDITY**

- A. Should any section, clause, or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the parts so declared to be invalid.

### **SECTION XIV – PENALTIES**

- A. Any person, firm or corporation violating any of the provisions of this code or rules adopted pursuant thereto, shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of such violation such person shall be punished by a fine of up to \$500, or by imprisonment of not more than ninety (90) days or both. For a first offense under this ordinance the fine shall not be less than \$100.00 and for second and subsequent offenses the fine shall not be less than \$250.00.

### **SECTION XV – REPEAL CLAUSE**

- A. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

### **SECTION XVI – EFFECTIVE DATE**

- A. This ordinance shall be in full force and effect sixty (60) days after it's final passage by the Village Council of said Village of Edmore

Passed and adopted by the Edmore Village Council, County of Montcalm, State of Michigan, on May 13, 1991.

Shirley Mallory, Village Clerk

## ORDINANCE NO. 212-52

### PARKING ON MAIN STREET

An Ordinance to regulate parking on Main Street in the Village of Edmore, Montcalm County, Michigan; to impose penalties for violations thereof; and to repeal all ordinances inconsistent herewith.

#### THE VILLAGE OF EDMORE ORDAINS:

Section 1. Definitions: The following words and phrases when used in this Ordinance shall, for the purpose of this Ordinance, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

- (a) "Vehicle". Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway.
- (b) "Motor Vehicle". Every vehicle, as herein defined, which is self-propelled.
- (c) "Truck Tractor". Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and the load so drawn.
- (d) "Trailer". Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.
- (e) "Semi-Trailer". Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.
- (f) "Person". Every natural person, firm, co-partnership, association, or corporation.
- (g) "Park". Standing a vehicle whether occupied or not upon a highway.

Section 2. It shall be unlawful for any person to park any vehicle, motor vehicle, trailer, truck tractor, truck tractor and semi-trailer or any combination thereof having an overall length, either individually, or when attached, of twenty feet or more, on Main Street in the Village of Edmore between the intersection of Second Street and Main Street in the Village of Edmore, and the intersection of Lewis Street and Main Street in the Village of Edmore.

Section 3. It shall be unlawful for any person to allow any vehicle, motor vehicle, truck tractor, trailer, or semi-trailer or any combination thereof having an overall length of less than twenty feet to park on Main Street in the Village of Edmore between the intersection of Second Street and Main Street in the Village of Edmore and the intersection of Lewis Street and Main Street in the Village of Edmore between the hours of 6:00 a.m. and 5:00 p.m. for a period exceeding two hours.

Section 4. It shall be unlawful for any person to park any vehicle, motor vehicle, truck tractor, trailer, semi-trailer or any combination thereof, upon Main Street in the Village of Edmore between the intersection of Second Street and Main Street in the Village of Edmore and the intersection of Lewis Street and Main Street in the Village of Edmore between the hours of 2:30 a.m. and 6:00 a.m.



Section 5. Any person or persons who violate any of the provisions or requirements of this Ordinance shall be punished, on conviction thereof, by a fine of not more than \$100.00 or by imprisonment in the common jail of Montcalm County for a period of not exceeding 90 days or both such fine and such imprisonment in the discretion of the court, together with the costs of prosecution for such violation as such court may order, and, in case such court shall impose a fine and costs only, the person or persons convicted, on failing to pay such fine and costs, may be sentenced by said court to be imprisoned in said jail for a term not exceeding 90 days, unless payment thereof be sooner made.

Section 6. The sentences, clauses, paragraphs and sections hereof are hereby declared to be independent and severable.

Section 7. All former Ordinances or parts of Ordinances which are contrary to, or in any way conflict with the provisions of this Ordinance are hereby repealed.

Section 8. This Ordinance shall take effect on the 27<sup>th</sup> day of January, 1952. Approved this 7<sup>th</sup> day of January, 1952.

## ORDINANCE NO. 216A-62

### PARKING ORDINANCE

Title: An Ordinance regulating and restricting the parking of motor vehicles on the streets in the Village of Edmore during certain and particular hours of the day as hereinafter set forth.

PREAMBLE: In pursuance of authority conferred by the Public Acts of the State of Michigan in such case made and provided and for the purpose of promoting the health, safety, morals, and general welfare of the inhabitants of the Village of Edmore by lessening of the congestion of the streets during certain and particular periods to facilitate the removal of snow, ice, debris, and other substances from the streets of the Village of Edmore and for other public requirements, in accordance with a comprehensive plan, now, therefore,

THE VILLAGE OF EDMORE ORDAINS:

Section 1. Parking Regulations for the Village of Edmore.

This Ordinance shall be known as the "Parking Ordinance for the Village of Edmore".

- (a) For the purpose of regulating and restricting the parking of motor vehicles on the streets of the Village of Edmore, "streets" are designated as those roadways which lie within the posted limits of the Village of Edmore and which are open to general traffic by motor vehicles.

Section 2. Hours of the Day During Which No Parking Shall Be Permitted.

- (a) No vehicle shall be parked, placed or left upon the streets for any purpose whatsoever within the posted limits of the Village of Edmore between the hours of 2:30 o'clock A.M. and 5:30 o'clock A.M. This ordinance shall be in effect seven days a week.

Section 3. Unlawful Parking.

- (a) In the event that any motor vehicle is parked upon the streets within the posted limits of the Village of Edmore contrary to the provisions of this Ordinance, such parking shall be deemed unlawful.

Section 4. Violations and Penalty.

- (a) Any person who shall violate, disobey, neglect or refuse to comply with, or who resists the enforcement of any of the provisions of this Ordinance, shall be punished by a fine not to exceed twenty-five (\$25.00) Dollars, and costs on prosecution, or in default of payment thereof, by imprisonment in the common jail for the County of Montcalm not to exceed ten (10) days, or both such fine and imprisonment, in the discretion of the court or magistrate before whom conviction is had. Each day that a violation is permitted to exist constitutes a separate offense.

Section 5. Costs of Removal of Vehicle.

- (a) Any person who shall violate, disobey, neglect, or refuse to comply with the provisions of this Ordinance is subject to having the motor vehicle removed from the street at the registered owner's expense, in addition to the penalty set forth in paragraph (4), subsection (a).

Section 6. Any person violating this Ordinance by that person's acts or failure to act shall be deemed to be a prima facie violator of the provisions of this Ordinance.

THIS ORDINANCE shall take effect and be in force from and after its passage, approval and due publication in the Edmore Times, a newspaper of general circulation in said Village of Edmore. This the 3<sup>rd</sup> day of December, 1962.

ORDINANCE NO. 216B – 65

PARKING – TRUCKS

An ordinance to provide for the regulation and use of the streets by trucks within the Village limits of the Village of Edmore and to provide penalties for the violation of the provisions of this Ordinance.

THE VILLAGE OF EDMORE ORDAINS:

**Section 1. WORDS AND PHRASES.**

Words and phrases used in this ordinance shall have their usual and ordinary meaning; provided, that the words and phrases herein defined shall have the meanings respectively herein ascribed to them.

- (1) "Truck" shall mean any truck which is rated in excess of 3/4ths of a ton and shall include all body styles of such trucks and including, but not limited to, semi-tractors and trailers.
- (2) "Residential area" means that area within the village limit of the Village of Edmore which has been so designated as residential area by the zoning ordinance of the Village of Edmore enacted on March 4, 1958.
- (3) "Commercial area" shall mean that area within the village limit of the Village of Edmore which has been so designated as commercial area by the zoning ordinance of the Village of Edmore enacted on March 4, 1958.
- (4) "Street" shall mean the entire width between the boundary lines of every street in the Village of Edmore as platted according to the recorded plats thereof.
- (5) "Person" shall include any person, persons, firm, association or corporation.
- (6) "Designated truck parking area" shall mean the following areas within the village limits of the Village of Edmore wherein trucks of more than 3/4ths of a ton may be parked, subject to the provisions hereinafter set forth:
  - (a) The first block south of Main Street on Second Street.
  - (b) The first block north of Main Street on Second Street.
  - (c) The first block south of Main Street on Third Street.
  - (d) The first block north of Main Street on Third Street.
  - (e) The first block south of Main Street on Fourth Street.
  - (f) The first block north of Main Street on Fourth Street.
  - (g) The first block south of Main Street on Fifth Street.

**Section 2. PARKING IN RESIDENTIAL AREAS.**

No person shall place upon or along any street within a residential area a truck, as defined by this ordinance, except as may be necessary for loading and unloading of goods, merchandise and wares in the process of delivery or removal, and in no case shall such parking exceed one hour.

### **Section 3. DESIGNATED TRUCK PARKING AREA LIMITATION.**

No person shall place upon or along any street in a designated truck parking area, as defined by this ordinance, any truck for a period exceeding 24 hours; and provided, that said 24-hour period shall apply to any one block in said designated truck parking area; and provided that the 24-hour period herein set forth shall be subject to existing parking regulations as enacted by prior ordinances.

### **Section 4. RESTRICTED COMMERCIAL AREA PARKING.**

No person shall place upon or along any street within the commercial area, as defined by this ordinance, any truck excepting in those designated truck parking areas, as defined herein.

### **Section 5. SEPARATE VIOLATIONS.**

Each successive 24-hour period that a violation hereof exists shall constitute a separate offense hereunder.

### **Section 6. SAVING CLAUSE.**

The provisions of this ordinance shall be construed so as not to affect the validity of any existing ordinance duly enacted by the Village of Edmore.

### **Section 7. PENALTIES.**

Any person or persons who shall violate any of the provisions or requirements of this ordinance shall be punished for each violation on conviction thereof by a fine of not more than \$100, or by imprisonment in the common jail of Montcalm County for a period not exceeding 90 days, or by both such fine and imprisonment in the discretion of the court, together with the costs of prosecution for such violation as such court may order, and in case such court shall impose a fine and costs only, the person convicted, upon failing to pay such fine and costs, may be sentenced by said court to be imprisoned in said jail for a term not exceeding 90 days, unless payment thereof be sooner made.

### **Section 8. EFFECTIVE DATE.**

This ordinance shall take effect on the third day of December, 1965. The undersigned, being respectively the President and the Clerk of the Village Council of the Village of Edmore, hereby certify that the foregoing ordinance was duly passed and enacted at a regular meeting of the Village Council of the Village of Edmore on the 1<sup>st</sup> day of November, 1965.

## ORDINANCE NO. 247-90

### PARKING VIOLATIONS

An ordinance establishing a parking violations bureau for the Village of Edmore.

THE VILLAGE OF EDMORE ORDAINS:

#### **Section 1. PARKING VIOLATIONS BUREAU ESTABLISHED; AUTHORITY.**

Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, a parking violations bureau, for the purposes of handling alleged parking violations within the Village, is hereby established. The parking violations bureau shall be under the supervision and control of the Village Manager.

#### **Section 2. VILLAGE MANAGER; OPERATION; RULES AND REGULATIONS.**

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

#### **Section 3. VIOLATIONS; ALLEGATIONS; DISPOSITION, SCHEDULED RESTRICTIONS.**

No violations not scheduled in Section 6 of this ordinance shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of the bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

#### **Section 4. VIOLATIONS; SETTLEING THEREOF; RIGHTS OF VIOLATORS.**

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.

#### **Section 5. PARKING TICKET; ALLEGATION OF VIOLATION; PROCEDURE.**

The issuance of a parking ticket or notice of violation by a police officer of the Edmore-Home Municipal Police Authority shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person

to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

## **Section 6. PARKING VIOLATIONS; PENALTIES.**

The Parking violations bureau shall handle the following alleged parking violations:

OFFENSE	ORDINANCE NO.	PENALTY
Parking vehicle over 20' in length on Main Street		
between Second and Lewis	212 (2)	\$10.00
Parking vehicle less than 20' in length on Main Street between		
Second and Lewis for more than two hours	212 (3)	\$10.00
Parking any vehicle on Main Street between Second and Lewis		
between the hours of 2:30 am to 6:00 am	212 (4)	\$10.00
Parking any vehicle on any other street between the hours of		
2:30 and 5:30 am	216A (2)a	\$10.00
Parking a truck over ¾ tons in residential area	216B (2)	\$10.00
Parking more than 12" from curb or toward the lawful		
direction of traffic	229 (8.1)	\$10.00
Parking a vehicle in such a manner to block traffic	229 (8.5)	\$10.00
Parking a vehicle in any of the following places:		
(a) On a sidewalk		
(b) In front of a private drive		
(c) Within an intersection		
(d) Within 15' of fire hydrant		
(e) On a crosswalk		
(f) Within 20' of crosswalk or, if non exists, 15' of intersection		
(g) Within 30' of flashing traffic control signal		
(h) Within 20' of driveway to fire station		
(i) On the street side of any vehicle parked or stopped at the		
edge or curb of a street		
(j) At any place where official signs prohibit stopping,		
standing or parking		
(k) Within 500' of fire at which fire apparatus are present	229 (8.10)	\$10.00
Parking in a space identified by an official sign as being reserved		
for use by handicappers	229 (8.10)	\$40.00

**Section 7. PRESUMPTION FROM OWNERSHIP.**

The owner of any vehicle parked in violation of this ordinance shall be liable under this division as the actual operator of the motor vehicle at the time of such illegal parking, and the owner shall be liable for the acts of the operator of such vehicle under this ordinance.

**Section 8. REPEAL CLAUSE.**

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 9. EFFECTIVE DATE.**

This ordinance shall take effect on the nineteenth day of February, 1990.



## ORDINANCE NO. 2013-2

### OPERATION OF VEHICLES – ORV

The Village of Edmore, for the public safety and welfare of its residents, including but not limited to, village property resulting from the operation of vehicles therein described in this ordinance and for the purpose of providing penalties for the violation thereof, and in accordance with those penalties pursuant, move to adopt 2008 PA 240, MCL 324.811131.

THE VILLAGE OF EDMORE ORDAINS:

#### SECTION 1. DEFINITIONS

As used in this ordinance, the following definitions shall apply:

- (a) "County" means the County of Montcalm.
- (b) "Drivers license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- (c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- (d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- (e) "ORV" for the purposes of this ordinance means a motor driven off road recreational vehicle or golf cart capable of cross-country travel without benefit of a road or trail, on or immediately over land, or other natural terrain. ORV or vehicle includes a multi-wheel drive vehicle, a motorcycle, a 3 wheeled vehicle, a vehicle owned and operated by a utility company or an oil and gas company when performing maintenance on its facilities or on property operated by a utility company or a construction or logging vehicle used in performance of its common function.
- (f) "Road" means a county primary road or country local road as described in Section 5 of 1951 PA 51, MCL 247.655.
- (g) "Road Commission" means the Board of County Road Commissioners for the County of Montcalm.
- (h) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- (i) "Street" means a village major street, road or alley way or village local street road as described in Section 9 of 1951 PA 51, MCL 247.659.
- (j) "Village" means the area defined within the limits of the Village of Edmore.
- (k) "Village Council" means a board of trustees for the Village of Edmore.
- (l) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the aid of the operator.

## SECTION 2. OPERATION OF ORV WITHIN THE VILLAGE LIMITS

- (a) The Village Council, by resolution and at its discretion, may close any village street to protect the environment, or if the operation of ORVs pose a particular and demonstrable threat to public safety.
- (b) An ORV shall not be operated on any state trunk line (M-46) right-of-way, [(MCL 324.81131 (15) (d), (e)]. The operator of an ORV may cross a public highway or designated street (see subsection (d) (1) below), other than limited access highway, at right angles, for the purpose of getting from one area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to oncoming traffic. [MCL 324.81122 (a)]
- (c) An ORV cannot be operated anywhere while transporting a passenger without a seat as designed by the manufacturer.
- (d) In reply to: Except as set forth herein or otherwise provided by law, an ORV, meeting all of the following conditions, may be operated on a street in the village 7:00 a.m. 11:00 p.m.
  - (1) On the far right of the maintained portion of a street within the village. [MCL 324.81131(6)], [MCL 324.81133(1)]
  - (2) At a reasonable and property speed of no more than 25 miles per hour or a lower posted speed limit. [MCL 324.81131(6)], [MCL 324.81133(a)]
  - (3) By a person not less than 16 years of age.
  - (4) With the flow of traffic. [MCL 324.81131(6)]
  - (5) In a manner which does not interfere with traffic on the road or street. [MCL 324.81131(6)]
  - (6) While traveling single file except when overtaking or passing another ORV. [MCL 324.81131(6)]
  - (7) While displaying a lighted leadlight and a lighted taillight at all times. [MCL 324.81131(8)]
  - (8) When the person and any passenger in or on the vehicle is operator and each passenger is wearing a properly adjusted and fastened safety belt. [MCL 324.81133 (b)]
  - (9) When a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle. [MCL 324.81133(d)]
  - (10) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation. [MCL 324.81133(g)]
  - (11) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, and a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle. [MCL 324.81133(g)]
  - (12) Pursuant to noise and emission standards defined by law. [MCL 324.81133(g)]
  - (13) While displaying proper and current registration (ORV license/sticker). [MCL 324.81122(1a)]

- (e) In a court action in this state where competent evidence demonstrates that a vehicle is permitted to be operated on a roadway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, collided with an ORV on a roadway, the driver of the ORV involved in the collision shall be considered prima facie negligent. [MCL 324.81131(12)]
- (f) A person less than 16 years of age shall not operate an ORV on a street in the village unless the person is in immediate possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession a Michigan-issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. [MCL 324.81131(9)]
- (g) An ORV operator 18 years and older shall have in their immediate possession a valid driver's license or a valid official state personal identification card.
- (h) Unless a person possesses a valid driver's license, a person shall not operate an ORV on a street in the village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels. [MCL 324.81131(6)]
- (i) Any person who violates this section is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00. [MCL 324.81131(6)]
- (j) A court may order a person who causes damages to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines. [MCL 324.81131(13)]
- (k) The village treasurer shall deposit all fines and damages collected under this article into a fund to be designated as the ORV fund. The Village of Edmore shall appropriate revenue in the ORV fund as follows: [MCL 324.81131(14)]
- (l) Fifty percent to the Village DPW for repairing damage to roads and environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- (m) Fifty percent to the village police department for ORV enforcement and training.

This article shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this article shall in no manner affect any rights, claims, privileges, immunities or causes of action of the village, or other person, either civil or criminal, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

The ordinance was declared adopted.

Chet Guild, Village President

Date of Publication: 10-1-2013

ORDINANCE NO. 275-05

UNIFORM TRAFFIC CODE

An Ordinance to Adopt by Reference the Uniform Traffic Code for Cities, Townships, and Villages

The Village of Edmore Ordains:

Section 1. Code and Amendments and Revisions 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, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state, are incorporated by reference.

Section 2. References in Code

References in the Uniform Traffic Code for Cities, Townships, and Villages, to a "governmental unit" shall mean the Village of Edmore.

Section 3. Notice to be Published

The Village Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Village, and the fact that a complete copy of the code is available to the public at the office of the Clerk for inspection.

Section 4. Penalties

The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

Section 5. Repeal Clause

Village of Edmore Ordinance No. 229, entitled Uniform Traffic Code, adopted December 10, 1979, is hereby repealed.

Effective Date:

This Ordinance shall be effective immediately upon publication in a newspaper duly circulated within the Village of Edmore.

Shirley Drain

Village Clerk

ORDINANCE NO. 274-05

MICHIGAN VEHICLE CODE

An Ordinance to adopt by reference the Michigan Vehicle Code

The Village of Edmore Ordains:

Section 1. Code and Amendments and Revisions Adopted

The Michigan Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Motor Vehicle Code when they are effective in this state are incorporated by reference.

Section 2. References in Code

References in the Michigan Motor Vehicle Code to "Local Authorities" shall mean the Village of Edmore.

Section 3. Notice to be Published

The Village Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Motor Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Section 4. Penalties

The penalties provided by the Michigan Motor Vehicle Code are adopted by reference, provided that the Village of Edmore may not enforce any provision of the Michigan Motor Vehicle Code for which the period is greater than 93 days.

Effective Date

This Ordinance shall be effective immediately upon publication in a newspaper duly circulated within the Village of Edmore.

Shirley Drain, Village Clerk

ORDINANCE NO. 261-96

ONE-WAY LOCATIONS

To Designate Certain Alleys and Access as One Way Within the Village of Edmore

THE VILLAGE OF EDMORE ORDAINS:

**SECTION I. DESIGNATED ONE-WAY LOCATIONS**

- A. The entrance into the private parking lot leased by the Village of Edmore located at 413 E. Main (and at the time of enactment between the Phenix Restaurant and Art's Jeweler) shall be designated as having entry going North from M-46 only and existing only going West behind the structures located at 413 E. Main and shall continue onto Third Street from the alley running behind the structures located at 413 E. Main.
- B. The alley located at or near 313 E. Main (and at the time of enactment between the Edmore Wash King and the United States Post Office) shall be designated one way with entry onto said alley being only from M-46 North onto said alley and exit from said alley only from the alley running East and West behind the subject building located behind the structure located on the subject property.

**SECTION II. VIOLATIONS**

- A. A person who shall violate any provision of the Ordinance shall be punished civilly with a fine of \$40.00 as provided by Act No. 300 of the Public Acts of 1949, as amended, being Sections 257.1 to 257.923 of Michigan Compiled Laws.

**SECTION III. EFFECTIVE DATE**

- A. This Ordinance shall become effective and be in full force on October 28, 1996.

Shirley Drain, Village Clerk

ORDINANCE NO. 267-99

WATER SERVICE CROSS CONTAMINATION ORDINANCE

*An ordinance concerning water service, prohibiting the use of certain secondary water supplies from groundwater wells for the delivery of water for human consumption and the use of wells which may influence the movement of contaminated groundwater.*

**THE VILLAGE OF EDMORE HERBY ORDAINS:**

Finding and Definitions.

The Village of Edmore hereby finds that the use of wells and secondary water supplies from wells for the delivery or use of water from or on certain premises for human consumption or the use of well which influence the movement of contaminated groundwater constitutes a potential public health risk. The identified public health risk affects premises that are located in the vicinity of sites that are the source of location of contamination of groundwater, or where there is a known and identified threat of contaminated groundwater from a release. The Village Council has determined to prohibit certain uses of water from wells and such secondary water supplies from properties located in the vicinity of such contaminated sites in order to protect and minimize the said public health risk. The following definitions apply:

- a. The term “secondary water supplies” shall mean only secondary water supplies from wells.
- b. The term “affected premises” shall mean a parcel of property any part of which is located within, or within one-quarter mile of, where a plume of contaminated groundwater exists.

The Village will maintain and publish notice of a listing of the known geographical location of affected premises, identifying same by property tax identification and parcel numbers. The listing and a copy of this ordinance will be maintained in the same manner as a zoning ordinance at the said Village department and the list shall be reviewed and amended as necessary at least annually, and whenever the Village learns of such affected premises. Review and amendment of the list shall also occur whenever the Village receives written notice from the MDEQ that it is considering approval of a Remedial Action Plan or equivalent action which relies on this ordinance as an institutional control to prevent groundwater use by adding the necessary affected premises to the listing. Interested parties may petition the Village to add new listings, or to delete listings if it can be shown that such affected premises no longer poses a public health risk.

- c. The term “human consumption” means use in food or drink intended for human ingestion, use in food preparation or food service, use in the interior of a dwelling or dwelling unit served by such well or secondary water supply for any household purpose, and use in any building for personal washing or ingestion by humans. The term “human consumption” does not mean use of water for irrigation.

- d. The term “MDEQ” means the Michigan Department of Environmental Quality or its successor agency.
- e. The term “contamination” means groundwater contamination in concentrations that exceed the residential drinking water criteria established by the MDEQ pursuant to Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended, by operational memorandum or rule.

Prohibition of the Use of Secondary Water Supplies for Human Consumption Exceptions.

Prohibition. Unless specifically excepted by this ordinance, after the effective date of this ordinance, the use of any secondary water supplies from or on an affected premises, or the use of water from said sources, for human consumption is prohibited. No new groundwater wells may be installed on affected premises unless use of such well is solely for commercial or industrial non-contact cooling or processing purposes, construction de-watering, MDEQ or United States Environmental Protection Agency approved groundwater monitoring or remediation systems, or public emergency.

Exception: Water Service Unavailable. If Village water service is unavailable to such premises, and a well is tested and approved by the MDEQ, Drinking Water and Radiological Protection Division or the county health department annually, and written proof thereof is delivered to the Village annually, a well may be used temporarily for water for human consumption until the Village water service is available to the premises. No split or conveyance of any premises shall be effective to render Village water service unavailable.

Exception: Waiver: Proof of No Influence. On an affected premise demonstrated to be free of the influence or potential influence of groundwater from a contaminated site, such as a property which is within one quarter mile of a plume but is determined permanently to be unaffected by the course of the groundwater affected by the contamination, the Village Manager may execute a waiver allowing the use of a well or secondary supply water for human consumption.

Exception: Public Emergencies and Construction De-watering. Use of well for public emergencies or construction de-watering purposes shall not be prohibited by this ordinance.

Sources of Water Supplied for Human Consumption. Except as provided above, water supply for human consumption on any affected premises in the Village shall be delivered only from the City water system or by the use of bottled water delivered or purchased in containers under conditions approved by the MDEQ, Drinking Water & Radiological Protection Division or other appropriate agency.



Wells or Secondary Water Supply Affecting Contaminated Groundwater. No well may be used or installed at any place in the Village if the use of such well will have the affect of causing the migration of groundwater contaminants or pollution or a groundwater plume containing same to previously unimpacted groundwater, or adversely impacting any groundwater treatment system unless the well is part of any MDEQ or United States Environmental Protection Agency approved groundwater monitoring or remediation system.

Inspection: Enforcement. The Village shall periodically canvass or inspect all affected premises in the Village of Edmore where it is suspected that a well or secondary water supply is being used as a source for water for human consumption and shall notify by appropriate means the owners and occupants thereof to connect to the Village water supply or supply water in conformity with this ordinance and to disconnect and disable, in accordance with legal requirements, any water supply for human consumption from a well or secondary water supply.

Modification or Repeal of this Ordinance: Notice to the State of Michigan. In the event this ordinance is considered for modification or repeal, where said modifications or repeal will allow the use of groundwater wells or secondary waste supplies for human consumption on affected properties, this ordinance shall not be modified or repealed except upon 30 days notice to the MDEQ.

Penalty, Permit Denial Remedies.

Civil Infraction. Any person violating this ordinance, including but not limited to the maintenance, use or installation of a water supply for human ordinance, shall be liable for a civil infraction.

Building or Improvement Permits. No permit for building, alteration or other required permit for a premises or improvement therein shall be issued by the Village for any premises found in violation of this ordinance, or where it is proposed to install or use a well or secondary water supply in violation of this ordinance.

Injunctive Relief. The City may further enforce this ordinance by action seeking injunctive relief.

Effective Date – Repeal: Severability. This ordinance shall be effective 10 days after publication.

This Ordinance adopted.

## ORDINACNE NO. 2017-1

### CROSS CONNECTION ORDINANCE

#### Section 1. Cross connection rules adopted.

The Village adopts by reference the water supply Cross Connection Rules of the Michigan Department of Environmental Quality being R325.11401 to R325.11407 of the Michigan Administrative Code.

#### Section 2. Inspections.

It shall be the duty of the Village of Edmore Department of Public Works (DPW) to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village Council and as approved by the State Department of Environmental Quality.

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

#### Section 3. Right of Entry; Information.

The representative of the Village shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Village for the purpose of inspecting the piping system thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

#### Section 4. Discontinuing Water Service.

The Village is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists, and take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.

#### Section 5. Cost.

The costs of any necessary testing, the installation of any protective device, or the taking of any corrective action pursuant to this division shall be paid by the owner, lessee or occupant of the premises service, who must install or cause to be installed, such protective device pursuant to this division and any applicable plumbing code, subject to inspection and necessary testing by the Village of Edmore Department of Public Works and certified by an approved tester before use.

#### Section 6. Protection of Potable Water; Labeling Unsafe Water.

The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this division and by the state plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: **WATER UNSAFE FOR DRINKING.**

#### Section 7. Supplementary to State Plumbing Code.

This division does not supersede the state plumbing code but is supplementary to it.

#### Section 8. Penalty

Any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the Village of Edmore and/or DPW, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

Adopted by the Village Council on May 8, 2017.

Approved by: Ashbaugh, Burr, Davis, Deja, Hadley, Kohn, Kotenko.

May 8, 2017, Council resolution to repeal Ordinance No. 232, Water Cross Connection and to adopt this ordinance in its place.

## ORDINANCE NO. 215-56

### WATER ORDINANCE

An Ordinance to regulate the operation of the water supply of the Village of Edmore, not otherwise provided for by Ordinance No. 214 (repealed), and to establish rates and charges for miscellaneous and special services, not provided for by Ordinance No. 214 (repealed).

#### THE VILLAGE OF EDMORE ORDAINS:

Section 1. In addition to the other duties imposed by statute or ordinance, it shall be the duty of the Village Clerk to keep and maintain adequate records of the receipts, disbursements and operation of the Water Supply System of the Village of Edmore; to send bills to consumers for water used from said System, as required by Ordinance No. 214 (repealed); to disburse the monies from the various funds relating to said System as required by statute, ordinance or order of the Village Council; and to render a full account of the receipts, disbursements and financial condition of said System to the Village Council at the end of each fiscal year, or as ordered by the Village Council.

Section 2. In addition to other duties imposed by statute or ordinance, it shall be the duty of the Village Treasurer to receive and collect all the revenues of said System, as defined by Ordinance No. 214 (repealed), and to deposit the same in the State Bank of Edmore.

Section 3. The Village Clerk and Village Treasurer shall receive such compensation for the services required by Section 1 and 2 as may be fixed from time to time by the Village Council.

Section 4. The following regulations shall govern the operation of said system:

- A. All connections to the System shall be made at or near the street line, and the owner of the premises shall be responsible for conducting the water from the street line onto his premises.
- B. In the case that two or more users occupy the same premises, and there is only one connection to the System, each user shall be considered as a separate user and shall be billed accordingly.
- C. In the case mentioned above in Paragraph B, the owner of said premises shall be held responsible for the payment of the bills of all users occupying said premises, and in the event of nonpayment by any such user, the Village shall take such action against the entire premises as is authorized by such statute or ordinance.
- D. No water connection shall be made to any premises until all bills and charges of the System against such premises shall be paid in full.
- E. No water connection shall be made to any premises until all bills and charges of the System against the owner thereof and against the user requesting such connection shall be paid in full.

- F. Premises connected to the system shall be charged and billed regularly for service, notwithstanding that such premises may be vacant or that no water has been used, until the owner or occupant of said premises shall request that service be discontinued and shall pay a shut-off fee.

Section 5. Rates for services not otherwise provided for shall be as follows:

- A. For disconnecting any premises and shutting off service \$5.00.
- B. For connecting any premises and turning on service \$5.00.
- C. For performing any special service for any user, such reasonable sum as the Water Supply System Committee shall fix, but not less than the cost of the labor and materials used.
- D. Where service to a user has been connected or disconnected during a quarter, a Minimum charge for service shall be made at the rate of 1/3 of a quarterly minimum, for each month or major fraction thereof during which service was supplied.
- E. Residential meters (3/4 inch or smaller) shall be supplied and installed by the Village as directed by the Village Council, without charge to the user, except where a connection or special service charge is required to be made, and such meters shall remain the property of the Village.
- F. Meters having a capacity of more than ¾ inch may be supplied and installed by the Village as directed by the Village Council. The cost thereof, in excess of the cost of supplying and installing a residential meter, shall be charged to and paid by the user. Such meters shall remain the property of the Village. At such time as such a meter is withdrawn from use, the user or his assignee, shall be reimbursed such proportion of the value of the meter at the time of withdrawal as his original investment bears to the original cost of such meter.
- G. At the option of the user, and with the consent of the Village Council, any user may install a meter having a capacity of more than ¾ inch at his own expense, and such meter shall remain the property of such users.

Section 6. The Village council may, by resolution, make provision for any case not otherwise provided for by statute or ordinance.

Section 7. This Ordinance shall be supplemental to Ordinance No. 214 and no part of Ordinance No. 214 is repealed hereby. In the event of any conflict between the provisions of this Ordinance and Ordinance No. 214, the provisions of Ordinance No. 214 shall control. All other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. (Ordinance No. 214 repealed)

Section 8. This Ordinance shall become effective immediately upon its adoption.

Alvin Curtis, Clerk

ORDINANCE NO. 231-89

WATER ORDINANCE – REPEALS AND REVENUES

AN ORDINANCE TO PROVIDE FOR THE MAINTENANCE OF THE VILLAGE WATER SUPPLY SYSTEM: PROVIDING FOR THE FIXING OF RATES, COLLECTION AND DISPOSITION OF THE REVENUES OF THE WATER SUPPLY SYSTEM AND TO REPEAL ORDINANCE #214 OF THE VILLAGE ORDINANCES.

THE VILLAGE OF EDMORE ORDAINS:

Section 1. Whereas the bonds issued for the construction of the water supply system have been fully paid, Ordinance 214 of the Village Ordinances is hereby repealed, except as such original Ordinance was amended by Ordinances #219, #224, #225, and #227.

Section 2. Rates for water service presently in effect shall continue until amended by the Village Council.

Section 3. The water system shall be operated on the basis of an operating year commencing March 1, and ending the last day of the following February.

Section 4. Commencing June 1989, revenues of the system and any monies and any funds relating to this system on hand as of the same date, and not allocated to other use, are hereby ordered to be set aside, as collected, and deposited in the appropriate Village account to be designated as the Water Fund.

Section 5. The Village Council, prior to the commencement of each operating year, shall adopt a budget covering the foregoing expenses for each year, and such total expenses shall not exceed a total amount specified in said budget, except by a vote of two-thirds of the members of the Village Council.

Section 6. All Ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. This Ordinance shall be published in full in a newspaper of general circulation in the Village, qualified under state law to publish legal notices, within one week of its adoption, and this Ordinance and its recording authenticated by the signatures of the Village President and the Village Clerk.

Section 8. This Ordinance shall become effective immediately upon its adoption.

Adopted by the Village Council of the Village of Edmore on the twenty-second day of May, 1989.

Roy Pruden, Village President

Shirley Mallory, Village Clerk

**ORDINANCE NO. 233-89**  
ZONING ORDINANCE (as amended)

An Ordinance to establish zoning regulations for the Village of Edmore, Montcalm County, Michigan, providing for the administration, enforcement and amendment, and prescribing penalties for the violation thereof, in accordance with the provisions of Act 07 of the Public Acts of Michigan, 1921, as amended.

The people of the Village of Edmore do ordain:



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## **CHAPTER I**

### **TITLE, PURPOSE, SCOPE AND INTERPRETATION**

#### **SECTION 1.01            TITLE**

This Ordinance shall be known, referred to and cited as the “Village of Edmore Zoning Ordinance”.

#### **SECTION 1.02            PURPOSE**

This Ordinance is based upon the Village of Edmore Comprehensive Plan and is enacted pursuant to and designed to achieve the purposes set forth in the Zoning Enabling Act, as amended. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general appropriate trend and character of land, building and population development.

#### **SECTION 1.03            SCOPE AND INTERPRETATION**

This Ordinance shall not repeal other ordinances except as set for in Section 19.03. Where this Ordinance imposes greater restrictions, limitations, or requirements upon any use of utilization of land than are imposed or required by other existing laws, ordinances, regulations, or private restrictive covenants, the provisions of this Ordinance shall control.



## **CHAPTER II**

### **GENERAL PROVISIONS**

The general provisions are applicable to all districts.

#### **SECTION 2.01 THE EFFECT OF ZONING**

Zoning affects every structure and use within the Village of Edmore and extends vertically. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zone district in which it is based.

#### **SECTION 2.02 RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

#### **SECTION 2.03 RAZING OF BUILDINGS**

No building, excluding those of less than five hundred (500) square feet or less than sixteen (16) feet in height, shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in any amount not to exceed \$1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

#### **SECTION 2.04 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS**

- a. Property owner shall be responsible for the determination of the correct location of their property lines.
- b. In all Residential Districts, not more than one (1) principal building shall be placed on a lot of record.
- c. Any dwelling shall contain not less than nine hundred and sixty (960) square feet of usable ground floor area, exclusive of open porches, garages or steps. Where the district specifies a minimum area, said district control shall apply.
- d. Buildings on corner lots or lots having frontage on two (2) streets shall have applicable front yards on both streets.

- e. Required yard or lot: All lots, yards, parking areas, or other spaces created after the effective date of this ordinance shall comply with minimum requirements of the Zoning District in which they are located. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered, or reduced as to make said area or dimension less than the minimum required under this Ordinance, said area or dimension shall not be further reduced.
- f. No building or structure, except as otherwise provided, shall exceed a height (35) feet or two and one half (2 ½) stories, whichever is lesser, as measured from the mean grade of the building at the front setback.
- g. Existing platted lots: Where two (2) or more adjacent lots are in single ownership and where such lots contain less than the zone district requirements, such lots shall be combined in such a manner that they can be utilized in conformance with the Zoning Ordinance and does not meet the required lot area or width it may be utilized provided that all other requirements of its zone district can be met. In the event the conditions cannot be met and the Board of Appeals determines that there is no practical possibility of obtaining additional land it may permit its use if it will not adversely affect the character of the neighborhood.
- h. Exceptions: The requirements of all zones shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, water tanks, flagpoles, radio and television towers, masts and aerials, grain elevators, stacks, monuments, cupolas, domes, spires and penthouses housing necessary mechanical appurtenances.

## **SECTION 2.05                      TRANSITION ZONING**

The first Residential zoned lot with the side yard adjacent to a B-1, B-2, or I district (without any street intervening between said properties) may be used for uses permitted and as regulated in the Low Density (R-1) Zone district for new residence structures. Such transition lot cannot be construed to extend for more than one hundred fifty (150) feet from such commercial or industrial zone. In addition, said land may be used for offices for doctors, dentists, architects and similar professions. For approval of these uses, a detailed development plan and an architectural sketch of all structures to be erected shall be submitted to the Zoning Administrator to determine that the plan meets the following requirements:

- i. Yard and area requirements of the zone district;
- ii. Parking area and access drives;
- iii. Landscaping and screening plan;
- iv. That the proposed building has a residential appearance keeping in conformity with the character of the adjacent neighborhood.

## **SECTION 2.06                      DRIVEWAY APPROACHES**

Driveway approaches may be of gravel or asphalt. The grade level of the driveway approach which lies on the Village right-of-way shall be such that it does not interfere or hamper grading, plowing or any Village maintenance, and shall be adequately drained to meet the requirement of the Montcalm County Drain Commission. Driveway approaches which lie in the Village right-of-way shall at no time be placed over a water curb stop, sewer lateral or utility service connection.

Driveway Approach Repair: General maintenance repair in the Village right-of-way shall be conducted by the property owner of which property abuts the Village right-of-way. Driveway approaches which lie in the Village right-of-way and must be removed or broken for maintenance of water, sewer, or utility placement or repair or any other reason shall be conducted in the following manner:

- i The Village shall repair or replace gravel or asphalt lying in the Village right-of-way.
- ii The property owner of which property abuts the Village right-of-way shall be responsible for repair or replacement of approaches of cement or any materials not specified in one (1).

## **SECTION 2.07                      FENCES, HEDGES & SHRUBS**

Repealed on February 4, 2018 and replaced with Ordinance 2017-6 Fence Ordinance.

## **SECTION 2.08                      MECHANICAL EQUIPMENT**

Mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, must not be placed closer than the side yard setbacks to adjoining properties. Corn blowers and dryers and similar equipment shall not be closer than five hundred (500) feet to any residential zoned lot or parcel.

## **SECTION 2.09                      COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**

Commercial vehicles with over two axles shall not be parked or stored in residential districts except when performing services.

## **SECTION 2.10                      FALLOUT SHELTERS OR STORM SHELTERS**

Fallout or storm shelters are permitted in any zone district provided the Zoning Administrator approves the plans for entrances, exits, ventilation and conformity with the character of the adjacent neighborhood. Such shelters shall not be used for storage or warehouse purposes.

## **SECTION 2.11**            **KEEPING OF PETS & LIVESTOCK**

The keeping of horses and livestock is permitted on any parcel provided that there shall be a minimum of five (5) acres for the first animal and one (1) additional acre for each additional animal up to and including ten (10) animals.

## **SECTION 2.12**            **ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public utilities or municipal departments, Boards or Commissions of overhead or underground gas, electrical, steam or water, distribution or transmissions systems, collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility buildings, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare shall be permitted, as authorized or regulated by law and other ordinances and standards of the Village of Edmore in any district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this Ordinance.

Notwithstanding the preceding exceptions:

- a. Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six (6) feet high and adequate to obstruct passage of persons or materials.
- b. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
- c. Public utility facilities in any district are required to be constructed and maintained in a neat and orderly manner, and any buildings required shall conform with the general architecture of the neighborhood.
- d. Such structure shall comply with the district setback provisions.

## **SECTION 2.13**            **OUTDOOR STORAGE & WASTE DISPOSAL**

- a. All outdoor storage areas shall be enclosed by a fence or wall adjacent property and shall comply with the district setback provisions.
- b. All materials or wastes which might cause fumes, odors, or dust or which constitute a fire hazard or which may be edible by rodents or insects shall be stored outdoors only in closed watertight containers and screened from the street or adjacent property. No such material or wastes may be stored for a period exceeding ten (10) days.

- c. No materials or wastes shall be deposited on the premises in such forms or manner that they may be moved off the premises by natural causes or forces.
- d. Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.
- e. All outdoor storage facilities for fuel, raw materials, and products for every use, as enumerated and limited herein, located less than one hundred (100) feet from any other district shall be enclosed by a solid fence or wall not less than six (6) nor more than ten (10) feet in height and must be maintained by the property owner.
- f. Property owners shall be liable for all storage and disposal of trash.

#### **SECTION 2.14 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS**

Every use shall be so operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise, or vibration beyond any boundary line of the lot or parcel of land on which the use is located.

#### **SECTION 2.15 TEMPORARY USES OR STRUCTURES REQUIRING BOARD OF APPEALS AUTHORIZATION**

Upon application the Board of Appeals shall issue a permit in accordance with the following provisions for a temporary sales or construction office or storage yard for construction materials and equipment which are to be used on the same site.

- a. Each permit shall be valid for a period of six (6) calendar months and can be renewed by the Zoning Administrator for not more than two (2) successive periods. Further extensions require the issuance of a new permit by the Board of Appeals.
- b. The temporary use of structure is both incidental and necessary to the principal activity or use of the site.
- c. In issuing a permit the Board of Appeals may stipulate conditions with respect to access drives, parking areas, setbacks, screening or fencing and other factors which may be necessary to assure traffic safety and provide reasonable protection to adjacent properties.

## **SECTION 2.16      TEMPORARY USES REQUIRING ZONING ADMINSTRATOR AUTHORIZATION**

Upon application, the Zoning Administrator may issue a permit for the following temporary uses and may stipulate conditions necessary to assure traffic safety or to provide protection to adjacent properties. The denial of any permit or any stipulated condition may be appealed to the Board of Appeals for a final determination.

- a. Christmas Tree Sales yards for a maximum period of 45 days.
- b. The use of sidewalks or parking lots for display purposes within the B-1 District for periods up to five (5) days. Not more than three (3) permits shall be issued for the same lot, parcel or business in any calendar year.
- c. Roadside markets for a minimum period of six (6) continuous months during any calendar year.
- d. Yard and Garage Sales lasting longer than three (3) days. Not more than two (2) permits shall be issued for the same lot or parcel in any calendar year.
- e. Bazaar, festival, carnival, or circus for a maximum period of 14 days. Not more than one (1) permit shall be issued for the same lot or parcel in any calendar year.

## **SECTION 2.17      ACCESSORY USES**

- a. In any district, accessory uses, incidental only to a permitted use, are permitted when located on the same parcel as the principal building provided, that such accessory uses shall not involve the conduct of any business, trade or industry.
- b. Private swimming pool provided it shall not be less than twenty (20) feet from the property line of the property on which it is located, shall be so walled, fenced or screened as to prevent uncontrolled access from the street or adjacent properties and shall meet all setback height restrictions of the district.

## **SECTION 2.18      ACCESSORY BUILDINGS**

- a. No accessory building may be built on any lot or parcel on which there is no principal building.
- b. No portion of an accessory building shall be utilized as a dwelling or as sleeping quarters.
- c. Accessory buildings are prohibited in any required front yard.
- d. Accessory buildings shall meet all side yard requirements and shall not be located closer than ten (10) feet to a rear lot line.

- e. No accessory building shall exceed one story or sixteen (16) feet in height.
- f. The total floor area of all accessory buildings shall not exceed the ground floor area of the principal building.
- g. An accessory building, any portion of which is located six (6) feet or less from the principal building, shall be attached to the principal building by a solidly covered breezeway, portico, covered colonnade or similar architectural device.

## **SECTION 2.19**      **HOME OCCUPATIONS**

- a. Home occupations, which are occupations customarily incidental to the use of the premises as a dwelling place, but excluding occupations in which the use of the premises as a dwelling place is largely incidental to the occupation involved, may be permitted a special use to be granted by the Planning Commission in residential districts in accordance with the procedures established in Chapter 12. Prohibited as a home occupation are personal services, photographic studios, restaurants, retail sales, and automobile repairs.
- b. Persons desiring a permit for a home occupation shall make application for same as a special use to the Planning Commission and if such application is acted on favorably by said Commission, a permit for same shall be issued. Such application for a permit shall contain information as the Planning Commission may require, but in any event, shall include the following:
  - 1. Name of applicant.
  - 2. Location of residence where the home occupation will be conducted.
  - 3. Total floor area of the first floor of the residence.
  - 4. Area of room or rooms to be utilized in the conduct of the home occupation.
  - 5. A sketch showing the floor plan and the area to be utilized for the conduct of the home occupation.
  - 6. The nature of the home occupation.
- c. All home occupations shall be subject to the following:
  - 1. The home occupation shall be conducted within the principal building and only by a resident of the building. Not more than one (1) person shall be employed who is not a resident of the premises.

2. No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters; provided, however, in no event shall such home occupation occupy more than three hundred (300) square feet. No rooms which have been constructed as an addition to the residence, nor any attached garage or porch which has been converted into living quarters, shall be considered as floor area until two (2) years after the date of the completion thereof, as shown by the records of the Planning Commission.
3. For the purpose of identification of such use, one (1) non-illuminated wall sign, not exceeding one (1) square foot in area, may be permitted. Such signs shall identify only the name of the profession and the name of the occupant of the premises.
4. No motor, other than electrically operated motors shall be used in conjunction with such home occupation; and the total horsepower of such permitted electrical motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.
5. There shall be no alteration in the residential character of the premises in connection with such home occupation.
6. No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
7. No articles or materials used in connection with the home occupation shall be stored other than in the principal building so used.

## **SECTION 2.20        SIGNS**

It is the intent of this Ordinance to regulate the size, location and manner of display of signs in the Village of Edmore. All signs hereafter erected shall conform to this Ordinance and all other codes and ordinances of the Village.

- a. **EXCEPTED SIGNS.** The following signs are exempt from the provisions of this ordinance with respect to permits, heights, area and location, unless otherwise specified herein.
  1. Highway signs erected by the U.S. Government, State of Michigan, County of Montcalm, or Village of Edmore.
  2. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.



3. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
5. Placard posted to control or prohibit hunting and/or trespassing within the Village.
6. Essential service signs denoting utility lines, railroad lines, hazards and precautions.
7. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building
8. Temporary signs promoting political parties or candidates so long as such signs are promptly removed after the completion of election activities.

**b. PROHIBITED SIGNS**

1. Automobiles, trucks and truck trailers, farm or industrial machinery, airplanes or other vehicles of any sort, whether operable or inoperable, are not permitted as a sign or billboard in any zoning district in the Village. The provision shall not be interpreted to prohibit lettering or advertising on operable commercial vehicles.
2. Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
3. Any sign which, by reason of its size, locations, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads. In determining whether a sign may constitute a traffic hazard or interfere with traffic safety or visibility, the Building Inspector shall consider the following:
  1. Height, area, supporting structure and distance from the ground level of the sign.
  2. Lighting of the sign.
  3. Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks and other vehicular or pedestrian access ways.

4. Location of the sign in relation to nearby buildings and structures.
  5. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
  6. Any sign unlawfully installed, erected or maintained.
  7. Any sign which is not accessory to the business being conducted on the property on which the sign is located except as otherwise provided in this ordinance.
  8. Any sign projecting into a public right-of-way or dedicated easement except those erected by the Village, County, State or Federal government.
- c. **GENERAL PROVISIONS** The following provisions shall be applicable to all signs in all Districts:
1. Any sign may be illuminated provided the source of light is not visible from any street right-of-way or adjoining property.
  2. No sign shall be illuminated by flashing or intermittent lighting; provided that a sign providing the time and temperature is not prohibited.
  3. No sign, other than an official sign, shall use the words "Stop", "Look", "Danger" or other similar words, not by reason of location, content, coloring, or illumination mislead or confuse traffic or in any other way constitute a traffic hazard.
  4. No sign shall be located more than 35 feet above grade level.
  5. The sign surface of any non-portable, free standing sign shall be located a minimum distance of ten (10) feet above grade in order to not obstruct vision.
  6. All signs shall be maintained in structurally safe condition.
  7. Except as otherwise limited herein, directional, incidental, and official signs shall be permitted in all districts.
  8. Only one side of a sign with two sign faces shall be used to determine compliance with sign area restrictions. The sign area of signs with three or more sign faces shall be reduced to provide no more sign area than would be permitted by the foregoing sentence.
  9. No advertising or business sign shall be painted, constructed, erected or attached to a building prior to the issuance of a permit by the Zoning Administrator.

- d. **SIGNS IN R-1, R-2, & R-3 DISTRICTS.** In addition to signs permitted in all Districts pursuant to Section 2.20 (a) (8), the following signs shall be permitted in the R-1, R-2, and R-3 Districts provided that they are located a minimum distance of ten (10) feet from any street right-of-way or property line.
1. For residential use, one portable sign is permitted per lot for not more than five (5) days per calendar year.
  2. For permitted nonresidential uses one portable sign is permitted per lot for not more than 30 days per calendar years.
  3. For permitted nonresidential uses, multiple family dwelling, and mobile home parks, one business sign, which may be freestanding, not more than 64 square feet in sign area, is permitted per lot.
- e. **SIGNS IN THE B-1, B-2, & I DISTRICTS.** In addition to signs permitted in all districts pursuant to Section 2.20 (a) the following signs shall be permitted in the B-1, B-2, & I Districts provided they are located a minimum distance of two (2) feet from any street right-of-way or property line.
1. Business signs: Provided that not more than two (2) freestanding or wall signs shall be permitted per lot and, further, the aggregate business sign area per lot shall not exceed seventy-five (75) square feet for the first fifty (50) feet of lot frontage and an additional three (3) square feet in area shall be permitted for each additional one (1) foot of lot frontage up to a maximum sign area of one hundred and fifty (150) square feet per lot.
  2. Portable Sign: Provided that said sign or any substitutes therefor shall be limited to an aggregate period of sixty (60) days per calendar year
  3. One advertising sign as a principal use on the lot on which it is located, subject to the requirements of Act No. 106 of the Public Acts of Michigan of 1972, as amended.
- f. **ADVERTISING SIGNS** not regulated by Act No. 106 of the Public Acts of Michigan of 1972, as amended, are permitted within the B-1, B-2 and I districts provided that:
1. The sign shall be at least 200 feet from adjacent property lines and at least 300 feet from all other advertising signs.
  2. The sign shall be located no less than 25 feet from the street right-of-way.
  3. The sign shall not exceed 200 square feet in sign area not be in excess of 35 feet in height.

**SECTION 2.21 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE OF MOBILE HOME  
PARKS**

All dwelling units located outside of mobile home parks shall comply with the following requirements.

- a. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one half (7 ½) feet.
- b. The minimum width of any single-family dwelling unit shall be twenty-four (24) feet for at least sixty seven percent (67%) of its length, measured between the exterior parts of the walls having the greatest length. All dwelling units located in an R-1 or R-2 Residential District shall contain not less than 960 square feet of ground floor area, exclusive of open porches, garages or steps.
- c. There shall be a foundation of concrete or block around the entire exterior of all dwellings. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of eight (8) inches. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals.
- d. All dwellings without basements shall provide either a crawl space below the floor of the dwelling a minimum of sixteen (16) inches in depth with a vapor barrier consisting of two inches of concrete on the floor of the crawl space or shall be built and affixed to a monolithic permanent concrete slab consisting of a minimum of four inches of concrete. Any crawl space shall be provided with adequate drains to drain any accumulation of water in the crawl space. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals.
- e. All dwellings shall be firmly attached to the foundation so as to be watertight, or if a mobile home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards".
- f. The wheels, pulling mechanism and tongue of any mobile home shall be removed prior to placement on a foundation.
- g. All dwellings shall be connected to a sewer or water supply approved by the Village.
- h. Above ground fuel tank containers are not allowed unless the lot is more than two hundred and fifty (250) feet from a natural gas service line. Any above ground fuel tanks/containers shall be screened from view from the adjoining street or adjacent dwellings by enclosure in a storage shed or opaque ornamental fencing.

- i. All dwellings shall provide steps or porch areas, permanently affixed to the foundations, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.
- j. All habitable additions to dwellings shall meet all of the requirements of this ordinance.
- k. All single family dwellings shall provide for a minimum of eighty (80) square feet of enclosed storage space, excluding closets. Said enclosed storage space may consist of a basement, garage, shed or other structure approved by the Zoning Administrator.
- l. All dwelling units shall provide for a driveway and/or parking area surfaced with concrete, asphalt, or gravel.
- m. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, and shall require a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage as collection points along side of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, roof pitch, design and appearance of the majority of residential dwellings located outside of the mobile home parks within five hundred (500) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique contour, or relief from the common or standard designed home.
- n. Prior to the issuance of a zoning permit for any dwelling unit, construction plans, including a plot plat, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling unit complies with the standards for mobile home construction.

## **CHAPTER III**

### **NONCONFORMING USES**

#### **SECTION 3.01 CONTINUANCE OF NONCONFORMING USES OR STRUCTURES**

The lawful use of any building or structure and of any land or premises as existing and lawful at the time of enactment of this Zoning Ordinance, or in the case of an amendment, at the time of enactment of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or amendment.

#### **SECTION 3.02 EXPANSION**

Structure or uses nonconforming by reason of zoning classification, of height and area, parking and loading provisions only may be altered, remodeled or modernized provided that all height and area, parking and loading provisions are complied with respect to any extension or enlargement and provided that the Zoning Administrator shall determine that any alterations, remodeling or modernization shall not substantially extend the life of any nonconforming structure. Any structure which is nonconforming at the time of enactment of this Ordinance or amendment by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or any loading space to meet requirements for any extension, enlargements or change or use to one requiring greater areas for parking and/or unloading.

No nonconforming use of any land or structure shall hereafter be enlarged or extended except after a variance by the Board of Appeals and which approval shall be granted only upon a finding of all of the following facts:

- a. That the enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use became nonconforming do not in total exceed fifty (50) percent of the area of the original nonconforming area;
- b. That the enlargement or extension will not become a precedent for variations in the area;
- c. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.

### **SECTION 3.03 RESTORATION AND REPAIR**

Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made. In the event any nonconforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored provided the cost thereof shall not exceed one half (1/2) the value of such building or structure after such rebuilding or restoration; said determination to be made by the Zoning Administrator or on appeal by the Board of Appeals.

In the event any nonconforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, and the cost of rebuilding or restoration shall exceed one half (1/2) the value of such building or structure after rebuilding or restoration, the same shall be permitted only with the approval of the Board of Appeals which approval shall be granted only upon a finding:

- A. That such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use, and must conform to the original size and location, or
- B. That circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.

### **SECTION 3.04 NONCONFORMING USE DISCONTINUED**

In the event that any nonconforming use is discontinued, vacated or nonoperating for a period of one (1) year, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

### **SECTION 3.05 BUILDING UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE**

Any building shall be considered to have been lawfully in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained thereof, if required, or otherwise a substantial start has been made toward construction and will conform to the original permit with completion within one year of the effective date of this Ordinance.

### **SECTION 3.06 CHANGE OF A NONCONFORMING USE**

A nonconforming use may be changed to another nonconforming use which is more restrictive than the existing use if approved by the Board of Appeals. However, once a nonconforming use is changed to a more restrictive nonconforming use, it shall not be changed back to its original nonconforming use. A nonconforming use cannot be reestablished after it has been changed to a conforming use.

## **CHAPTER VI**

### **MAPPED DISTRICTS**

#### **SECTION 4.01          ZONE DISTRICTS**

For the purpose of this Ordinance the Village of Edmore is hereby divided into the following zoned districts:

- a. R-1      Low Density Single Family Residential District
- b. R-2      One and Two Family Residential District
- c. R-3      Medium Density Multiple Family Residential District
- d. B-1      General Business District
- e. B-2      Highway Business District
- f. I          Industrial District
- g. PUD      Planned Unit Development District

#### **SECTION 4.02          THE ZONING MAP**

The locations and boundaries of these descriptions are hereby established as shown on a map, entitled "The Zoning Districts Map of the Village of Edmore, Michigan", which accompanies and is made a part of this Ordinance. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines
- b. Boundaries indicated as approximately following platted lines shall be construed as following Village boundaries.
- c. Boundaries indicated as approximately following Village boundaries shall be construed as following Village boundaries.
- d. Boundary lines parallel to streets, or roads, without indicating the depth from the street line, shall be construed as having a depth of one hundred thirty two (132) feet from the front line.



- e. Boundaries indicated as approximately following property lines or section lines or other lines shall be construed as following such lines as of the effective date of this Ordinance, (or applicable amendment).
- f. The Board of Appeals shall interpret the district boundaries in all circumstances not covered by subsections (a) through (e) above.

**SECTION 4.03                    AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where property has not been specifically included within a district, including all cases of property becoming a part of this Village subsequent to the date of enactment of this Ordinance, such property shall be in the “R-1” Low Density Single Family Residential District.

## **CHAPTER V**

### **R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 5.01 DESCRIPTION AND PURPOSE**

It is the intent of this Ordinance to designate certain portions of the Village exclusively for low density, single family dwellings. Certain complimentary religious, educational, and recreational facilities may also be permitted as special uses.

#### **SECTION 5.02 USE REGULATIONS**

In the R-1 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any conditions other than the following:

- a. Single family dwelling.
- b. Foster family homes, foster family group homes and adult foster care family homes.
- c. Agriculture on parcels of land outside the boundaries of a recorded subdivision having an area of not less than five (5) acres.
- d. Signs as regulated in Section 2.21.
- e. The following uses when authorized as a special use by the Planning Commission utilizing the standards and requirements provided in Chapter 12.
  1. Churches, public, private and parochial schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
  2. Parks, playgrounds, community centers, governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or nonprofit organization.
  3. Municipal, denominational and private cemeteries.
  4. Home occupations in accordance with the provisions of Section 2.20.
  5. Family day care homes.

### **SECTION 5.03**      **AREA REGULATIONS**

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- a. Front yard – There shall be a front yard setback of not less than thirty (30) feet.
- b. Side yard – There shall be total side yards of not less than twenty-five (25) feet; provided, however, that no yard shall be less than ten (10) feet.
- c. Rear Yard – There shall be a rear yard of not less than forty (40) feet.
- d. Lot Area – The minimum lot area for a single-family dwelling shall be ninety-six hundred (9600) square feet.
- e. Lot Width – The minimum lot width at the front yard setback line shall not be less than eighty (80) feet.

### **SECTION 5.04**      **PARKING**

Off street parking shall be provided in accordance with the regulations of Chapter 14.

## **CHAPTER VI**

### **R-2 ONE & TWO FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 6.01 DESCRIPTION AND PURPOSE**

It is the intent of this Ordinance to designate certain portions of the Village for medium density one and two family dwellings. Certain complimentary religious, educational and recreation facilities may also be permitted as special uses.

#### **SECTION 6.02 USE REGULATIONS**

In the R-2 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- a. Single family dwellings.
- b. Foster Family homes, foster family group homes and adult foster care family homes.
- c. Two family dwellings.
- d. The following uses when authorized as a special use by the Planning Commission utilizing the standards and requirements provided in Chapter 12:
  1. Churches, public, private and parochial schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
  2. Parks, playgrounds, community centers, governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or nonprofit organization.
  3. Municipal, denominational and private cemeteries.
  4. Home occupations in accordance with the provisions of Section 2.19.

#### **SECTION 6.03 AREA REGULATIONS**

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area, and building coverage requirements:

- a. Front yard - There shall be a front yard setback of not less than twenty-five (25) feet.
- b. Side yard – There shall be a side yard setback of not less than seven (7) feet.

- c. Rear yard – There shall be a rear yard setback of not less than twenty-five (25) feet.
- d. Lot Area – The minimum lot area for a single family dwelling shall be eight thousand seven hundred and twelve (8,712) square feet and for a two family dwelling thirteen thousand and sixty-eight (13,068) square feet.
- e. Lot Width – The minimum width at the front yard setback line shall not be less than sixty-six (66) feet for a single family dwelling and ninety-nine (99) feet for a two family dwelling.

**SECTION 6.04            PARKING**

Off street parking shall be provided in accordance with the regulations of Chapter 14.

## **CHAPTER VII**

### **R-3 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 7.01 DESCRIPTION AND PURPOSE**

It is the intent of this Ordinance to designate certain portions of the Village for multiple family developments, including mobile home parks as a special use. Certain other related and complimentary uses are also permitted.

#### **SECTION 7.02 USE REGULATIONS**

In the R-3 District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- a. Any permitted in the R-2 Zoning District, subject to the same conditions, restrictions, and requirements as are provided in the R-2 Zoning District.
- b. Multiple family dwellings.
- c. The following uses when authorized as a special use by the Planning Commission utilizing the standards and requirements provided in Chapter 12:
  1. Churches, public, private and parochial schools, libraries, museums, art galleries and similar uses, when owned and operated by a governmental agency or nonprofit organization.
  2. Parks, playgrounds, community centers, governmental, administration or service buildings including fire stations and other public service facilities which are owned and operated by a governmental agency or nonprofit organization.
  3. Municipal, denominational and private cemeteries.
  4. Home occupations in accordance with the provisions of Section 2.19.
  5. Nursing homes and senior citizens housing.
  6. Nursery schools, trade and vocational schools, and schools for music, dance and other performing arts.
  7. Family day care homes, group day care homes, adult foster care small and large group homes, adult foster care congregate facilities and child care centers.

8. Mobile home parks, provided they are in conformance with all state regulations governing mobile home parks, including the Mobile Home Commission Act of 1976, as amended, the mobile home code and rules promulgated thereunder, and this Ordinance. In considering a request for a mobile home park, the Planning Commission shall insure that the following standards and requirements can be met:
  - 1) Minimum Area – Each mobile home park shall be owned and operated as one (1) entity or on a subdivision basis and shall contain a site of at least ten (10) acres.
  - 2) Buffer Zones – All mobile home parks shall provide and maintain, at a minimum, a fifty (50) foot buffer from any public street right-of-way or property line, whichever is greater, that borders the park and a twenty (20) foot buffer where the park boundary is adjacent to the neighboring properties. The Planning Commission may require a greenbelt planting strip with a width of no less than ten (10) feet along all property lines. The greenbelt planting strip shall contain at least one (1) staggered row of deciduous and/or evergreen trees, spaced not more than twenty (20) feet apart and at least one (1) row of deciduous or evergreen shrubs at least three (3) feet high at planting time, spaced not more than eight (8) feet apart and which grow to an ultimate height of at least twelve (12) feet. Alternative screening devices may be utilized if they protect the mobile home park as effectively as the required landscaping described above and if approved by the Planning Commission when the Special Use Permit is granted. In Considering whether to impose a greenbelt planting strip or alternative screening device, the Planning Commission shall consider the uses of the adjoining properties and whether these adjoining properties are compatible or incompatible with the mobile home park use.
  - 3) Minimum Lot Area – All mobile home lots within the park shall have an average lot area of five thousand five hundred (5,500) square feet, not including open spaces.
  - 4) Minimum Mobile Home Size – No mobile home in any mobile home park shall contain less than seven hundred twenty (720) square feet of living area.
  - 5) Corner Lots – Where a mobile home lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence, structure or planting over thirty-six (36) inches in height shall be located on any corner lot within the required front yards. Additionally, corner lots shall be occupied and maintained in a manner which will allow clear vision for vehicular traffic traveling on both roadways.
  - 6) Parking – There shall be no on-street parking allowed within a mobile home park. All parking shall be provided in off-street parking areas with at least two parking spaces on site for each mobile home. All parking spaces, areas, or bays shall

conform to the rules and standards set forth by the Michigan Mobile Home Commission.

- 7) Access from Major Streets – Each mobile home park containing at least 100 lots shall have a minimum of at least two (2) access streets that enter from a public street and all mobile home parks shall provide a continuous route of travel throughout the park.
- 8) Signs – A maximum of one (1) identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed twelve (12) square feet in area. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed twenty-four (24) square feet. Each light is not visible and not the flashing or intermittent type and, furthermore, shall be located from the street a distance equal to the required front or side yard, whichever the case may be.
- 9) Mobile Home Sales – The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. It shall be deemed a commercial operation to use mobile homes located on lots as models for the sale of different mobile homes either on or off the premises of the park. However, mobile homes located on lots within the mobile home park may be sold by the owner or operator of the park provided that all mobile homes are installed on the lots and attached to all available utilities. This section shall not prohibit the sale of a resident's used mobile home in a mobile home park.
- 10) Underground Utilities – All public and private utilities shall be installed underground.
- 11) Skirting – Skirting shall be installed along the base of each mobile home, sufficient to hide the undercarriage and supports from view and in conformance with Michigan Mobile Home specifications regarding skirting.
- 12) Streets and Parking Areas – All streets and parking areas in a mobile home park shall be hard surfaced and properly drained as required by the Michigan Mobile Home Commission. Additionally, each internal street shall be curbed to allow appropriate accumulation of storm water on individual lots. Off-street parking shall be provided for each mobile home as discussed in Section 6 above. Additionally, off-street parking shall be provided for guests as required by the Mobile Home Commission. Dead-end streets leading into a turn around shall not be longer than 500 feet and shall provide adequate space for emergency vehicles to turn around



- 13) Central Television Antenna – If a mobile home park has a master television antenna system, it must be underground. Exterior antennas shall not be permitted on individual mobile home lots.
- 14) Drainage – An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided. The requirements for each particular mobile home park shall be provided. Construction of storm drainage systems shall be in accordance with the standards, specifications, and rules adopted by the Michigan Department of Public Health.
- 15) Vehicle Storage – Outside storage of recreational vehicles, etc. is prohibited. If a mobile home park is to allow storage of campers, 3-wheelers, trailers, motor homes, boats, snowmobiles, and other vehicles ordinarily towed or driven for a special purpose, then the mobile home park shall provide a designated storage area which shall be screened by a solid-type fence five (5) feet in height around its perimeter or by some other screening device which is approved by the Planning Commission when the Special Use permit is granted.
- 16) Water and Sewer Service – Each mobile home in a mobile home park shall be provided with water and sewer service approved by the Michigan Department of Public Health and compatible with the water and sewer service systems as approved by the Village of Edmore. Each mobile home park and structures located therein shall be connected to the public sewer system as these systems become available.
- 17) Village Approval – Before the Planning Commission considers the issuance of a Special Use Permit for a mobile home park, the applicant shall submit a site development plan in accordance with Section 13.04 of this Ordinance.

### **SECTION 7.03**            **AREA REGULATIONS**

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- a. Front Yard – There shall be a front yard setback of not less than twenty-five (25) feet.
- b. Side Yard – There shall be total side yards as follows:
  1. For single and two family dwellings, there shall be a minimum side yard of ten (10) feet on each side.

2. For multiple family dwellings and all other permitted uses, each side yard shall be no less than twenty (20) feet.
- c. Rear Yard – There shall be a rear yard of not less than thirty (30) feet.
  - d. Lot Area:
    1. For single family dwellings, the minimum lot area shall be eight thousand, seven hundred and twelve (8,712) square feet.
    2. For two family dwellings, the minimum lot area shall be thirteen thousand and sixty-eight (13,068) square feet.
    3. For multiple family dwellings the minimum lot area shall be five thousand (5,000) square feet for each dwelling unit.
    4. For all other permitted uses the minimum lot area shall be nineteen thousand, eight hundred (19,800) square feet.
  - e. Lot Width:
    1. The minimum lot width for a one or two family dwelling shall be sixty six (66) feet.
    2. The minimum lot width for multiple family dwelling shall be ninety nine (99) feet.
    3. The minimum lot width for all other permitted uses shall be one hundred fifty (150) feet.

#### **SECTION 7.04      PARKING**

Off street parking shall be provided in accordance with the regulations of Chapter 14.

## **CHAPTER VIII**

### **B-1 GENERAL BUSINESS DISTRICT**

#### **SECTION 8.01 DESCRIPTION AND PURPOSE**

This district is composed of certain land and structures used to provide for the retailing and wholesaling of goods primarily within the downtown area. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect the abutting residential districts.

#### **SECTION 8.02 PERMITTED USES**

For land and/or buildings, the permitted uses and height and area requirement of the B-1 Zone are as follows, unless authorized by the Zoning Administrator, all businesses shall be fully contained within a building.

- Antique shop, provided all articles for sale are displayed or stored within the shop.
- Automotive sales – New Cars.
- Automotive supply parts and accessories.
- Awning or canvas store.
- Bakery
- Banks, loan and finance offices.
- Barber and/or beauty shops.
- Bars, grills and cocktail lounge.
- Billiard hall, pool hall or carom hall.
- Billboards: subject to requirements of Section 2.20.
- Bus station and travel agency.
- Business or trade school.
- Camera and photo supplies store – optical and surgical good and services.
- Catering service, delicatessen and confectionery store.
- Clinic; dental and medical including laboratory.
- Clothes or wearing apparel shop.
- Contractor (plumbing, hearing, electrical etc.) Provided all operations and storage are completely enclosed in a building.
- Crating and packing service.
- Dairy products store and delicatessen – excluding “drive-in”.
- Dance studio – photographic studio.
- Department store, specialty apparel, and discount stores.
- Diaper, linen and towel supply service.
- Drug store.
- Dry cleaning and laundry; custom and self service.
- Dry goods or notions store

- Egg and poultry store (no outside slaughtering – excluding live poultry).
- Electrical supplies; wholesale and storage.
- Exterminator service.
- Factory and mill supplies.
- Florist and gift shop – jewelry stores.
- Frozen food locker.
- Fruit and vegetable markets.
- Funeral home and ambulance service.
- Furniture and household furnishings.
- Garden and lawn supply store.
- Grocery, supermarkets, and meat processing (no slaughtering).
- Hardware and sporting goods.
- Hotels and Motels.
- Ice distributing station.
- Juke box and vending machine service and distribution.
- Laboratory, medical or dental.
- Landing and take off areas for rotor propelled craft.
- Liquor store (sale by package only).
- Locksmiths.
- Luggage, camping supplies and equipment.
- Malt beverage, liquor and wine distribution.
- Musical instruments.
- Offices: Professional and Business (may include display and/or retail, wholesale sale of goods).
- Office machines, sales, and service.
- Office supply store.
- Ornamental iron work and fence service.
- Paint, wallpaper and floor coverings store.
- Parcel delivery station.
- Parking lot (subject to provisions of Chapter 13).
- Printing and publishing including processes related thereto.
- Professional studio.
- Plumbing and heating and sheet metal shops (including punching of material of one-eighth (1/8) inch or less in thickness).
- Radiator repair shop.
- Radio and TV sales, repair and broadcasting studios and towers.
- Resale shops, china, clothing and furniture, but does not include “auction houses”.
- Restaurants.
- Retail stores.
- Shoe store; sales and repair.
- Sign Painting and servicing shops.
- Special tools and gauges; checking and service.

- Tire and battery shops, excluding rebuilding and recapping.
- Trade schools.
- Travel agencies.
- Toys, playground equipment and variety stores.
- Other retail uses as approved by the Board of Appeals upon application for a zoning permit.

### **SECTION 8.03            AREA REGULATIONS**

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot areas and building coverage are provided and maintained in connection with such building, structure or enlargement.

- Front Yard – none required.
- Side Yard – Where the side of a lot in the B-1 Zone abuts upon the side yard of a lot in any R District, there shall be a side yard of not less than fifteen (15) feet, in addition to the transitional use privileges detailed in Section 2.05.
- Rear Yard – Every lot shall be provided with a rear yard not less than ten (10) feet in depth; provided, however, when such lot abuts any R District, it shall have a rear yard not less than fifteen (15) feet in depth.
- Lot Area – There is no minimum lot area within the B-1 General Business District.
- Lot Width – There is no minimum lot width within the B-1 General Business District.

### **SECTION 8.04            GREENBELTS**

A greenbelt as defined in Section 20.51 shall be provided and maintained along any side or rear yard which adjoins any Residential Zone.

### **SECTION 8.05            PAARKING**

Off street parking and loading areas shall be provided as regulated in Chapter 14.

## **CHAPTER IX**

### **B-2 HIGHWAY BUSINESS DISTRICT**

#### **SECTION 9.01            DESCRIPTION AND PURPOSE**

This district is composed of certain lands and structures located principally along major highways. In this district, the major uses are those freestanding uses that cater to the traveling public. It is the intent to develop attractive and efficient grouped business areas which are convenient and have buildings of harmonious design.

#### **SECTION 9.02            PERMITTED USES**

For land and/or buildings, the permitted uses and height and area requirements for the B-2 District are as follows:

- Antiques, reproductions, art goods and souvenirs.
- Apparel and accessories shop.
- Automobile display room.
- Automobile truck and trailer sales.
- Automobile storage garage.
- Bank, loan and finance offices, including drive in branches.
- Bar, grill and cocktail lounge.
- Barber and beauty shops.
- Bottling of soft drinks and milk, provided a building used for such purpose shall be at least one hundred (100) feet from any Residential District.
- Candy, food, ice cream and soft drink shops, including “drive-ins”.
- Child care centers.
- Delicatessens and “party” stores.
- Drugstore.
- Dry cleaning and laundry; custom and self serve.
- Eating place.
- Farm equipment sales and service.
- Florist and gift shop.
- Furniture, lamps, china, and/or appliance store.
- Garden and lawn center (supplies, furniture, plants, and shrubs).
- Grocery, specialty fruit, nut and candy stores, and supermarkets.
- Hardware, sporting goods and hobby shops.
- Jewelry, leather goods, luggage, optical goods and curios.
- Liquor, wine, gourmet shops (packaged goods only).
- Radio and TV sales, repair and broadcasting studios and towers.

- Offices; Professional and Business (may include display and/or retail, wholesale sale of goods) except Veterinary Clinic's.
- Pet shop, not including the treatment and boarding of animals.
- Photographic equipment and supplies.
- Shoe store; sales and repair.
- Sporting goods, equipment and supplies.
- Stone cutting, providing cutting operations are conducted within a completely enclosed building.
- Toy and novelty stores.
- Travel agency and bus station.
- Any other retail business or service establishment which is determined by the Board of Appeals to be of the same general character as the above permitted uses or to provide special convenience and service for the highway traveler.

### **SECTION 9.03                      AREA REGULATIONS**

- a. Front Yard – There shall be a front yard setback of not less than fifty (50) feet.
- b. Side Yard – No side yard shall be required where buildings are constructed on the side lot line and connect with buildings on adjacent parcels of land. If the buildings are not connected, side yards of no less than twenty (20) feet shall be provided.
- c. Rear Yard – There shall be a rear yard of no less than twenty (20) feet.
- d. Lot Area – The minimum lot area shall be fifteen thousand (15,000) square feet and buildings shall not occupy more than twenty-five (25%) percent of the total area.
- e. Lot Width – The minimum lot width at the front yard setback line shall not be less than one hundred (100) feet.

### **SECTION 9.04                      GREENBELTS**

A greenbelt as defined in Section 20.51 shall be provided and maintained along any side or rear yard which adjoins any Residential Zone.

### **SECTION 9.05                      PARKING**

Off Street parking and loading areas shall be provided as regulated in Chapter 14.

## **CHAPTER X**

### **I INDUSTRIAL DISTRICT**

#### **SECTION 10.01 DESCRIPTION AND PURPOSE**

This district is composed of certain land so situated as to be suitable for industrial development, but where the modes of operations of the industry may directly affect nearby non-industrial development. The regulations are so designed as to permit the normal operations of almost all industries, subject only to those needed for their mutual protection and the equitable preservation of nearby non-industrial uses of lands.

#### **SECTION 10.20 PERMITTED USES**

For land and/or buildings, the permitted uses and height and area requirements of the I – District are as follows:

- (a) Manufacturing, processing and/or fabrication – Any structure used thereof shall not be less than one hundred (100) feet from and R or PUD District.
- Automotive and aircraft parts (not including tires) and metal working excluding presses of over twenty (20) tons capacity and machine operated drop hammers.
  - Automotive assembling, including major repair.
  - Bag, rug and carpet cleaning.
  - Bakery; large wholesale and chain types.
  - Bottling Plant, brewery, dairy products plant.
  - Candy, potato chips, flavoring extracts.
  - Cleaning or dyeing plants and laundries.
  - Cold Storage plant.
  - Electrical equipment and motor.
  - Electric foundry or small foundry for nonferrous metals.
  - Experimental laboratory.
  - Felt and felt products.
  - Flexible hose lines and fittings; basic manufacture.
  - Garage maintenance tools and equipment.
  - Garment making; apparel and accessories.
  - Heating and air conditioning equipment.
  - Mattress making and box springs.
  - Paper products fabrication.
  - Pharmaceuticals, cosmetics and toiletries.
  - Plastic products from purchased plastic materials.
  - Professional and scientific instruments.



- Surgical supports and hospital equipment.
- Tool and die shops – screw machine products.
- Tube fabrication; bending and welding.
- Wire fabricators.
- Wood products assembly.
- Any other light manufacturing, processing and/or fabrication but not including any uses specifically listed in Section 11.03 (a).

(b) Manufacturing (basic, processing and/or fabrication – Any structure used thereof shall be not less than two hundred (200) feet from any R or PUD District.

- Abrasives, acid, alcohol, ammonia, and asbestos.
- Bone black, carbon black, and lamp black.
- Brick, clay, tile manufacture.
- Canning and preserving plants.
- Charcoal and coke; basic manufacture.
- Chemicals, manufacture or processing.
- Cinder block fabrication.
- Creosote treatment.
- Detergents, soaps and by-products.
- Forge plant, foundries.
- Fungicides and insecticides.
- Galvanizing and anodizing processes.
- Gases; manufacture – excluding refineries.
- Glass products
- Glue, size or gelatin; manufacture.
- Grain milling and mixing.
- Graphite; manufacture.
- Insulation, manufacture or fabrication.
- Metals, ingots, castings, sheets, bars or rods.
- Oils and fats, animal or vegetable; manufacture.
- Paints, pigments, enamels, japans, lacquer, varnishes.
- Paper pulp and cellulose.
- Paraffin, wax and wax products.
- Plastics, basic manufacture.
- Plating of metals.
- Rubber and rubber products; manufacture.
- Sauerkraut, vinegar and yeast; manufacture.
- Sawmill or planing mill.
- Serums, toxins, viruses; manufacture.
- Sound deadeners, caulking, mastic and undercoating; manufacture.

- Any other basic manufacturing processing and/or fabrication, but not including any uses specifically listed in Section 11.03 (iii) and Section 11.03 (a) (iv).
- (c) Sales at wholesale and retail – Warehousing and storage; and repair, rental and servicing of any of the uses enumerated in Section (a) and (b) above, provided any building used for such purpose shall be located not less than seventy-five (75) feet from any R or PUD District.
- (d) Other uses permitted.
- Auction houses – If operation ceases before midnight.
  - Billboards – subject to the requirements of Section 2.20 General Provisions.
  - Canteen Service.
  - Contractor’s yards for vehicles, equipment, materials, and/or supplies, but excluding asphalt and cement mixing, provided that such yards shall be not less than two hundred (200) feet from any R or PUD District.
  - Garbage or trash disposal areas, dumps, sanitary landfills.
  - Gasoline service stations, provided buildings used for such purposes shall not be nearer than one hundred (100) feet to any R or PUD District.
  - Kennels – three hundred (300) feet from any R or PUD District.
  - Livestock auction – not closer than three hundred (300) feet from any R or PUD District.
  - Municipal buildings, including warehouses, outside storage and garages, provided that such building and premises one hundred (100) feet to any R or PUD District.
  - Offices and/or meeting halls (excluding halls for social purposes) shall not be nearer than twenty (20) feet from any R or PUD District.
  - Parking and/or storage yards for motor vehicles (excluding junked vehicles) and including transport equipment, provided such yards shall be not less than two hundred (200) feet from any R or PUD District.
  - Trucking freight terminal and yards, provided that such buildings shall be not less than two hundred (200) feet from any R or PUD District.
  - Veterinary clinic not less than three hundred (300) feet from any R or PUD District.
- (e) The following uses when conducted wholly within a completely enclosed building or within an area enclosed with an Industrial Grade woven wire fence of not less than six (6) nor more than ten (10) feet in height to be maintained by the property owner. All operations shall be at least fifty (50) feet from any R or PUD District.
- Building material sales yard, not including concrete or asphalt mixing.
  - Retail lumber yard, including only incidental mill work.
  - Coal, feed, fertilizer sales and storage.
  - Carting, packing and moving companies including storage of goods and vehicles.

- Contractor's equipment storage yard or plant, but not including outdoor repair or outdoor salvage operations.
- Public utility material storage and service yard.
- Truck terminal including motor freight station and storage yard.
- Outdoor advertising service including construction and storage of materials and equipment.
- Pattern making (lightweight nonferrous metals).
- Welding shops.

### **SECTION 10-03          AREA REGULATIONS**

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard requirements are provided and maintained in connection with such building structure or enlargement.

- a. Front Yard – There shall be a front yard setback of not less than forty (40) feet.
- b. Side Yard – There shall be a side yard setback of not less than twenty (20) feet.
- c. Rear Yard – There shall be a minimum rear yard setback of not less than thirty (30) feet.
- d. Lot Area – The minimum lot area shall be twenty thousand (20,000) square feet and buildings shall not occupy more than twenty-five (25) percent of the total lot area.
- e. Lot Width – The minimum lot width at the front yard setback line shall not be less than one hundred and fifty (150) feet.

### **SECTION 10.04          GREENBELTS**

A greenbelt as defined in Section 20.51 shall be provided and maintained along any side or rear yard which adjoins any residential zone.

### **SECTION 10.05          PARKING AND LOADING AREAS**

Off street parking and loading areas shall be provided as required in Chapter 14.

## **CHAPTER XI**

### **PUD – PLANNED UNIT DEVELOPMENT DISTRICT**

#### **SECTION 11.01            DESCRIPTION AND PURPOSE**

The provisions of this Chapter provide enabling authority and standards for the submission, review and approval of applications for Planned Unit Developments. It is the intent of this chapter to authorize the consideration and use of Planned Unit Development Regulations for the following purposes:

1. To encourage the use of land in accordance with its character and adaptability.
2. To promote the conservation of natural features and resources.
3. To encourage innovation in land use planning and development.
4. To promote the enhancement of housing, employment, shopping, traffic circulation and recreational opportunities for the resident of the Village.
5. To promote and ensure greater compatibility of design and use between neighboring properties.
6. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to insure appropriate, fair and consistent decision making.

#### **SECTION 11.02            PUD USE REGULATION**

Subject to the provisions contained herein, a Planned Unit Development may be approved in any location within the Village of Edmore. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety and welfare protection mechanisms being designed into the development, and the following:

1. **Minimum Size.** In order to be eligible for PUD rezoning the proposed area shall consist of a minimum of two (2) acres except in the case of a two-family or multiple family dwelling project there is no minimum area requirement.

2. Demonstration of Applicability. To be approved, any planned unit development must demonstrate that:
  - a. Grant of the planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
  - b. In relation to underlying zoning, the proposed type and density of use shall not result in an unreasonable increase in the need for public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
  - c. The proposed development shall be compatible with the general development plan of the Village and shall be consistent with the intent and spirit of this Chapter.
  - d. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
  - e. The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development.
  - f. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.

### **SECTION 11.03 PROJECT DESIGN STANDARDS**

The Planning Commission and Village Council shall in the review of a proposed Planned Unit Development, take into account the following specific design considerations, as they are necessary to insure compliance with all applicable regulations as well as the compatibility of the project with adjoining properties and the general area in which the property is located.

- a. Perimeter setbacks.
- b. Street drainage and utility design with respect to location, availability, ownership and compatibility.
- c. Underground installation of utilities.
- d. Insulation of pedestrian ways from vehicular streets and ways.
- e. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.

- f. Noise reduction and visual screening mechanisms for adjoining residential uses.
- g. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity and emergency access.
- h. Off street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration and odor emanating from such facilities on adjoining properties and uses.
- i. Screening and buffering with respect to dimensions and character.
- j. Yard area and other open spaces.
- k. Density and intensity of development expressed in terms of percent of gross and net land area coverage or gross and net housing units per acre and the height of buildings and other structures.

#### **SECTION 11.04                      PROCEDURE FOR REVIEW AND APPROVAL**

1. Effects.     The grant of a planned unit development application shall require an amendment of the zoning ordinance and the zoning map constituting a part of this Ordinance. Further, an approval granted under this Chapter, including all aspects of the final plan and conditions imposed, shall constitute an inseparable part of the zoning amendment.
2. Preliminary Development Plan.     The owner who elects to proceed under this PUD section shall submit to the Planning Commission a Preliminary Development Plan, together with an application for approval thereof, and including any then existing or proposed arrangements of street, lots, rail spurs, access points, buffer strips, and rail, water, highway or other transportation arrangement, and the relationship of the tract of land involved to surrounding property. Approval of the plan by the Planning Commission may be conditioned upon suggested changes in the plan which are in accord with the spirit, purpose and intent of this section and the Ordinance of the Village of Edmore.

Following review of the preliminary development plan, the Planning Commission shall make its recommendations on findings of fact relative to Section 11.02 of this Chapter along with any comments and recommended modifications to the plan relative to Section 11.03. These shall be made part of the official minutes of the Planning Commission.

3. Transmittal of Planning Commission Recommendations.     The Planning Commission shall transmit its recommendation and comments relative to the preliminary development plan to the applicant. A copy of the Planning Commission recommendations together with the preliminary development plan shall be forwarded to the Village Clerk.

4. Final Development Plan – Submission, Final Action. Within six (6) months following receipt of the preliminary plan approval, the applicant shall submit to the Planning Commission three (3) copies of a Final Development Plan. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning Commission and acted upon by the Planning Commission and Village Council. If the final plan has not been submitted within such period, the preliminary plan approval shall lapse, and the applicant must recommence the review process, provided, the Planning Commission may extend the time for submission of the final plan upon showing by the applicant that no material change of circumstance has occurred.
5. Final Development Plan Application Requirements. Application for final development plan approval shall include the following:
  - a. A final site plan meeting all the requirements for site plan review under section 13.04 of this Ordinance.
  - b. All open spaces, including preserves and recreational areas, and each proposed use for such areas.
  - c. In the event the property on which the project is to be situated consists of three (3) or more acres, the Village Council may after recommendation of the Planning Commission, require one or more of the following as part of final development plan submission:
    - 1) Evidence of market need for the use(s) and economic feasibility of the project.
    - 2) A Community Impact Statement,
    - 3) A Traffic Impact Assessment.
    - 4) An Environmental Impact Assessment.
    - 5) A Fiscal Impact Assessment.

#### **SECTION 11.05      PERFORMANCE GUARANTEES**

The Village Council after recommendation from the Planning Commission, or at its own discretion, may require reasonable performance guarantees to insure the completion of proposed improvements.

## **SECTION 11.06            CONDITIONS**

Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of:

1. Insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased demand caused by the land use or activity;
2. Protecting the natural environment and conserving natural resources and energy;
3. Insuring compatibility with adjacent uses of land; and
4. Promoting the use of land in a socially and economically desirable manner.

Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole. They shall be reasonably related to the matters affected by the planned unit development, shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved Planned Unit Development.

## **SECTION 11.07            PHASING AND COMMENCEMENT OF CONSTRUCTION**

1. PHASING: Where a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, phasing shall contemplate that at least 35 percent of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations and determined at the discretion of the Village Council and, further, such percentages maybe significantly varied should the Village Council determine that the applicant has presented adequate and effective assurances that the residential component or components of the project shall be completed within a specified period.



2. **COMMENCEMENT AND COMPLETION OF CONSTRUCTION:** Construction shall be commenced within one year following final approval of a planned unit development, or within one year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, the Planning Commission may initiate action to rezone the property back to its former zoning district. An extension for a specified period may be granted by the Village Council upon good cause shown if such request is made to the Village Council prior to the expiration of the initial period.

#### **SECTION 11.08**      **EFFECT OF APPROVAL**

If and when approved, the planned unit development amendment, and all conditions imposed, of any, shall constitute the land use authorization for the property. All improvements conformity with such amendment.

#### **SECTION 11.09**      **FEES**

There shall be an advance payment of fees at the time of filing of the preliminary plan and at the time of filing of the final plan, in accordance with a fee schedule established by the Village Council.

## **CHAPTER XII**

### **SPECIAL USES**

#### **SECTION 12.01 PURPOSE.**

Special uses are those uses of land with characteristics requiring individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities. The purpose of this chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special uses as provided in the various zone districts.

#### **SECTION 12.02 APPLICATION PROCEDURES.**

An application for permission to establish a special use shall be submitted and reviewed in accordance with the following procedures:

- a. Application. Applications for a special use shall be submitted to the Zoning Administrator. The Zoning Administrator will review the application and, if complete, transmit it to the Planning Commission. Each application shall be accompanied by a fee in accordance with the schedule of fees adopted by resolution of the Village Council to cover the costs of processing the application. No part of the fee shall be refundable.
- b. Required Information. An application for a special use shall be accompanied by the following documents and information:
  1. A completed Special Use application on a form supplied by the Village.
  2. A site plan, containing the items specified by Section 13.04.
- c. Public Hearing. Upon receipt of a completed application for special use, the Planning Commission shall call and serve notice of a public hearing in accordance with the Zoning Enabling Act for the purpose of receiving comments relative to the special use.

#### **SECTION 12.03 BASIS OF DETERMINATION**

Prior to approval of a special use, the Planning Commission shall review the particular circumstances of the special use under consideration and shall approve a special use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

2. The special use shall not change the essential character of the surrounding area.
3. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety and or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
4. The special use shall not place demands on public services or facilities in excess of capacity.

#### **SECTION 12.04 APPROVAL.**

Following its review of the application for a special use, comments received at the public hearing, the site plan and other materials submitted in relation to the application, the Planning Commission may deny, approve or approve with conditions, the special use in accordance with the criteria for approval stated in Section 12.03, and such other standards contained in this Ordinance which relate to the special use under consideration. Upon approval or approval with conditions by the Planning Commission, the applicant may apply for a zoning permit.

#### **SECTION 12.05 EXPIRATION.**

Approval of a special use pursuant to this Chapter shall expire one (1) year from the date of approval unless the authorized use or activity has commenced prior to such expiration; provided, however, that the Planning Commission may approve the extension of such time period for up to one additional year.

## **CHAPTER XIII**

### **SITE PLAN REVIEW**

#### **SECTION 13.01            PURPOSE.**

The purpose of this Chapter is to determine compliance with the provisions, standards, and conditions of this ordinance; to promote orderly development of the Village; and to minimize any adverse effects of development on the inhabitants of the development and the surrounding area. The Planning Commission may adopt procedures to encourage preliminary, informal review of proposed site plans. Such preliminary review or approval shall not, however, affect the requirement for formal approval as herein required.

#### **SECTION 13.02            SCOPE.**

The Zoning Administrator shall not issue a zoning permit for any principal use requiring more than four (4) parking spaces, for any use requiring the issuance of a Special Use Permit or any other use or structure requiring site plan review under this Ordinance until a site plan has been reviewed and approved by the Planning Commission.

#### **SECTION 13.03            APPLICATION PROCEDURES.**

An application for Site Plan Review, plus either a preliminary or proposed final site plan shall be submitted to the Zoning Administrator. The Zoning Administrator will review the application and, if complete, transmit the same to the Planning Commission.

#### **SECTION 13.04            CONTENTS OF SITE PLAN APPLICATION.**

Site plans shall include the following, as deemed necessary by the Zoning Administrator:

- a. Legal description of the property.
- b. Small scale sketch of properties, streets, and use of land within one-quarter (1/4) mile of the property.
- c. A map of the property at a scale not to exceed (1" – 100"). The following items shall be shown on the map:
  1. Date site plan was prepared.
  2. Name and address of person who prepared site plan.

3. The topography of the site and its relationship to adjoining land.
4. Existing man-made features.
5. Dimensions of setbacks, locations, heights and size of buildings and structures.
6. Street right-of-way, indicating proposed access routes, internal circulation and relationship to existing rights-of-way.
7. Proposed grading.
8. Location and type of drainage, sanitary sewer, storm sewer, and other utilities.
9. Location and type of fences, landscaping, buffer strips, and screening.
10. Location and type of signs and on-site lighting.
11. Proposed parking areas and drives which shall conform with the provisions of Chapter 14.
12. Easements, if any.

**SECTION 13.05 PLANNING COMMISSION REVIEW.**

The Planning Commission shall review the final site plan and either approve, deny or approve with conditions the final site plan based on the purposes, objectives and requirements of this Ordinance and specifically the following:

- a. Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control and access in cases of fire or emergency.
- b. Off-street parking and loading areas with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- c. Sewer, water and storm drainage.
- d. Screening and buffering with reference type, dimensions and character.
- e. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- f. Required yards.

- g. General compatibility with adjacent properties.
- h. The general purposes and spirit of this Ordinance and the Comprehensive Development Plan of the Village.

**SECTION 13.06 PLANNING COMMISSION APPROVAL.**

Upon approval of said plan, the Chairman of the Planning Commission and the applicant shall sign at least three (3) copies thereof. One (1) signed copy shall be made a part of the Planning Commission's files and one (1) shall be forwarded to the Zoning Administrator. The third copy shall be returned to the applicant.

- a. The Planning Commission is empowered to require a performance bond or other guarantee in an amount up to the estimated cost of constructing any special features associated with the project which the Commission may find necessary. Such performance guarantee shall be delivered to the Clerk of the Village at the time of the issuance of the permit authorizing the activity or project in order to insure faithful completion of the improvements indicated on the approved site plan. Said performance bond shall be forfeited if the improvements are not completed. The Village shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of Section 13.06 (b) have not been met, the amount of the aforementioned performance guarantee shall be used by the Village to return the property to a safe and suitable condition; and the balance, if any, shall be returned to the applicant.
- b. Each development shall be under substantial construction within one (1) year after the date of final site plan approval by the Planning Commission. However, the Commission may grant an extension for up to one additional year. If the Site Plan approval expires, it shall be null and void.

## CHAPTER XIV

### PARKING AND LOADING SPACES

#### **SECTION 14.04**            **GENERAL.**

In all districts off-street parking spaces shall be provided, at the time any building is erected, enlarged or increased in capacity.

#### **SECTION 14.02**            **NUMBER OF OFF-STREET PARKING SPACES REQUIRED.**

In all districts off-street parking all be provided in accordance with the following schedule.

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
(a) Single family dwellings including mobile homes.	Two (2) for each family unit.
Multiple family dwellings.	Two and one-half (2 ½) for each family unit, one of which shall be covered.
(b) Lodging, rooming and boarding houses, dormitories, fraternity and sorority houses.	Two (2) for each three (3) guest rooms or each six (6) beds for guests, whichever is greater.
(c) Private clubs and lodges	One (1) for each five (5) active members and one (1) for each employee with a minimum of one (1) for each one hundred (100) square feet of floor area.
(d) Hospitals, institutions, and clinics.	One (1) for each patient bed.
(e) Sanitariums or convalescent nursing homes.	One (1) for each two (2) beds.
(f) Homes for aged, orphanages or asylums.	One (1) for each three beds.
(g) Hotels	One (1) for each guest room.
(h) Motels and tourist homes	One (1) for each sleeping room.
(i) Theaters, auditoriums, stadiums	One (1) for each three (3) seats.

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
(j) Dance hall, studio, skating rink, assembly halls, and convention halls without fixed seats.	Two (2) for each one hundred (100) square feet of floor area open to the public
(k) Bowling alleys.	Eight (8) for each alley.
(l) Private, elementary and junior high schools.	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds plus one (1) for each four (4) auditorium seats.
(m) Senior high schools and institutions of higher learning.	Two (2) for each three (3) employees normally engaged in or about the buildings and grounds, and one (1) additional for each four (4) students enrolled in the institution.
(n) Churches	One (1) for each four (4) seats in the main worship unit.
(o) Community Center.	One (1) for each one hundred (100) square feet of assembly floor area.
(p) Libraries, museums and post offices.	One (1) for each one hundred (100) square feet of floor area.
(q) Professional offices and buildings.	One (1) for each two hundred (200) square feet of floor area.
(r) Restaurants and night clubs, grills, taverns, bars, dining rooms, dairy bar, soda fountain.	One (1) for each two (2) seats.
(s) Medical doctors office or dental clinic.	Four (4) for each doctor.
(t) Banks, business offices and public buildings not specifically mentioned elsewhere.	One (1) for each one hundred fifty (150) square feet of floor area.
(u) Mortuaries or funeral homes	One (1) for each fifty (50) square feet of floor area used for services.



<u>Use</u>	<u>Minimum Parking Spaces Required</u>
(v) Civic or social Club	One (1) for each fifty (50) square feet of assembly room.
(w) Public meeting halls.	Two (2) for each one hundred (100) square feet of public area.
(x) "Drive-In" establishments.	Eight (8) for each one hundred twenty-five (125) square feet of ground floor area.
(y) Use groupings.	
(i) Retail stores, supermarkets, department stores, billiard or pool rooms, personal service shops – general business.	One (1) for each two hundred (200) square feet of gross floor area.
(ii) Manufacturing, processing and/or fabrication, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related, but not necessarily connected to a manufacturing or industrial building.	One (1) for each one (1) employee on the maximum shift of peak employment period.
(iii) Other uses not specifically mentioned.	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
(iv) Mixed uses in same building.	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.
(z) One designated parking space per employee will be provided for uses where employee spaces are not specified.	

#### **SECTION 14.03           JOINT USE OF FACILITIES.**

Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the peak period of usage.

#### **SECTION 14.04           LOCATION OF FACILITIES.**

Off-street parking facilities shall be located as hereafter specified. When a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve. Property owners shall be responsible to have at all times maintained the minimum standards herein set forth.

- a. For all residential buildings and for all existing nonresidential buildings and uses in residential zones, required parking shall be provided on the premises with the building or use they are required to serve.
- b. For all commercial and all nonresidential buildings and uses in business zones, required parking shall be provided within three hundred (300) feet of the building or use they are required to serve.
- c. For industrial buildings or uses, required parking shall be provided within one thousand (1,000) feet of the buildings or uses they are required to serve.

#### **SECTION 14.05           SIZE OF PARKING SPACE.**

Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, and shall be a minimum of nine (9) feet in width.

#### **SECTION 14.06           REQUIREMENTS FOR PARKING AREAS.**

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking area for multiple dwellings, businesses, industries, public assembly and institutions shall be developed and maintained in accordance with the following requirements:

- a. It shall be effectively screened on each side which adjoins or faces premises situated in any R or PUD District by a fence of acceptable design, wall or compact evergreen hedge. There shall also be provided on each side and rear, which adjoins any R or PUD District, a greenbelt ten (10) feet in width landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five (5) feet tall and four (4) feet wide.

- b. It shall be properly graded for drainage, surfaced with a concrete or asphalt pavement, maintained by the property owner and kept in good condition, free of dust, trash, and debris; the driveways will be treated similarly.
- c. It shall not be used for repair, dismantling or servicing of any vehicles.
- d. It shall be provided with entrances and exits so located as to minimize traffic congestion.
- e. It shall be provided with wheel or bumper guards so located that no part of parked vehicles will extend beyond the parking area.
- f. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
- g. No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than five (5) feet to the public street or highway right-of-way line.

#### **SECTION 14.07          OFF-STREET LOADING SPACES.**

For every building or addition to an existing building hereafter erected to be occupied by manufacturing, storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses required the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or additional, off-street loading spaces in relation to floor areas as follows, plus an area or means adequate for maneuvering, ingress or egress.

- a. Up to twenty thousand (20,000) square feet 0 one (1) space.
- b. Twenty thousand (20,000) to fifty thousand (50,000) square feet – two (2) spaces.
- c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet – three (3) spaces.
- d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

Each such loading space shall be at least twelve (12) feet in width, forty-five (45) feet in length, and fifteen (15) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residence district.

## **CHAPTER XV**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 15.01        ZONING ADMINISTRATION.**

The provisions of the Ordinance shall be administered and enforced by the Zoning Administrator.

#### **SECTION 15.02        ZONING ADMINSTRATOR.**

The Zoning Administrator shall be appointed by the Village Council for such term and subject to such conditions and at such rate of compensation as the Village Council shall determine. To be eligible for appointment to the post of Zoning Administrator, the applicant must:

- a. Be generally informed of the provisions of this Ordinance.
- b. Have a general knowledge of the building arts and trades; and
- c. Be in good health and physically capable of fulfilling the duties of the Zoning Administrator.

Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction. The Zoning Administrator may be removed by the Village Council for nonperformance of duty or misconduct in office upon written charges and after public hearing.

#### **SECTION 15.03        DUTIES AND LIMITATIONS OF ZONING ADMINISTRATOR.**

The Zoning Administrator shall administer and enforce the provisions of this Ordinance and shall have the power to grant such Permits and Certificates of Occupancy as are required by this Ordinance, as amended, and shall be responsible for the inspection of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. The principal duties include the following activities:

- a. Assist citizens in determining what zoning forms and procedures apply to proposed zoning requests and land use changes.
- b. Assist citizens in the completion of required permit application forms.
- c. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
- d. Issue the appropriate permit when all provisions of the Ordinance have been complied with. If the use is not in compliance with the Ordinance, the applicant is notified and assisted with an appropriate alternative procedure or appeal procedure, if the applicant so chooses.

- e. Perform inspection duties to insure proposed land use changes are and will remain in compliance with the Ordinance.
- f. Identify, monitor and control nonconforming uses.
- g. Investigate alleged violations of the Ordinance and enforce corrective measures when required.
- h. Defend decisions of Office before the Board of Appeals.
- i. Keep the zoning map, text and office records up to date by recording all amendments, and retaining all official documents.
- j. Periodically report to the Planning Commission and Village Council on the status of zoning operations.
- k. Propose solutions to any problems encountered in administering the Zoning Ordinance.
- l. Establish and administer rules of procedures with the office.
- m. Provide information on zoning to citizens and public agencies upon request.
- n. Help develop and conduct in connection with the Planning Commission or Zoning Board, a continuing program of public education on zoning matters.
- o. Perform other duties as specified by the Village Council or by local ordinance.

#### **SECTION 15.05 ZONING PERMITS REQUIRED.**

It shall be unlawful for any person, firm, or corporation to excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the Village of Edmore without first obtaining a permit from the Zoning Administrator.

#### **SECTION 15.06 APPLICATIONS FROM ZONING PERMITS.**

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- a. Identify and describe the work to be covered by the permit for which application is made;
- b. Describe the land on which the proposed work is to be done, by lot, block, track, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

- c. Indicate the use or occupancy for which the proposed work is intended;
- d. Be accompanied by plans and specifications as required in Section 15.06;
- e. State the valuation of the proposed work;
- f. Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority; and
- g. Give such other information as reasonably may be required by the Zoning Administrator, including, but not limited to, the following:
  - 1. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground;
  - 2. The shape, size, area and location of the building or structure to be excavated, erected, constructed, enlarged, altered, repaired, moved, improved, converted, or demolished, and of any buildings or other structures already on the lot;
  - 3. The existing and intended use of the lot and of all structures upon it; or
  - 4. Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this Ordinance and the Building Code are being observed.

**SECTION 15.06            ZONING AND BUILDING PERMIT PLANS AND SPECIFICATIONS.**

With each application for a zoning permit, and when required by the Zoning Administrator for enforcement of any provisions of this Ordinance, two sets of plans and specifications shall be submitted. The Zoning Administrator may require plans and specifications to be prepared and sealed by an engineer or architect licensed by the State to practice as such. In addition to zoning permits, building permits are required by the Montcalm County Building Inspector at the Montcalm County Courthouse located in the City of Stanton.

**SECTION 15.07            CERTIFIED PROPERTY SURVEYS.**

The Zoning Administrator, at his/her discretion, may require a certified property survey to insure that the provisions of this Ordinance are met.

## **SECTION 15.08      ISSUANCE OF ZONING PERMITS.**

The application, plans, and specifications filed by an applicant for a zoning permit shall be checked by the Zoning Administrator. Such plans may be reviewed by other officials of the Village to check compliance with the laws and ordinances under their jurisdiction. If the Zoning Administrator is satisfied that the work described in an application for a permit and the plans filed therewith conform to the requirements of this Ordinance and other pertinent laws and ordinances, and that the fee specified in Section 15.09 has been paid, he/she shall issue a permit therefore to the applicant; however:

- a. Issuance of a zoning permit shall in no case be construed as waiving any provision of this Ordinance.
- b. The Zoning Administrator, under no circumstances, is permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use either buildings, structures or land.
- c. The Zoning Administrator, under no circumstances, is permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.
- d. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are met by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants or private agreements.
- e. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.
- f. No oversight or dereliction on the part of the Zoning Administrator or his/her representative or any official or employee of the Village of Edmore vested with the duty or authority to issue permits or licenses shall legally authorize, waive or excuse the violation of any of the provisions of this ordinance. No permit nor any license for any use, building or purpose shall be issued by any official or employee of the Village of Edmore, if the same would be in conflict with the provisions of this Ordinance. Any permit or license so issued shall be null and void.

## **SECTION 15.09      FEES.**

Zoning permit fees shall be charged and collection by the Zoning Administrator in accord with the fee schedule adopted by resolution of the Village Council.

#### **SECTION 15.10    INSPECTIONS.**

All construction or work for which a zoning permit is required shall be subject to inspections by the Zoning Administrator. The Zoning Administrator, upon notification from the permit holder or his agent, shall make the inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the Zoning Ordinance.

#### **SECTION 15.11    TIME LIMIT ON ZONING PERMITS.**

All Zoning Permits shall expire twelve (12) months from the date of issuance, but may be renewed for an additional twelve (12) months.

#### **SECTION 15.12    CERTIFICATE OF OCCUPANCY.**

No building or structure, except as provided in the Zoning Ordinance, shall be used or occupied, and no change in the use or occupancy of a building or structure or portion thereof shall be made until the Zoning Administrator has issued a Certificate of Occupancy. Such Certificate shall affirm that the building or structure conforms in all respects with the provisions of this Ordinance and the Building Code.

- a. A temporary Certificate of Occupancy may be issued by the Zoning Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.
- b. Upon written request from the owner or tenant, the Zoning Administrator may issue a Certificate of Occupancy for any building, structure or premises existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the building, structure or premises and whether such use conforms to the provisions of this Ordinance.
- c. No permit or certificate shall be issued for any illegal use or occupancy existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

#### **SECTION 15.13    ADDITIONAL FEES.**

Application and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by a fee in accord with the schedule adopted by the Village Council.







## **CHAPTER XVI**

### **BOARD OF ZONING APPEALS**

#### **SECTION 16.01            ZONING BOARD OF APPEALS.**

A Zoning Board of Appeals is hereby created. Such Board shall consist of the elected members of the Village Council of Edmore.

#### **SECTION 16.02            OFFICERS.**

The Board shall elect from its membership a chairman, a vice-chairman and such other officers as it may deem necessary. The Board is authorized to appoint an Executive Secretary for the Board.

#### **SECTION 16.03            RULES OF PROCEDURE.**

The Board of Appeals shall adopt rules of procedure. These rules shall be available for public inspection at the office of the Board.

- a. Meetings shall be held at the call of the chairman and at such other times as may be determined or specified in its rules of procedures. All meetings shall comply with the Michigan Open Meetings Act.
- b. The presence of two-thirds (2/3) of the membership shall constitute a quorum; it shall take a concurring vote of 2/3 of the members to reverse and order or decision of the Zoning Administrator, Planning Commission or any other official to whom authority is granted under this Ordinance or to decide on any matter upon which it is required to pass by this Ordinance or to grant a variance from the provisions thereof.
- c. A record of the proceedings of each meeting shall be kept by the Board, relating evidence presented by the applicant and the resolution by the Board, the vote of each member on each question or, if absent or failing to vote, indicating such fact. These shall be a public record and filed within five (5) days at the office of the Board.
- d. The Board shall receive reasonable assistance from other departments in carrying out the functions of the Boards.

**SECTION 16.04            POWERS OF THE BOARD OF ZONING APPEALS.**

- a. To grant a variance from the terms and provisions of this Ordinance as provided in this Chapter.
- b. To decide any question involving the interpretation of this Ordinance.
- c. To hear and decide appeals of decisions made by the Zoning Administrator.
- d. To hear and decide appeals of decisions made by the Planning Commission with respect to Site Plan Reviews and the issuance of Special Use Permits including Home Occupations.

**SECTION 16.05            BASIS FOR GRANTING VARIANCES.**

Where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or other extraordinary conditions of land, buildings, or structure, or of the development of property immediately adjacent to the property in questions, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship.

No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board makes findings, based upon competent material and substantial evidence on the whole record:

- a. That special conditions or circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same district.
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- c. That the special conditions or circumstances do not result from the actions of the applicant.
- d. That the authorizing of such variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Ordinance.
- e. That with respect to use variances, the property cannot reasonable be used in a manner consistent with existing zoning.

No nonconforming use of neighboring lands, structures or buildings shall in itself, be considered grounds for the issuance of a variance.

**SECTION 16.06                      CONDITIONS OF APPROVAL.**

In authorizing a variance or exception or in reversing a decision on an appeal, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

**SECTION 16.07                      TIME LIMITATIONS ON VARIANCES.**

Any variance granted by the Board shall automatically become null and void after a period of six (6) months from the date granted unless the owner or his agent shall have taken substantial steps toward effecting the variance as granted by the Board.

**SECTION 16.08                      PROCEDURE OF APPEAL.**

The following procedure shall be required:

- a. The Board of Appeals shall not consider any application or appeal without the payment by the applicant or appellant to the Village Treasurer of a fee in the amount established by the Village Council. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the Board; provided that whenever a land use variance is requested, copies of the applications or appeals, plans, specifications and other papers shall also be transmitted to the Planning Commission, who shall review the same and submit a recommendation to the Chairman of the Board prior to the Scheduled hearing.
- b. When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place the said application or appeal upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. Such notices shall be served personally or by mail at least ten (10) days prior to the day of such hearing, upon the applicant or the appellant, the Zoning Administrator, and all persons to whom any real property within three hundred (300) feet of the premises in question shall be assessed and to the occupants of all single and two-family dwellings within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. Any party may appear at such hearing in person or by agent or by attorney.

- c. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interest in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

#### **SECTION 16.09            DECISIONS OF THE BOARD.**

The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant, or appellant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by him/her and shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made unless the Board finds the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

#### **SECTION 16.10            STAY OF PROCEEDINGS.**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with him, that, by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board or by the Circuit Court on application, after notice to the Zoning Administrator.

## CHAPTER XVII

### CHANGES AND AMENDMENTS

#### **SECTION 17.01        AMENDMENTS.**

An amendment to this Ordinance may be initiated by: (a) The Village Council on its own motion; b) the Planning Commission; or (c) petition subject to the following conditions:

1. Any amendment initiated by any of the methods enumerated above shall be referred to the Planning Commission, which shall cause a complete study of the proposed amendment to be made, shall make a tentative report, and shall hold a public hearing thereon. Not less than fifteen (15) days notice of public hearing shall be given by the publishing of said notice at least once in a newspaper of general circulation in the Village, stating the time and place of the hearing and substance of the proposed amendment. Fifteen (15) days notice of the time and place of said hearing shall be given by registered United States Mail to each public utility and railroad company owning or operating any utility or railroad within the district or zone affected. After public hearing the Planning Commission shall make its final recommendation to the Village Council, accompanied by a summary of the comments submitted at the public hearing.
2. Upon receipt of the final recommendation of the Planning Commission, the Village Council shall hold a public hearing before the adoption of the proposed amendment.
3. In the case of an amendment rezoning an individual property or several adjacent properties, notice of the proposed rezoning and hearing shall be given by registered mail to the owners of the property at least fifteen (15) days before the hearing.
4. If a protest against the proposed amendment is presented to the Village Council before the final legislative action on the amendment and the protest is duly signed by:
  - a. The owners of at least twenty (20%) percent of the area of land included in the proposed change; or
  - b. The owners of at least twenty (20%) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change excluding public owned land.

An amendment to this Ordinance may be passed only by a two-thirds (2/3) vote of the Village Council.

**SECTION 17.02**            **PROCEDURE FOR AMENDMENT PETITIONS.**

1. All petitions for amendments to this Ordinance shall be in writing, signed and filed in triplicate with the Village Clerk.
2. All petitions for amendments shall contain the following:
  - a. Name and address of the petitioner who shall have a legal or equitable interest in the land subject to the petition.
  - b. Name, address and interest of every other person having legal or equitable interest in land subject to the petition.
  - c. Street address and legal description of the property subject to the proposed amendment.
  - d. Present zoning classification of the land.
  - e. Proposed change in zoning classification of the land.
  - f. Present and proposed use of the property.
  - g. A scale diagram showing the property subject to the proposed amendment, all public and private rights-of-way, and lots and parcels of land within three hundred (300) feet of the property. This diagram shall be drawn to a scale of one hundred (100) feet to the inch.
  - h. On the diagram required by subparagraph (g) or on another diagram drawn to the same scale, a site plan including location, dimensions and use of existing and proposed structures, easements, water courses, fences and curb cuts on the property proposed for rezoning.
3. Upon examination and approval of the application as to form, the Village Clerk shall forthwith transmit the application to the Planning Commission, which shall process the petition according to the provision set out in Section 17.01.
4. All applications for amendments shall be accompanied by a fee of one hundred (\$100) dollars to be used for the purpose of defraying the cost of processing an application.
5. Upon adoption of a Zoning Ordinance or subsequent amendments, notice of adoption shall be published once in a newspaper of general circulation in the Village within fifteen (15) days after adoption. The notice shall contain the following provisions:
  - a. "A Zoning Ordinance regulating the development and use of the land has been adopted by the Village Council of the Village of Edmore".



- b. The effective date of the Ordinance.
- c. The place and time where a copy of the Ordinance may be purchased or inspected.
- d. In the case of an amendment to an Ordinance, either a summary of the amendment and area affected, or the text of the amendment shall be included with the notice.

## **CHAPTER XVIII**

### **PENALTIES FOR VIOLATION**

#### **SECTION 18.01          PENALTIES FOR VIOLATION.**

Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of the requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **SECTION 18.02          VIOLATIONS DECLARED NUISANCES.**

Any building or structures erected, altered, enlarged, rebuilt or moved, or any use carried on in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

## **CHAPTER XIX**

### **DEFINITIONS**

#### **SECTION 19.01        RULES APPLYING TO TEXT.**

The following listed rules of construction apply to the text of this Ordinance.

- a. The particular shall control the general.
- b. With the exception of this chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- c. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- d. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- e. A “building” or “structure” includes any part thereof.
- f. The word “person” includes a firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them, as well as a natural person.
- g. The words “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, “designed to be used”, or “occupied”.
- h. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- i. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

The following listed terms and words are defined for the purpose of their use in the Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

#### **SECTION 19.02        ACCESSORY BUILDING OR STRUCTURE.**

A subordinate building or structure on the same premises with a main building, utilized for an accessory use. Where an accessory building is attached to a main building, such accessory building shall be deemed a part of the principal building.

**SECTION 19.03          ACCESSORY USE**

A use naturally and normally incidental and subordinate to a principal use, building or structure on the same premises.

**SECTION 19.04          AGRICULTURE**

The cultivation, raising, and storage of crops, animals, and animal products, including nurseries, hatcheries, apiaries, forestry, floriculture, vita-culture, pasturage, and dairying.

**SECTION 19.05          ALLEY**

A dedicated public right-of-way not more than thirty (30) feet in width and not less than twenty (20) feet in width which provides only a secondary means of access to abutting property but not being intended for general traffic circulation.

**SECTION 19.06          AUTOMOBILE REPAIR – MAJOR**

General repair rebuilding, or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening.

**SECTION 19.07          AUTOMOBILE REPAIR – MINOR**

Minor repairs, incidental replacement of parts, motor service to passenger vehicles and commercial vehicles not exceeding one (1) ton capacity, and a place where gasoline, or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public or applied directly into motor vehicles, including sale of accessories, but not including any operation specified under automobile repair – major.

**SECTION 19.08          AUTOMOBILE SALVAGE**

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled or wrecked vehicles or their parts.

**SECTION 19.09          AUTOMOBILE SERVICE STATION**

A building, structure, or land used for the retail sale of fuel, lubricants, grease, and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand

washing, minor repair, and servicing but not including major automobile repair or bulk fuel distributing.

**SECTION 19.10            AUTOMOBILE WASH ESTABLISHMENT**

A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

**SECTION 19.11            BASEMENT**

A portion of a building or room located more than one-half (1/2) below grade and below the principal or first floor.

**SECTION 19.12            BILLBOARD OR SIGN BOARD**

Any structure or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed not related to the premises or the nature of the business conducted thereon or the products sold or manufactured thereon but not including the display of official court or public office notices.

**SECTION 19.13            BOARD OR BOARD OF APPEALS**

The Zoning Board of Appeals of the Village of Edmore.

**SECTION 19.14            BOARDING HOUSE, LODGING HOUSE, OR ROOMING HOUSE**

A dwelling where meals or lodging and meals are provided for compensation to persons who are not members of the family for not less than one (1) week in duration.

**SECTION 19.15            BUILDABLE AREA**

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of the ordinance have been complied with.

**SECTION 19.16            BUILDING OR STRUCTURE**

Anything which is constructed or erected, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or carrying on business activities or other similar uses, including tents, stands, cabins, and mobile homes.

**SECTION 19.17**            **BUILDING, MAIN OR PRINCIPAL**

A building in which is conducted the principal or main use of the lot on which it is situated.

**SECTION 19.18**            **ALTERATIONS, STRUCTURAL**

Any change, addition, or modification in construction or type of use or occupancy, any change in the supporting structural members of a building such as walls, partitions, columns, beams, girders, or any change in the roof. Any change which may affect the structural integrity of the building or may be referred to herein as altered or reconstructed.

**SECTION 19.19**            **BUILDING HEIGHT**

The vertical distance from the established grade to the highest point of the roof if a flat roof, to the deck of mansard roofs, and to the mean height level between eaves and ridges of gable, hip, gambrel, shed, or warped roofs. When the terrain is sloping, the ground level is measured at the wall line.

**SECTION 19.20**            **BUILDING PERMIT**

The written authority as issued by the Montcalm County Building Inspector, permitting the construction, moving, alteration, or use of a building or structure in conformity with the provisions of this ordinance and the County's building code.

**SECTION 19.21**            **BUILDING SETBACK**

The minimum distance from the front lot line or right-of-way line to the nearest point of the exterior of the building or structure.

**SECTION 19.22**            **BUILDING SETBACK LINE**

The line situated at the outer surface of a building or enclosed wall, at the ground surface level pertaining to the minimum setback distance established from the front street property line, thus defining an area of the lot adjacent to the front line in which no part of a building shall project or be located, except as otherwise provided by this ordinance.

#### **SECTION 19.23**      **CAMP OR CAMPGROUND**

Temporary or permanent buildings, tents, or other structures together with their appurtenances pertaining thereto, established or maintained as temporary living quarters, operated continuously for a period of five (5) days or more for recreation, religious, education or vacation purposes.

#### **SECTION 19.24**      **CARPORT**

Any roofed structure or shelter or a portion of a building open on two (2) or more sides which may or may not be attached to a dwelling, other than an attached or detached garage, used for the purpose of storing motor vehicles.

#### **SECTION 19.25**      **COMMISSION OR PLANNING COMMISSION**

The Planning Commission for the municipality of the Village of Edmore.

#### **SECTION 19.26**      **COMMON OPEN SPACE**

Any area or space other than required yard areas which is unobstructed and unoccupied by buildings, roads, or other manmade structures and is readily accessible to all those for whom it is required.

#### **SECTION 19.27**      **COMPREHENSIVE PLAN**

The plan so designated by the Planning Commission which conveys land use policy, a major thoroughfare plan and a plan for public facilities and which is designed to provide and accomplish the objectives of Act 207 of the Public Acts of Michigan of 1921, as amended.

#### **SECTION 19.28**      **CONVALESCENT OR NURSING HOME**

A residential facility for the care of children, the aged, or infirm, those suffering bodily disorders wherein twenty (20) or more persons are provided care for compensation. Said facility shall conform to, and qualify for, license under applicable state law.

#### **SECTION 19.29**      **DISTRICT OR ZONE**

A portion of the municipality under which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this ordinance.

**SECTION 19.30**      **DRIVE-IN ESTABLISHMENTS, DRIVE-THROUGH ESTABLISHMENT**

A commercial business establishment which offers goods or services to customers in vehicles, including an establishment where customers may serve themselves.

**SECTION 19.31**      **DWELLING**

Any building or portion thereof used in whole or in part as a home, residence or sleeping place with permanently or temporarily including one (1) family, two (2) family, multi-family apartment, hotels, boarding, lodging, and rooming houses, but not including hotels, motels, recreational vehicles, mobile homes, tents, or other unconventional structures.

**SECTION 19.32**      **DWELLING, AGRICULTURAL**

A dwelling or dwellings used to house persons primarily engaged in agriculture on the parcel or adjacent parcels, and which dwelling or dwellings are incidental or subordinate to a principal agricultural use on or nearby the dwelling site.

**SECTION 19.33**      **DWELLING UNIT**

One (1) or more rooms designed or used as an independent housekeeping establishment for one family and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.

**SECTION 19.34**      **DWELLING – SINGLE FAMILY DETACHED**

A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family only.

**SECTION 19.35**      **DWELLING – MULTIPLE**

A building used or designed as a residence for three (3) or more families living independently of each other, including apartments or condominiums.

**SECTION 19.36**      **DWELLING – TWO (2) FAMILY OR DUPLEX**

A detached building containing two (2) dwelling units and designed for use by two (2) families living independently.



**SECTION 19.37**            **DWELLING – EARTH SHELTERED OR UNDERGROUND**

A dwelling which is more than one-half (1/2) below grade to provide climatic, noise, or life safety protection.

**SECTION 19.38**            **ERECTED**

Includes built, constructed, reconstructed, moved upon, or any other physical operation on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered part of the erection.

**SECTION 19.39**            **ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections, communication, supply, or disposal systems (including towers, structures, plies, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulatory stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare. This definition shall not include sanitary landfills, recycling centers, or nonpublic utility transfer stations.

**SECTION 19.40**            **FAMILY**

One or more persons living together as a single non-profit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption or other domestic bond. This definition does not include any society, combine club, fraternity, sorority, association, federation lodge, coterie, organization or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

**SECTION 19.41**            **FARM DWELLING**

Any single family dwelling located on an active farm serving as the principal residence for the persons primarily engaged in operating the principal agricultural use of the said farm.

#### **SECTION 19.42        FARM**

A contiguous tract of land of not less than five (5) acres in area which is directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer by his own labor or with assistance of members of his household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, product, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, apiaries, truck farming and forestry. Establishments such as fish hatcheries, stockyards, recreation parks, stone quarries, gravel, dirt or sand pits, keeping furbearing animals or game, peggeries, commercial feedlots, kennels, stables, riding academies, or mineral extraction are not considered farm uses.

#### **SECTION 19.43        FENCE**

Any permanent barrier, partition, or structure erected as a dividing structure, or as an enclosure, and not part of a structure requiring building permits. A fence does not include retaining walls.

#### **SECTION 19.44        FLOOD PLAIN**

Those areas which are subject to inundation at a high flood water level in a flood on one (1) percent yearly probability as determined by an engineer or agency designated by the board.

#### **SECTION 19.45        FLOOD HAZARD AREA**

The area subject to flooding on the average once in every hundred years based on information supplied by the U.S. Geological Survey.

#### **SECTION 19.46        FLOOR AREA**

The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding elevation shafts, stairwells, hallways, bulkheads, floor space used for mechanical equipment, attics with headroom of seven (7) feet or less, basements, private garages, mezzanines, private verandahs, terraces, and decks.

#### **SECTION 19.47        FOSTER & DAY CARE FACILITIES**

Facilities defined, licensed and regulated by the State of Michigan in Public Act 218 of 1979, as amended, Public Act 87 of 1972, as amended or Act 116 of 1973, as amended.

- a. Adult Foster Care Family Home – A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks, but excluding the care and treatment of persons released from or assigned to adult correctional institutions.
- b. Adult Foster Care Small Group Home – An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.
- c. Adult Foster Care Large Group Home – An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- d. Adult Foster Care Congregate Facility – An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- e. Foster Family Home – A private home in which one (1) but not more than four (4) minor children, not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- f. Foster Family Group Home – A private home in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- g. Family Day Care Home – A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year.
- h. Group Day Care Home – A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year.
- i. Child Care Center – A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child and where care is provided for not less than two (2) consecutive weeks.

**SECTION 19.48**            **GARAGE, PUBLIC OR COMMERCIAL**

Any building not a private garage, used for commercial parking, storing, caring for, renting, servicing, repairing, refinishing, equipping, adjusting for remunerations, hire or sale, any vehicle or for housing more than three (3) motor vehicles.

**SECTION 19.49**            **GARAGE, PRIVATE**

An accessory building or a portion of a main building used primarily for the storage of not more than three (3) passenger vehicles, not exceeding one ton each for use of the occupants of the premises.

**SECTION 19.50**            **GRADE**

A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

**SECTION 19.51**            **GREENBELT**

A planting or buffer strip at least ten (10) feet in width and composed of the following: a) deciduous and evergreen trees at least four (4) feet in height spaced not more than ten (10) feet apart; b) at least one row of shrubs and at least two (2) feet in height spaced not more than four (4) feet apart which shall be planted and maintained by the property owner.

**SECTION 19.52**            **HOTEL**

A building occupied or used as a predominantly temporary abiding place offered to the public for compensation and in which there are more than five (5) sleeping rooms. Boarding houses, motels and apartments are excluded. Access is provided by an entrance and central service area.

**SECTION 19.53**            **HOME OCCUPATION**

Any profession or other occupation conducted in a residential district which is clearly incidental and secondary to the use of the lot and which conforms to the provisions of Section 2.20.

**SECTION 19.54**            **INSTITUTIONAL OR PUBLIC USES**

Churches, schools, hospitals, convalescent and nursing homes, parks, civic centers, libraries, governmental structures, and other non-profit establishments for public use.

**SECTION 19.55            JUNK OR SALVAGE YARD**

Area used for the following:

Motor vehicle wrecking yard and parts yard, scrap materials, processing where junk scrap metals or reclaimed machinery or materials are bought, sold, exchanged, stored, packed, disassembled, handled, kept, abandoned, dismantled, demolished, dumped, displayed, baled, cleaned, salvaged, excluding motor vehicle sales area when conducted as a principal use, uses carried on in a completely enclosed building, storage of accessory/farm equipment and supplies when accessory to a farming operation.

**SECTION 19.56            KENNEL**

Any place on which four (4) or more dogs four (4) months of age or older are kept for any reason other than veterinary medicine, including for board, breeding, or sale.

**SECTION 19.57            LAWFULLY CREATED LOT**

Any lot which complied with all applicable provisions regarding lot dimensions in the Village of Edmore Zoning Ordinance in effect on the date of creation of the lot.

**SECTION 19.58            LOADING SPACE**

Off street parking on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. An off street loading is not to be included as off street parking space in computation of off street parking space.

**SECTION 19.59            LOT**

A plot or parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including a main building and its accessory buildings and including such open spaces required by this ordinance and having it principal frontage upon a public street or officially approved private street.

**SECTION 19.60            LOT AREA**

The total horizontal area within the lot lines of a lot including any easements which may exist within such property lines and exclusion of rights of way for street or alley purposes.

**SECTION 19.61**      **LOT CORNER**

A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty five (135) degrees.

**SECTION 19.62**      **LOT COVERAGE**

That part of percentage of lot which is covered by all buildings or structures including accessory buildings or structures, porches, arbors, breezeways, and patio roofs and not excluding fences, walls, hedges, or swimming pools.

**SECTION 19.63**      **LOT, DOUBLE FRONTAGE OR THROUGH**

A lot other than a corner lot having front on two (2) or more streets.

**SECTION 19.64**      **LOT INTERIOR**

A lot other than a corner lot.

**SECTION 19.65**      **LOT DEPTH**

The mean horizontal distance from the front lot line to the rear lot line.

**SECTION 19.66**      **LOT LINE**

A boundary of a lot.

**SECTION 19.67**      **LOT LINE FRONT**

The boundary of a lot which is the line of an existing or dedicated street. In the case of a corner lot, the front lot line is that line separating said lot from that street which is designated as the front street in the request for a building permit.

**SECTION 19.68**      **LOT LINE REAR**

The boundary of a lot most distant from the front lot line and most nearly parallel with the front lot line or, in the case of an irregular size and shape lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.

**SECTION 19.69**      **LOT LINE, SIDE**

Any lot line which is not a front lot line or a rear lot line.

**SECTION 19.70**      **LOT OF RECORD**

A lot which actually exists in a subdivision plat as shown on the records of the county Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

**SECTION 19.71**      **LOT WIDTH**

The minimum distance between the side lot lines measured at the two points where the building setback lines intersects the side lot lines.

**SECTION 19.72**      **MOBILE HOME**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and that includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. All mobile homes must conform to the U.S. Department of Housing and Urban Development's Code for Mobile Home. Mobile home includes a double-wide unit.

**SECTION 19.73**      **MODULAR HOME**

A dwelling consisting of prefabricated units, designed to be incorporated at a building site into a single residential structure on a permanent foundation and meeting all the requirements of the building code.

**SECTION 19.74**      **MOTEL**

A building or group of buildings providing transient accommodations with motor vehicle parking contiguous to the building, and individual entrances from outside the building to serve each unit. The term motel shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin.

#### **SECTION 19.75**            **MOBILE HOME PARK**

Mobile home park means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Act 419, Michigan Public Acts of 1976, as amended.

#### **SECTION 19.76**            **MOBILE HOME SUBDIVISION**

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 419 of 1976, as amended.

#### **SECTION 19.77**            **NON-CONFORMING BUILDING OR STRUCTURE**

A building, structure or portions thereof lawfully existing at the effective date of this ordinance or effecting amendment and which fails to meet with regulations and requirements of the zoning district in which it is located.

#### **SECTION 19.78**            **NON-CONFORMING USE**

A lawful use of any part or all of a building or other structure, lot or tract of land, existing at the time of adoption of this zoning chapter or any amendment thereto, which does not conform with the regulations of the zone district in which it is located.

#### **SECTION 19.79**            **OPEN AIR BUSINESS**

Includes uses operated for profit substantially in the open air including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.



- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

**SECTION 19.80            OUTDOOR ASSEMBLY**

Any event, attended by more than one thousand (1,000) 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 or political subdivision of the State of publicly owned land or property, or (2) any event held entirely within the confines of a permanently enclosed and covered structure.

**SECTION 19.81            PARKING AREA**

An off-street open area for the parking of motor vehicles for a fee or as an accommodation of clients, customers, residents, visitors, occupants, or the general public. Parking area shall include access drives within the actual parking area.

**SECTION 19.82            PERSON**

A legal entity or individual human being, including a firm, association, co-partnership, partnership, corporation, society, or organization.

**SECTION 19.83            PLANNED UNIT DEVELOPMENT**

A zoning district which permits integrated and coordinated residential dwellings and/or certain nonresidential uses, all to be development according to approved area and site plans as provided in this Ordinance.

**SECTION 19.84            PRINCIPAL OR MAIN USE**

The primary or predominant use of the premises.

**SECTION 19.85            PUBLIC UTILITY**

Any person, firm, corporation, or governmental department, board or commission duly authorized under township, state, or federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio

or television signals shall not be considered a Public Utility unless said signals are distributed directly to the subscribers or customers through a closed circuit system of coaxial cables or similar network of signal conductors.

#### **SECTION 19.86            RECREATION VEHICLE**

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, in accordance with Act 49, Michigan Public Acts of 1975, as amended. Recreation vehicles includes travel trailers, motor homes, pickup campers, tent trailers, off road vehicles, house car, house trailer, trailer home, trailer coach or other portable units.

#### **SECTION 19.87            RIVER'S EDGE**

The mean annual waterline of a river or tributary.

#### **SECTION 19.88            ROADSIDE MARKET STAND**

A farm building or structure used for the display or sale of agricultural products grown or produced on the premises upon which the stand is located.

#### **SECTION 19.89            SIGNS**

The definitions for signs are as follows:

- a. Sign – Any display, message, placard, drawing, poster, painting or other similar thing which is placed on or outside the exterior of a building in view of the general public and which is intended or used to advertise or inform; provided that official signs as defined in subsection (e) are excluded.
- b. Advertising Sign or Billboard – A sign which directs attention to a business, service or activity not conducted on the premises on which the sign is located, or products or commodities not sold, manufactured, processed or fabricated on such premises.
- c. Business Sign – A sign which directs attention to a business, service or activity conducted on the premises on which the sign is located, or products or commodities sold, manufactured, processed or fabricated on such premises.
- d. Directional Signs – A sign erected for the sole purpose of providing directional traffic control, provided the sign area for all such signs on a single lot shall not exceed 12 square feet.

- e. Incidental Sign – A sign advertising the sale, lease or rental of the real estate on which the sign is located, or the name and profession or occupation of the persons occupying the premises on which the sign is located, or the use of the premises; provided that the sign area for all such signs on the lot shall not exceed 6 square feet.
- f. Official Signs – A sign, including a directional sign, erected, leased, constructed, or required by the federal or state government or any political subdivision thereof.
- g. Portable Sign - A sign which is not permanently attached to the ground or a structure and which is intended to announce specific events and to be displayed on a temporary basis; provided that the sign area for such sign shall not exceed thirty-two (32) square feet and further, no more than one such sign shall be permitted on any lot at any one time.
- h. Sign Area – The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the sign.

#### **SECTION 19.90**            **SINGLE OWNERSHIP**

A parcel in separate and distinct ownership from adjacent lands when such adjacent lands are not at the applicable date owned by the same owner or the same owner in joint tenancy, tenancy in common or tenancy by the entireties with any other person or persons and where such adjacent lands owned by the same owner or by any person or persons with whom he may be engaged in a partnership of joint venture or by a corporation in which he owns more than fifty (50) percent of the stock issued and outstanding.

#### **SECTION 19.91**            **SETBACK**

The minimum horizontal distance from a lot line to the nearest roofed portion of any building or structure on said lot.

#### **SECTION 19.92**            **SEASONAL OR SUMMER DWELLING**

A dwelling other than a permanent residence occupied for less than six (6) months in any one year.

#### **SECTION 19.93**            **SITE PLAN REVIEW**

The submission of plans for review, as part of the process of securing zoning approval.

#### **SECTION 19.94**        **SPECIAL EXCEPTION**

A special exception is a use or structure which would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, and convenience. Such uses may be permitted in a zoning district as special exceptions if specific provision for such special exceptions is made in this Ordinance.

#### **SECTION 19.95**        **SPECIAL USE**

A special procedure wherein certain uses may be permitted after review when the affect of such uses on adjoining lands and the general welfare of the Village may require special consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this ordinance.

#### **SECTION 19.96**        **SPECIAL USE PERMIT**

A permit for a use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to the number, area, location or relation to the township, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in the Ordinance for them are met.

#### **SECTION 19.97**        **SITE DEVELOPMENT PLAN**

A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, structures, parking, loading facilities, streets, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by this ordinance.

#### **SECTION 19.98**        **STABLE, PRIVATE**

A building used for housing not more than three (3) horses for the use of the owner and his immediate family.

#### **SECTION 19.99**        **STABLE, PUBLIC**

A building used for housing horses or other domestic animals for commercial enterprise.

#### **SECTION 19.100      STORY**

That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the surface between the floor and the ceiling next above.

#### **SECTION 19.101      STREET**

Any public thoroughfare dedicated for the purpose of traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road, or other thoroughfare except an alley.

#### **SECTION 19.102      STRUCTURE**

Anything constructed, erected or placed materials or combination of materials with a fixed location above, on or below the ground, or attachment to something having such location, including buildings, signs, billboards, light posts, utility poles, radio and television antennas, swimming pools, parking areas, pergolas, tennis courts, sheds, storage bins, but excluding fences, sidewalks, driveways, streets, and patios.

#### **SECTION 19.103      SWIMMING POOL**

A constructed basin (or structure) for holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water.

#### **SECTION 19.104      TERMS**

The present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word "Shall" is always mandatory. The words "zone" and "district" are the same. Reference to a whole shall apply to a part thereof. The word "lot" includes the words "plot" or "parcel". Any word or term not defined herein shall be used with a meaning of common utilization.

#### **SECTION 10.105      THEATER**

Any building or place used for presentation of dramatic spectacles, shows, movies, or other entertainment, open to the public with or without charge.

#### **SECTION 10.106      TOWNHOUSE**

That portion of a multiple dwelling which has a common sidewall with some other dwelling unit in the building, but which extends throughout the vertical height of the structure and provides separate or individual front and rear yard areas and which has self-contained facilities for living, sleeping, and cooking and which is designed for occupancy by one (1) family.

#### **SECTION 10.107      TRAVEL TRAILER**

A vehicular portable unit built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation, not exceeding eight (8) feet in width, or thirty-five (35) feet in length, and includes folding campers and truck mounted campers.

#### **SECTION 19.108      USE**

The lawful purpose of activity for which land premises or building thereon is designed, arranged or intended or for which it is occupied, maintained, let, or leased.

#### **SECTION 19.109      VARIANCE**

A relaxation or adjustment of any of the requirements of the Zoning Ordinance by the Zoning Board of Appeals and meeting the requirements under Section 16.05.

#### **SECTION 19.110      VEHICLE SALES AREA USES**

An area used for the display, sale, or rental of used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.

#### **SECTION 19.111      YARD**

The open space between any lot line and the setback required therefrom.

#### **SECTION 19.112      ZONING PERMIT**

A permit signifying compliance with the provisions of the Ordinance as to use, activity, bulk, and density, and with the requirements of all other development codes and ordinances currently in effect.

## **CHAPTER XX**

### **MISCELLANEOUS PROVISIONS**

#### **SECTION 20.01            ADMINISTRATIVE LIABILITY.**

No officer, agent, employee, or member of the Village Council, Planning Commission or Board of Zoning Appeals shall be personally liable for any damage as the result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

#### **SECTION 20.02            SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable. If any paragraph or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

#### **SECTION 20.03            REPEAL.**

The former Village Zoning Ordinance, adopted October 31, 1982, and all amendments thereto are hereby repealed as of the effective date of this Ordinance; provided however, that the same shall remain in force for the purpose of instituting or sustaining any property action of prosecution for the enforcement of any penalty or liability thereunder.

#### **SECTION 20.04            EFFECTIVE DATE.**

This Ordinance was adopted by the Village Council of the Village of Edmore, Montcalm County, Michigan, at a regular meeting duly called and held on the 16<sup>th</sup> day of March 1989.

I hereby certify that, at a regular meeting of the Village Council of the Village of Edmore, Montcalm County, Michigan, held on March 16, 1989, the forgoing Ordinance was adopted.

Roy Pruden, Village President

Shirley Mallory, Village Clerk

## **VILLAGE OF EDMORE POLICIES AND PROCEDURES**

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**POLICY NO. 1**  
**CIVIL RIGHTS POLICY**

General Public Policy

It is hereby declared to be contrary to the public policy of the Village of Edmore for any persons to be discriminated against in employment, housing, or participation in publicly funded programs because of race, religion, national origin, color, sex, marital status, age, or handicap.

Employment

The opportunity to obtain employment without discrimination because of race, religion, national origin, color, sex, marital status, age, or handicap is hereby recognized and declared to be a civil right. Furthermore, it shall be contrary to the public policy of the Village of Edmore for any employer to discriminate in hire, promotion, tenure, terms or conditions of employment because of race, religion, national origin, color, sex, marital status, age or handicap.

Housing

The opportunity to purchase, lease, sell, hold, use and convey housing without discrimination because of race, religion, national origin, color, sex, marital status, age or handicap is hereby recognized and declared to be a civil right. Furthermore, it shall be contrary to the public policy of the Village of Edmore for any Realtor or landlord to discriminate in the purchase, sale, lease of house because of race, religion, national origin, color, sex, marital status, age or handicap.

Publicly Funded Programs

The opportunity to participate in federal, state and locally funded programs without discrimination because of race, religion, national origin, color, sex, marital status, age or handicap is hereby recognized and declared to be a civil right.

Enforcement

The Village of Edmore hereby declares that it will assist in the handling of any civil rights complaint by ensuring that the complaint is quickly and promptly referred to the appropriate agency for action.

Adopted May 22, 1989

## **POLICY NO. 2**

### **GRANTING TAX ABATEMENTS**

The primary goal of Edmore's industrial development incentive program is to provide an atmosphere which will encourage capital formation and investment in our community. A secondary, but still important goal, is that of job creation and/or retention. To these ends, the Village Council will evaluate all Act 198 and 255 applications in view of the following goals and objectives.

- 1) The project will expand the Village's tax base.
- 2) The Village determines that a beneficial public purpose would be served (i.e. additional employment, income and capital investment with the community).
- 3) The development will compliment the Village's land use and Master Plan objectives.
- 4) The development will provide economic stimulus to other private sector facilities.
- 5) That the applicant meets all of the current financial obligations to the Village, is in compliance with all applicable State and Village codes and ordinances and has no pending or current litigation against the Village (including appeals to the Michigan Tax Tribunal).
- 6) That the applicant is not requesting abatements for office equipment. (No abatements will be provided for office equipment.)
- 7) That the estimated value of the construction is at least \$30,000.

In addition, no abatements will be granted for rehabilitation projects unless there is a change in use; a change in ownership; or the value of the project is in excess of 10% of the current value of the property and the project is not attributable to delayed or deferred maintenance.

If the above criteria are met by the applicant, the Village Council will consider the application and grant abatements based on the Tax Abatement Duration Chart. (The Chart is considered only to be a "guide" and the Village reserves the right to reject any and all applications if the Council feels it is in the best interests of the Village to do so. In addition, the Village reserves the right to increase an abatement above that provided for by the chart if compelling circumstances arise beyond the scope of a typical tax abatement applications.)

**POLICY NO. 3**  
**BUDGET CALENDAR**

The fiscal year for the Village of Edmore runs from March 1 to February 28. In addition, the Village adopts the following calendar for budgetary purposes:

- |                       |   |
|-----------------------|---|
| Nov. 15               | Receive all budget/project requests from Departments and Sub-Committees.  |
| Nov. 30               | Compile nine-month figures (actual) of current expenditures and revenues.   |
| Nov. 15 to<br>Dec. 15 | Prepare expenditure estimates for the coming fiscal year for each fund  |
| Nov. 15 to<br>Jan. 1  | Prepare projections for revenue estimates.  |
| Jan. 1 to<br>Jan. 30  | Staff review of consolidated budget; amendments adopted; final budget draft prepared for presentation to Council. |
| Jan 15 to<br>Feb. 1   | Advertisement of Public Hearing (not less than ten days prior to hearing).  |
| Feb. 1 to<br>Feb. 28  | Council reviews and holds public hearing or hearings as required; adopt budget.                                   |
| March 1               | Beginning of new fiscal year.   |

Adopted November 13, 1989.

**POLICY NO. 4**  
**INVESTMENT POLICY**

1. This Village investment policy is designed to protect and preserve Village funds.
2. The primary objectives of investing funds in order of importance are:
  - A. Safety Funds will be deposited without unnecessary exposure to risk.
  - B. Liquidity Funds will always be available when needed for payment and will be invested without exposure to market risk.
  - C. Yield Funds which are not immediately needed for operations will be invested in interest earning investments. These investments, normally, take the form of certificates of deposit, but can, with Council approval, consist of other, more lucrative, accounts.

Adopted: April 26, 1999

**OPERATING PROCEDURE NO. 1**  
**BILLING AND DISCONNECTION FROM WATER AND/OR SEWER**

1. Billing for Water and/or Sewer discontinues only if the property owner contacts the Village Office. At that time, the property owner's water service facilities will be disconnected by closing the municipal water shut-off valve.
2. Billing will be stopped at the date of turn-off.
3. To have Water and/or Sewer service resumed, the property owner must contact the Village office. The property owner will be charged a seventy-five dollar (\$75.00) disconnect-reconnect fee. After payment of the fee, the property owner's water service will be reconnected.

NOTE:	Fee for Disconnection from Water	\$37.50
	Fee for Reconnection to Water	<u>\$37.50</u>
	Total	\$75.00

4. Billing resumes on the date of reconnection.

Amended October 10, 2005

Amended July 10, 1989

Adopted May 1, 1972

## **OPERATING PROCEDURE NO. 2**

### **SEWER EXTENSION AND CONNECTION FEES FOR RESIDENTIAL PROPERTY**

1. All costs associated with the extension of sewer mains must be borne by the developer and/or those benefiting from the sewer extension unless approved by a two-thirds vote of Council.
2. Property Owners have two options regarding sewer connections:
  - A. Pay the Village to install a lateral feed from the sewer main to the property line and have a contractor install the remaining portion of the building sewer; or,
  - B. Have a contractor install the entire building sewer and connect to the sewer main.

All work must be inspected by the DPW Director before any portion of the work is covered.

3. Connection Fee
  - A. A minimum fee of \$125.00 will be charged to all property owners requesting permission to connect to Village sanitary sewer system prior to the actual connection.
  - B. The actual charge for connecting to the Village sanitary sewer system must cover the cost of labor and materials. If the actual cost is greater than \$125.00, the property owner must pay the difference within fifteen (15) working days after they are presented with the bill.
4. All property within the Village of Edmore must connect to the Village of Edmore Sanitary Sewer System if a sewer main is available within 100 feet of the property owner's property line.
5. All costs and expenses incidental to the installation and connection of sewer service shall be borne by the property owner. The owner shall indemnify the Village of Edmore from any loss of damage that may directly or indirectly result from the installation of sewer service.

Amended July 10, 1989

Adopted November 6, 1972

### **OPERATING PROCEDURE NO. 3**

#### **WATER MAIN EXTENSION AND CONNECTION FEES FOR RESIDENTIAL PROPERTY**

1. All costs associated with the extension of water mains must be borne by the developer and/or those benefiting from the water extension unless approved by a two-thirds vote of Council.
2. Property owners are required to have the Village connect a service feed from the water main to their property line. A contractor must install the remaining portion of the water service feed. All work must be inspected by the DPW Director before any portion of the work is covered. (Exceptions to this requirement must be approved by the DPW Director).
3. Connection Fee
  - A. A minimum fee of \$125.00 will be charged to all property owners requesting permission to connect to the Village water system prior to the actual connection.
  - B. The actual charge for connecting to the Village water system must cover the cost of labor and materials. If the actual cost is greater than \$125.00, the property owner must pay the difference within fifteen (15) working days after they are presented with the bill.
4. All property within the Village of Edmore must connect to the Village of Edmore Water System if a water main is available within 100 feet of the property owner's property line.
5. All costs and expenses incident to the installation and connection of water service shall be borne by the property owner. The owner shall indemnify the Village of Edmore from any loss or damage that may directly or indirectly result from the installation of water service.

Amended July 10, 1989

Amended June 13, 1988

Adopted November 6, 1972

**OPERATING PROCEDURE NO. 4**  
**REQUIREMENTS FOR PARADE PERMITS**

1. Requests for Parade Permits must be filed at the Village six weeks prior to the planned event.
2. A Parade Permit fee in the form of a check or money order must be paid upon request for a permit and made payable to the State of Michigan.
3. It will be the responsibility of persons or organizations requesting Parade Permits to arrange with the Montcalm County Sheriff Department and/or the Edmore-Home Municipal Police Authority to have law enforcement officers posted at intersections to direct traffic.
4. Traffic must be routed as approved by the Parade Permit and persons or organizations requesting permits are to notify the Sheriff's Department and/or the Edmore-Home Municipal Police Authority of parade routing.
5. All parades are to commence at the Montabella Middle School grounds; proceed South on Brown Street to intersection of M-46 or proceed South on Wyman Road (First Street) to the intersection of M-46; turn East on M-46 and proceed down M-46 to Lewis Street; turn North on Lewis Street to Home Street; turn West on Home Street and proceed West on Home Street until ending at the Montabella Middle School grounds.
6. Any exceptions to this route must be approved by the Edmore Village Council.

Amended July 10, 1989

Amended October 6, 1979

Adopted November 11, 1974



**OPERATING PROCEDURE No. 5**  
**DRIVEWAY APRON REIMBURSEMENT**

The Village of Edmore will participate in the expense of constructing an asphalt driveway apron from a home owners property line to any street under the following conditions:

1. The Village will participate only where the home owner is constructing a new driveway or where a hard surface driveway (asphalt or cement) currently exists and which will connect to any street.
2. Village participation shall be limited to 50% of construction cost or \$50.00, whichever is less.
3. Said apron to be constructed of asphalt material only.
4. Property owner to assume all responsibility for obtaining contractor and having construction completed.
5. Village participation to be enacted as monies become available in the Major or Local Street Funds.
6. Reimbursement made only on those streets controlled by the Village. (Highway M-46 not included as it is controlled by the State Highway Department.)

Adopted December 8, 1975

**OPERATING PROCEDURE NO. 6**  
**CEMETERY PROCEDURES AND COSTS**

1. The Village of Edmore requests the following procedures to be followed in arranging monument placement in Vinewood Cemetery, Village of Edmore, Michigan:
  - A. All foundations will be requested in writing.
  - B. Foundation requests will include readable drawings with name, lot numbers, section size and exact location of the foundation placement.
  - C. Arrangements will be made at the Village of Edmore Office, 209 S. Sheldon Street, Post Office Box 170, Edmore, Michigan 48829.
  - D. Stone setting date will be made with the Village Office and may not be set without approval.
  - E. All foundations to be set before Memorial Day must be submitted to the Village no later than May 10<sup>th</sup>.
  - F. Individuals may not arrange foundation ordering or setting directly with the Village, but with the monument companies only.
  - G. Foundation requests will not be honored if outstanding monies from the requesting individual or company are due to the Village of Edmore.
2. Foundation costs will be assessed at **\$ .40 per square inch**.

**VETERAN'S FOUNDATIONS (28x16x24) ARE AT NO CHARGE.**

3. Cemetery lots may be purchased for the following amounts:

	Resident	Non-Resident
2 Graves	\$500.00	\$7.00.00
4 Graves	\$1,000.00	\$1,400.00
1 Grave in Babyland	\$150.00	\$250.00

Costs for Grave Openings and Closings are as follows:

		Resident	Non-Resident
Regular Burial	Monday-Friday	\$425.00	\$550.00
Cremation and Baby Burial	Monday - Friday	\$250.00	\$350.00
<b>Saturday, Sunday, after hours (any opening or closing extending past 5:00 pm), and Holidays add to all openings and closings:</b>		\$175.00	\$225.00

#### **Winter Fees**

There will be an additional charge of \$150.00 for all grave openings that take place between November 1<sup>st</sup> and April 1<sup>st</sup>.

#### **Dis-interment/Re-interment Fees**

Dis-Interment \$650.00 weekdays only      Re-interment \$425.00 weekdays only

Deed re-issue: \$25.00 Transfer Fee

4. Cement and steel vaults only are allowed, with the exception of baby vaults not to exceed 36 inches in length.
5. The sprinkling of ashes on a grave, or unburied ashes in the cemetery, is not allowed.
6. One casket or two cremains urns will be allowed on one grave.

Amended 10-31-2016

Amended 11,2,2009 – 11-25-2002 – 5-13-2002 – 8-13-1990 – 1-22-1990

Adopted 7-24-1989

**OPERATING PROCEDURE NO. 7**  
**PROCESSING REQUESTS FOR PUBLIC INFORMATION**

It is the policy of the Village of Edmore that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees. The people shall be informed so that they may fully participate in the democratic process.

1. "Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created, that is not exempted from disclosure by state law.
2. Upon an oral or written request which describes the public record sufficiently to enable the custodian of the public records to find the public record, a person has the right to inspect, copy or receive copies of a public record of a public body, unless expressly exempted from disclosure by the Village Council in accordance with State Law.
3. The custodian of the public records of the Village shall be the Clerk, the Deputy Clerk, and whoever else the Village Council may designate.
4. The custodian of the public records of the Village shall be solely responsible for processing requests for public information records.
5. Requests for easily retrievable public records (e.g. minutes of meetings, correspondence to and from any Village Official or employee regarding public business, ordinances, and procedures) shall be processed with two business days of that request.
6. Requests for more complex or voluminous public records shall be processed by the custodian of public records in accordance with the State's Freedom of Information Law (Act NO. 442 of the Public Acts of 1976, as amended).

Adopted July 11, 1977

**OPERATING PROCEDURE NO. 8**  
**BORROWING OF VILLAGE EQUIPMENT**

1. There will be no unauthorized use of Village equipment (e.g. picnic tables, tools, mechanical equipment, etc.)
2. Village equipment may be borrowed by an authorized member of a contributing civic group or club involving activities within the Village or the immediate area; or by another governmental unit with which the Village maintains a good relationship with regards to borrowing their equipment for local affairs when necessary.
3. The borrowing of equipment must be approved by the Village Manager with the Village President being informed, when possible. (In the event that the Village Manager can not approve the request, two Council members must grant approval.)
4. The borrowing party must accept responsibility for the use of any borrowed equipment while in their possession, and must accept responsibility for replacing or repairing any equipment damaged or lost while in their possession by signing the following statement:

I, \_\_\_\_\_, a representative of \_\_\_\_\_, have been granted authorization to borrow the following piece(s) of equipment from the Village of Edmore:

- 1.
- 2.
- 3.

The equipment will be used for \_\_\_\_\_, and will be returned on \_\_/\_\_/\_\_.

I understand that the borrowing party is required to repair and/or replace any equipment lost or damaged while in their possession. In addition, the borrowing party is fully responsible for any liability that may directly or indirectly arise out of the use of the equipment.

\_\_\_\_\_  
Borrower's Signature

\_\_\_\_\_  
Village Representative

Amended July 10, 1989

Adopted August 11, 1980

**OPERATING PROCEDURE NO. 9**  
**FILLING OF PRIVATE SWIMMING POOLS**

1. Requests for filling of private swimming pools will be made to the Village office.
2. Swimming Pools will be filled by the Edmore Department of Public Works or by the Home Township Fire Department.
3. A minimum charge of \$25.00 will be made by the Village of Edmore to cover the cost of water and labor.
4. The Village of Edmore will not be responsible for any loss or damage that may directly or indirectly result from the filling of any private pool.

Adopted August 11, 1980

## **OPERATING PROCEDURE NO. 10**

### **SEWER BLOCKAGE**

Amended April 22, 2002, pursuant to Public Act 222

1. Any person experiencing sewer difficulty shall contact the Village Department of Public Works at (989) 427-3747 or the Village Office at (989) 427-5641.
2. The employee taking the complaint will complete the Complaint Intake Form (Attachment A) for Municipal Files.
3. The Village Department of Public Works will check the main sewer line to verify that the problem or blockage is not in the Sewer Main.
4. If the Blockage is in the Sewer Main, the problem will be corrected by the Village.
5. If the blockage problem is not in the Sewer Main, the property owner will be so advised and instructed to contact a qualified contractor to clear or repair the lateral. If any part of said repair is on Village property or involves the connection to the Sewer Main, all repairs will be coordinated with the Department of Public Works Director.
6. If damage has occurred due to blockage in the Sewer Main, an attempt by a Village Employee and/or Village Police Officer will be made to examine and document by photograph the damage that is alleged.
7. If damage has occurred due to blockage in the Sewer Main, the claimant will be sent a letter of instruction for making a claim (Attachment B), a Notice of Claim (Attachment C), and a Submission of Claim for Damages (Attachment D).
8. All pictures and documents will be submitted to the MML Property and Liability Pool, Claims Department.

Amended April 22, 2002

Amended July 13, 1998

Adopted February 9, 1987

## VILLAGE OF EDMORE

### COMPLAINT INTAKE FORM (FOR MUNICIPAL FILES)

---

Call taken by: \_\_\_\_\_

Date/Time Received: \_\_\_\_\_

---

#### CALLER INFORMATION:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

#### OWNER INFORMATION (if different from above)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

#### AFFECTED PROPERTY:

Address: \_\_\_\_\_

#### Reason for Complaint/Description of Event:

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Date of Loss or Event: \_\_\_\_\_

\_\_\_ Notice of Claim Packet was sent to the caller?

Mailed: \_\_\_\_\_

\_\_\_ The Caller was informed of the requirement of written notice to be sent to the Village within 45 days of discovery of event.

209 South Sheldon Street  
Edmore, Michigan 48829

P.O. Box 170  
(989) 472-5641



Print the Following On Village Letterhead

Attachment B

(Date)

Claimant's Name

Claimant's Address

City, State      Zip Code

Dear Mr. & Mrs. \_\_\_\_\_

On (\_\_\_\_\_) you contacted the Village of Edmore to claim that on (\_\_\_\_\_) you discovered you had suffered property damage or personal injury as a result of a sewage disposal system event. Enclosed please find the Notice of Claim form and instructions for your use.

Public Act 222 of 2001 requires that if you are seeking compensation for personal injury or property damage, you must show that the sewage disposal system had a defect; that an appropriate government agency knew, or reasonably should have known, about the defect; that the defect was not remedied by the government agency in a reasonable time; that the property damage or personal injury resulted because of the defect; and that you own and have related the value of the damaged personal property.

You are also required to comply with the notice requirements of the Act. Any claim you make must be made in writing within 45 days after the date the damage or physical injury was discovered. The written notice must contain your name, address, telephone number, the address of the affected property, the date of the discovery of any property damages or physical injury, and a brief description of the claim. Please use the forms enclosed to report your claim.

Please contact us immediately should you have further questions.

Sincerely,

Designated Agent  
Village of Edmore

Attachment C  
VILLAGE OF EDMORE  
NOTICE OF CLAIM (to be sent to Claimant)

In order to make a claim for damages or physical injury arising from a sewage disposal or storm water system event, all claimants MUST provide the following information:

Name \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_

Address of Affected Property: \_\_\_\_\_  
\_\_\_\_\_

Please briefly describe the claim: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Loss (Property Damages or Physical Injuries): \_\_\_\_\_

An individual that has been injured or has suffered property damage as a result of a Sewage Disposal Event must provide written notice of the event within 45 days after the date the damage or injury was, or in exercise of reasonable diligence should have been, discovered. Failure to provide proper notice will bar your claim.

---

FOR OFFICE USE ONLY:

Date Received \_\_\_\_\_

Forwarded to: \_\_\_\_\_ Date: \_\_\_\_\_

Forwarded to: \_\_\_\_\_ Date: \_\_\_\_\_

Forwarded to: \_\_\_\_\_ Date: \_\_\_\_\_

Forwarded to: \_\_\_\_\_ Date: \_\_\_\_\_

209 South Sheldon Street - P.O. Box 170  
Edmore, Michigan 48829 (989) 427-5641

# VILLAGE OF EDMORE

Attachment D

## SUBMISSION OF CLAIM FOR DAMAGES RESULTING FROM SEWER BACKUP

(To be sent to claimant for completion of first three columns)

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address:

Date of Loss:

Please complete the first three columns below. For service bills and other cleanup costs, complete items and current value columns only.

(FOR OFFICE USE)

Item:

Age

Current  
Value

(DPR Adjusted Value)  
%[illegible]

209 S. Sheldon Street - P.O. Box 170  
Edmore, Michigan 48829 (989) 427-5641

**OPERATING PROCEDURE NO. 11**  
**SIDEWALK REPLACEMENT AND MAINTENANCE**

1. Property owners are required to maintain all sidewalks adjacent to and abutting upon their lots and premises and to keep them in repair at all times.
2. Property owners, who have sidewalks adjacent to or abutting upon their lots or premises that are deemed by the Department of Public Works Director to be a threat to public safety or inadequate, will be notified by Certified mail that they must repair and/or rebuild the sidewalks within sixty (60) days.

Sidewalks will be considered unsafe and/or inadequate if pieces of the sidewalk are broken off, buckled, and/or if large cracks have formed that could cause an individual walking on the sidewalk to trip and fall. Formal inspections of the sidewalks will be performed by the DPW Director in June of each year, starting in 1991.

Sidewalks deemed unsafe shall be marked with a large "X" of either red, orange, or yellow paint.

3. If sidewalks need to be constructed, rebuilt, or repaired, the property must construct and lay the sidewalk upon such lines and grades, and of such width, materials, and manner of construction, as deemed property by the DPW Director. The expense for such construction will be paid for by the property owner whose property is adjacent to or abutting upon the sidewalks. If two or more property owners abut upon the same section of the sidewalk, the expense shall be equally apportioned between both property owners.

Sidewalks which have been deemed unsafe, but are not considered by the DPW Director to constitute an important segment of the Village's sidewalk system, may be removed, in lieu of repair, at the expense of the property owner.

4. If the property owner does not construct, repair, or rebuild any particular sidewalk as mentioned or prescribed in the last section within the time frame allotted, the Village may cause the work to be done, at the expense of the property owner, together with a 10% penalty in addition thereto, to be reported to the assessor and levied as a lien upon the lot or premises.
5. The Council may, by a two-thirds (2/3) vote of all members, agree to pay up to 50% of the expense of rebuilding or repairing a sidewalk designated as unsafe by the DPW Director. (Sidewalks within the boundaries of the DDA will be replaced or constructed with TIF monies after September of 1991.)
6. If a property owner does not repair, or rebuild any particular sidewalk designated by the DPW Director as unsafe within the time frame allotted, the Village will not share in the expense of the required sidewalk work.

Adopted May 14, 1990

**OPERATING PROCEDURE NO. 12**  
**RESERVATIONS OF THE CURTIS PAVILION**

1. Any group or individual that wishes to use the Curtis Pavilion and picnic tables should contact the Village office to make reservations. Reservations will be made on a first come, first served basis. Without reservations, the Village cannot ensure that the pavilion will be available for use on any given day.
2. Reservations, when made, must include the name and telephone number of a contact person, the date the pavilion is to be reserved, the purpose for the reservation, an estimate of the number of people that will be attending, and the number of picnic tables needed. In addition, reservations must designate which section(s) of the pavilion they wish to reserve (i.e. North half, South half, or the Entire pavilion.)
3. Costs for reserving the Pavilion are as follows:  
North Half ----- \$30.00  
South Half ----- \$30.00  
Entire Pavilion ----- \$50.00

A refund of the deposit will only be made if the party gives notice that they wish to cancel the reservation seven (7) days prior to the date the pavilion is reserved or if the party utilizes the pavilion as scheduled.

4. A receipt from the Village will be given to the party reserving the pavilion as a proof of reservation should any conflict arise.
5. Electricity will be turned on prior to the usage of the pavilion by any group or individual that has placed a reservation with the Village office.

Adopted 8-11-1989

**OPERATING PROCEDURE NO. 13**  
**RUBBISH & YARD WASTE COLLECTION**

**GENERAL RULES:**

- 1) Burning of yard waste or rubbish is prohibited within the Edmore Village limits.
- 2) The disposal of yard waste in landfills is prohibited within the Edmore Village limits.
- 3) All refuse must be placed in Village refuse bags or affixed with Village refuse tags to be collected. Monies from the sale of bags and tags will fund a portion of solid waste collection in the Village.

**RUBBISH COLLECTION:**

- 4) The Village will provide curbside trash collection every Tuesday for one or two family dwellings, and small commercial businesses. However, the proceeding rules must be followed:
  - a) All refuse must be placed in Village bags or affixed with Village refuse tags in containers having a capacity of thirty-two (32) gallons or less.
  - b) A six (6) container limit per household per week will be enforced. (This limit does not apply to yard waste.)
  - c) All containers must be placed within three (3) feet of the roadside.
  - d) All waste materials must be placed in plastic bags or sturdy containers. No waste materials will be collected if placed in cardboard, paper, or paperboard containers.
  - e) All yard waste must be placed in clear plastic bags. (Yard waste is not included in the six bag limit.) Yard waste not placed in clear plastic bags will not be collected. (Clear plastic bags may be purchased from the Village.)
  - f) No hazardous wastes will be collected.
  - g) All wood, metal, piping, etc. which can not be stored in appropriate containers must be cut in four foot lengths and bundled with twine or other appropriate material. These bundles may not weigh in excess of fifty pounds.
  - h) All ashes from wood burning stoves or fireplaces must be disposed of in plastic bags.
  - i) All trash receptacles must weigh less than fifty (50) pounds.

- 5) The cost of the Village refuse bags or tags is \$1.00 each.  
The bags may be purchased at either the Village offices, C&B Thriftway Grocery Store, Big Bear IGA Grocery Store, Hansen's Pharmacy or True Value Hardware Store in Edmore.  
The refuse tags may only be purchased at the Village offices.

#### **SPRING & FALL CLEANUP:**

- 6) Twice each year, the Village will provide a special cleanup day for single family dwellings. On this day, there will be no limit on the number of containers which will be collected and appliances will be accepted. In addition, items weighing in excess of fifty (50) pounds and special refuse, such a furniture, household appliances, and construction material may be collected, if affixed with at least one (1) Village special refuse collection tag. However, all other rules pertaining to normal trash collection will still apply.
- 7) The cost for the Village Special refuse collection tags are as follows:
- |   |                               |
|---|-------------------------------|
| For Household Appliances                  | \$15.00 each                  |
| For Sofas                                 | \$15.00 each                  |
| For Recliners, Chairs, Tables             | \$10.00 each                  |
| For Construction Material                 | \$ 7.00 per 100 lb. estimated |
| For Refuse that can not be placed in bags | \$ 7.00 per 100 lb. estimated |
| For Automotive Parts                      | \$ 7.00 per 100 lb. estimated |
| For Tires                                 | \$3.00 per tire               |

#### **LEAF COLLECTION:**

- 8) During The month of October, the Village DPW will vacuum and collect leaves. (ONLY LEAVES WILL BE VACUUMED). Collection will begin on the first Monday in October. On each Monday in October, the DPW will begin a collection of all the leaves raked during the previous weekend. Collection will be discontinued in November unless an extension is approved by the DPW Director.

Residents located on M-46 should rake leaves to either an alley behind their residence or an adjacent street. If residents located on M-46 do not have an adjacent street or alley to rake to, the Village will provide up to ten (10) yard waste trash bags. These bags will be collected by DPW during the course of the normal collection of leaves.

Resident who do not want to rake their leaves to the side of the road may place their leaves in clear plastic trash bags, which will be collected by the Village during the course of normal collection of leaves.

- 9) Village yard waste bags may be purchased from the Village during normal business hours (i.e. 9 a.m. to 5 p.m. Monday through Friday) for the following amounts:
- |                       |       |
|-----------------------|-------|
| 40 gallon volume bags | \$.25 |
| 55 gallon bags        | \$.30 |

#### **YARD WASTE COLLECTION:**

- 10) During the months of April through September, residents are required to bag their yard waste in clear plastic bags and place the bags curbside. These bags will be collected each Tuesday on a weekly basis. (No yard waste will be collected by the Village during December, January, February, or March.)

#### **CHIPPING BRANCHES:**

- 11) Chipping will occur on the first Tuesday of each month, starting in April and ending in November. (No chipping will occur during December, January, February, or March.) The Village will only chip branches that are eight inches (8") or less in diameter. Yard waste which is inappropriate for chipping (e.g. rose bush stems, branches larger than 8" in diameter, non-organic waste, etc.), will be left at the roadside for the resident to dispose of properly.

All branches to be chipped must be placed curbside with the "butts" of the branches facing the road. Small branches (i.e. less than a ¼ inch in diameter, grapevines, etc.) must be bundled with twine. Materials which do not meet these requirements will be left at the roadside for the resident to dispose of properly.

#### **VIOLATIONS:**

- 12) Resident who violate any of the Village procedures regarding rubbish and yard waste collection will be notified through a memo, which will be attached to their front door entrance, of the violation. Corrective action must be immediately taken by the resident before the waste material will be collected.

If corrective action is not taken, the violator will be cited for a violation of Edmore's Solid Waste Ordinance, which carries fines of up to \$500 per day and jail terms of up to 90 days.

Amended 4-23-90; 5-28-90; 5-13-91  
Adopted: 8-11-1989



## **OPERATING PROCEDURE NO. 14**

### **SNOW REMOVAL**

Snow Removal is a highly visible portion of the Department of Public Works' activities. As such, it is both important and often misunderstood by community residents. The major purpose of snow removal is not to ensure that "blacktop" is showing on all the streets, but to ensure that traffic within the community can move safely. To meet this goal, the following procedures have been enacted:

- 1) Snow will generally be removed if more than 2 inches have accumulated. If less than two inches have accumulated, the DPW Director shall determine if the Village roads need to be plowed or, if the snow has accumulated during non-business hours (i.e. weekends and nights), the on-call employee shall make that determination.
- 2) The following priorities are established for removal of snow:
  - a) The first priority is M-46, Wyman Road, Gilson and Home between Lewis and Wyman, and Lewis, Third, Fourth, and Fifth between Home and Gilson;
  - b) The second priority is Industrial Drive, Second Street between Gilson and Webb Elementary, and the Curtis Community Center parking area;
  - c) The third priority includes all remaining residential streets;
  - d) The fourth priority is the removal of snow from the downtown municipal parking lots;
  - e) The last priority is the removal of snow from the Second Street sidewalk and the Main Street sidewalk between the downtown business section and the Middle School.
- 3) Generally, snow will be removed after it has accumulated more than two inches. If this accumulation occurs during normal business hours, two or more DPW employees will generally be assigned to snow removal. If the accumulation occurs during weekends or nights, the on-call employee shall remove the snow and have the authority to require another DPW employee to report to work, if assistance is necessary. (If conditions warrant, the on-call employee shall begin snow removal at 2:00 a.m., or when the snow accumulates to a depth of more than two inches.)
- 4) Salt will only be utilized if slick or slippery conditions exist or if weather forecasts indicate a need. Salt will normally be spread only if the temperature is above 20 degrees Fahrenheit. If the temperature is below 20 degrees, sand (i.e. a mixture of sand and chloride) will be used.

Salting will be done only after the first three priorities under section two are completed or if a DPW employee is available to "salt" during snow removal operations which occur during normal hours of operation. (i.e. 8:00 am. to 5:00 p.m.)

If slippery conditions develop at any intersection, DPW will spread salt or sand as soon as it is aware of the problem.

Amended 1-22-90  
Adopted 11-27-89

## **OPERATING PROCEDURE NO. 15**

### **ICE RINK MAINTENANCE**

In order to provide a winter recreational opportunity for area residents, Edmore shall prepare and maintain an ice rink on the Village Duck Pond using the following procedures:

- 1) The Department of Public Works shall post “No Skating” signs at the pond from the day the pond freezes until the surface of the pond is frozen to the depth of 5 inches or more of clear “blue” ice. If at any time during the winter skating “season” the ice becomes less than 5 inches thick or at any time the DPW determines that the surface of the pond represents a threat to public safety (e.g. the surface becomes snowy, soft, or candled), the DPW shall immediately post “No Skating” signs.
- 2) Once the DPW determines that the surface of the pond is of adequate thickness (i.e. at least 5 inches thick of clear ice), the DPW shall prepare a portion of the pond at least 75 feet wide – running from North to South – and 170 feet long – running from West to East – for skating.

The DPW shall mark the boundaries of the rink and post signs warning people to stay within the rink boundaries. Also, a pathway to the skating surface shall be prepared and maintained.

Preparation of the surface shall include:

- A. Checking the thickness and condition of the ice surface;
- B. Removing all snow and/or debris from the skating area;
- C. Flooding the surface, as necessary, to maintain a smooth skating surface.

- 3) During the early weeks of rink preparation, all work shall be completed by hand. Only after the surface of the rink reaches a thickness of 6 inches or more of good clear ice shall any motorized equipment be utilized for surface preparation.
- 4) The DPW shall, as necessary, maintain the surface of the rink by removing snow and/or debris and periodically flooding the surface to maintain a smooth skating surface. Flooding shall only be utilized if the temperature is below 20 degrees Fahrenheit.
- 5) Although preparing and maintaining the rink is considered to be an important part of DPWs winter duties, it is recognized to be of lower priority than snow removal, operation and maintenance of the sewer and water system, and the repair or maintenance of capital equipment.  
However, DPW should schedule to prepare the surface of the pond on Friday afternoons to allow the use of the pond by residents over weekends and/or holidays. The pond will not be maintained on weekends or through the use of over-time by DPW.

Adopted 12-11-1989

**OPERATING PROCEDURE NO. 16**  
**RESIDENTIAL LAWN MAINTENANCE**

- 1) Pursuant to Edmore's Grass and Weed Ordinance No. 240-87, no owner shall allow grass or weeds to grow to a length of 12 inches or more, after June 1<sup>st</sup> of each year.
- 2) If the DPW Director determines that a violation of the Grass and Weed Ordinance exists, he shall direct his staff to cut the lawn and forward cost information to the Finance Director for billing purposes.
- 3) Costs for lawn cutting services shall be assessed as follows:
  - A. First offense with a calendar year shall be bill a minimum of \$150.00. If the service required more than one hour of work, each 15 minute increment over one hour shall be billed at a rate of \$37.50.
  - B. Additional offenses with a calendar year shall be billed a minimum of \$200.00. If the service requires more than one hour of work, each additional 15 minute increment over one hour shall be billed at a rate of \$50.00.
- 4) For a first offense, the Village office shall attempt to notify the property owner of the violation in order to afford the violator an opportunity to remedy the situation. Failure to receive notice of a violation shall not relieve the property owner of any costs incurred by the Village for services provided.
- 5) The costs of the services shall be computed by the Finance Director who shall bill the property owner by first-class mail for the cost of the services. If the property owner does not pay within thirty (30) days after the bill was mailed, said amount will be added to the next tax roll of the Village of Edmore and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village of Edmore.

Amended June 10, 2024  
Adopted June 25, 1990

**OPERATING PROCEDURE NO. 17**  
**MANAGING UTILITY CUTS ON VILLAGE STREETS**

Public law and legal decisions hold that any unit of government with jurisdiction over a public road and street system is totally responsible for them. In addition, since utility cuts are included in this responsibility, there is an increased legal exposure if utility cuts are not properly repaired or inconsistent practices are followed.

To ensure that utility cuts are properly repaired, the following procedure will be followed:

- 1) All persons, firms, associations, partnerships, corporations, or other legal entities will complete the attached permit for street opening before any utility cut can be made in a street, road, or sidewalk within the corporate boundaries of the Village of Edmore.
- 2) If an emergency requires an immediate utility cut to be made and the Village offices are not open or can not be notified, notification shall be made to the County Dispatch who will then notify the Department of Public Works employee on standby assignment. The permit for street opening must then be completed the next business day during which the Village offices are open.
- 3) A performance bond or certified check in the amount of \$1,000.00 shall be required to be posted with the street opening permit for any utility cut within a street or road. A performance bond or certified check in the amount of \$200.00 is required for any utility cut on a sidewalk. (The Village Manager may increase the amount of the performance bond or certified check if it is determined the construction will be of a major nature.)
- 4) The trench cut should be as narrow as possible while ensuring workers safety, repair of the utility and backfilling and compaction. Cuts in the bituminous pavement must be made by saw or four-inch air spade to ensure straight-sided cuts. Utility cuts can not be made with a backhoe bucket which create jagged edges and weaken the surrounding pavement.
- 5) All street or road utility cuts shall be compacted and patched per the attached standards. All backfill material should be of a nature similar to the surrounding subsurface. If native soils are organic, silty, or of other poor types, they must be removed from site and replaced with either clean sand or clear pit-run material. (Special mixtures of sand/cement, sand/lime, or sand/bitumen can also be used for small trench openings.)

Whatever materials are used to backfill the trench, the contractor or utility personnel must use good backfilling methods. Compaction should meet all the requirements for normal road construction.

The new pavement material should be the same as the adjacent pavement material. It should be blended in and sealed to the edges of the saw-cut to minimize the potential for water infiltrating into the subgrade. (The attached diagrams show standards for trench compaction and utility patches.)

- 6) The DPW Director shall be required to inspect the progress of the work. The person, firm, association, partnership, corporation, or other legal entity named on the street opening permit shall notify the Village as to when the work will begin. The DPW Director shall have the authority to suspend the work if it does not adhere to specifications or standards.
- 7) The Village shall give final inspection of the utility cut within seven calendar days after being informed by the contractor that the backfilling, compaction and patch work is completed. After final approval has been granted by the Village, the certified check or performance bond will be returned after the six month warranty period is completed.

**VILLAGE OF EDMORE**  
**209 South Sheldon**  
**Edmore, Michigan 48829**  
**(989) 427-5641**

**PERMIT TO OPEN AND EXCAVATE STREET AND/OR SIDEWALK**

Purpose of Opening:      ☐    Install New \_\_\_\_\_ Main  
                                 ☐    Install New \_\_\_\_\_ Service  
                                 ☐    Cut Off \_\_\_\_\_ Service  
                                 ☐    Repair \_\_\_\_\_ Service/Main  
                                 ☐    Other \_\_\_\_\_

Location: \_\_\_\_\_  
\_\_\_\_\_

Date Started \_\_\_\_\_ Date Complete \_\_\_\_\_

In consideration of being permitted to make such excavation, I hereby agree that I will faithfully comply with the terms of this permit, including the Special Provisions; that I will comply with all applicable statutes, rules and regulations of the State of Michigan and the Village of Edmore; that I will indemnify and hold the Village of Edmore harmless from any and all claims, liability, loss, damage or expense incurred by the Village of Edmore on account of any injury or death of any person or any damage to property caused by or resulting from activity or work performed under this permit; that I will at all times keep the place where such excavation is made properly guarded by day and lighted by night; that I will leave the street, road, sidewalk, alley or terrace in as good or better condition than existed when the work was commenced; that I will have all finished concrete and asphalt work within the right-of-way performed by a qualified contractor; that all restoration work shall be completed within twenty (20) calendar days of completion; that all restoration work shall be guaranteed for a period of six (6) months from the date of completion; that I agree this permit may be voided by the Village if the work is not started within a reasonable length of time after the above stated starting date.

SPECIAL PROVISIONS: \_\_\_\_\_  
\_\_\_\_\_

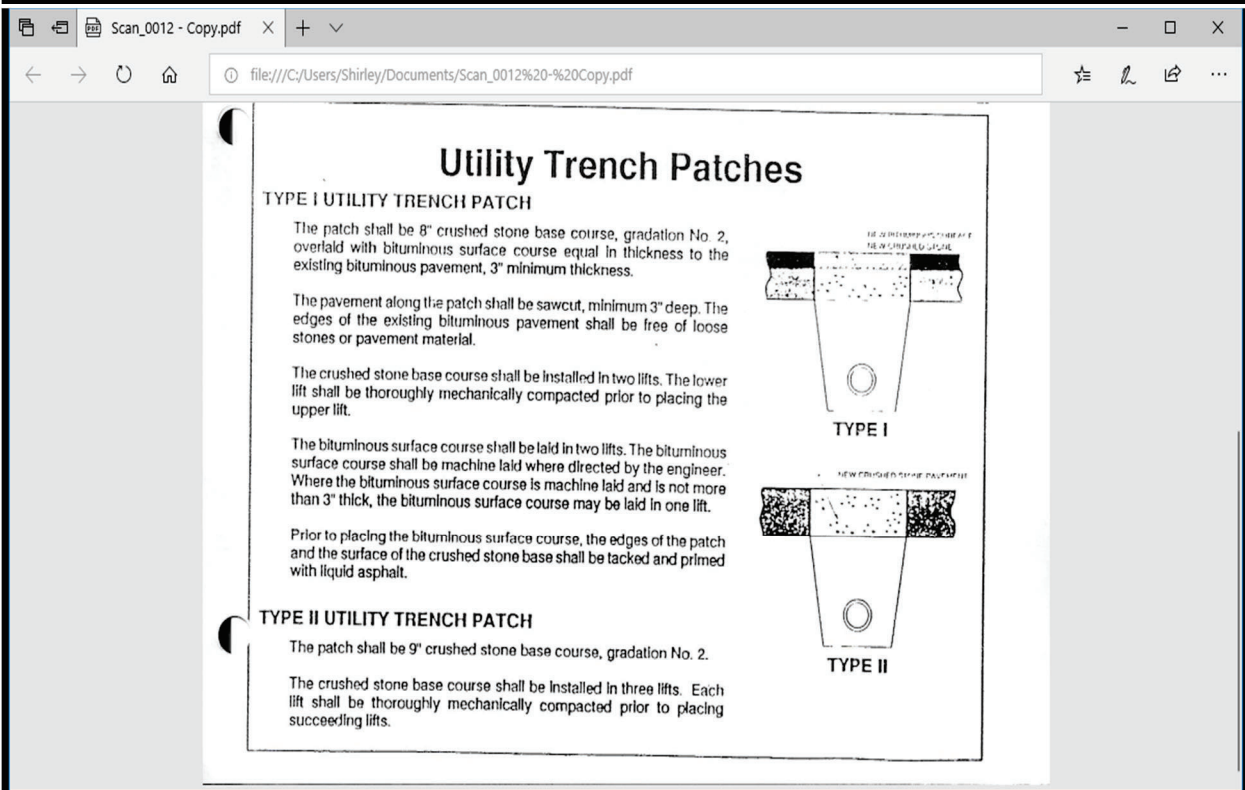
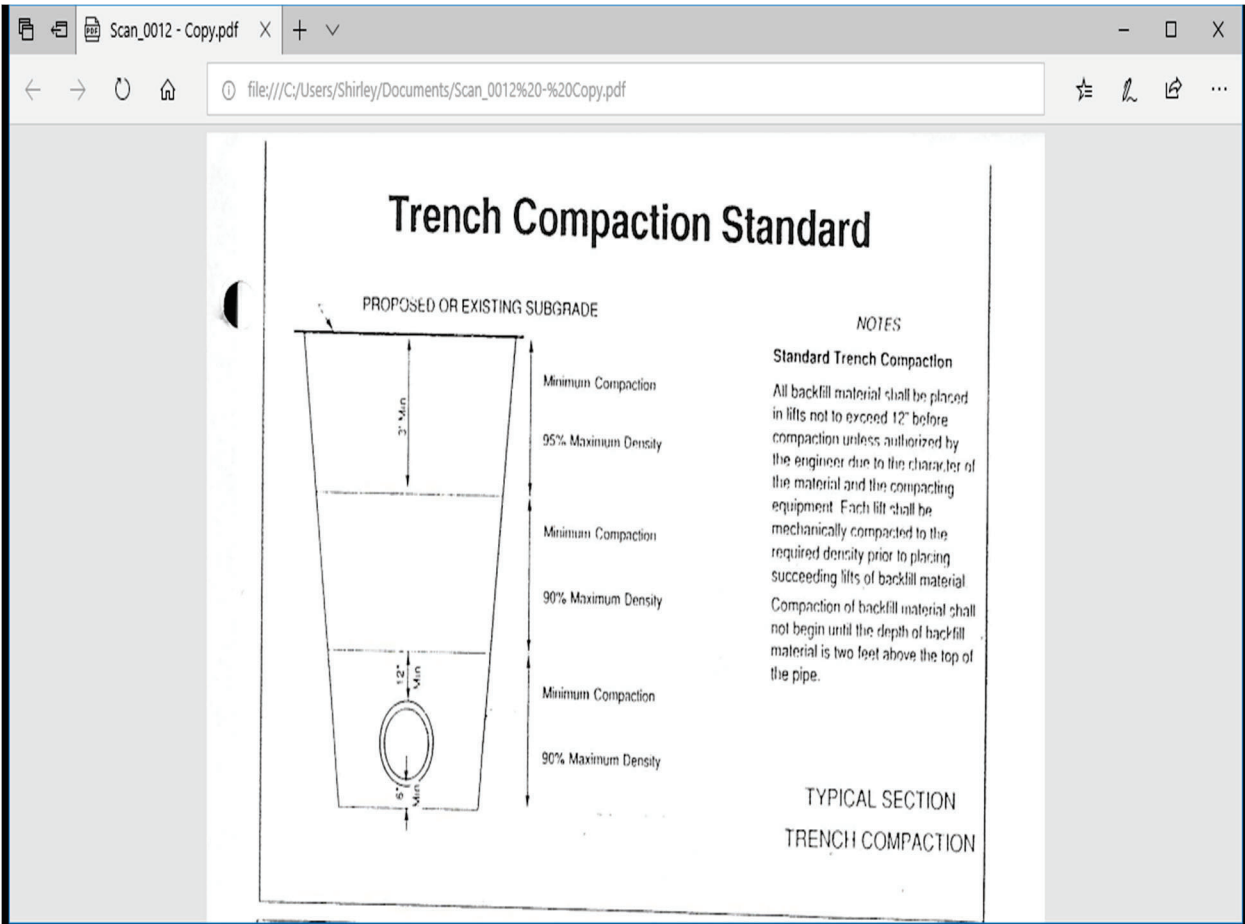
Requested by: (name & address) \_\_\_\_\_  
\_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Performance Bond      \$ \_\_\_\_\_

☐ Certified Check      \$ \_\_\_\_\_





**OPERATING PROCEDURE NO. 18**  
**SANITARY SEWER MAINTENANCE**

- 1) All sanitary sewer mains will be flushed on an annual basis. Records must be maintained by the DPW verifying the flushing of sewer mains.
- 2) If the DPW worker determines that a main is flowing “sluggishly”, the main will be rodded within six weeks. Records of all mains rodded will be maintained by the DPW.
- 3) Records of all sewer related complaints must be maintained by the DPW office.
- 4) The aforementioned forms must be maintained in a filing system that allows each calendar year to be examined upon request for flushing, rodding and/or complaints.
- 5) If a design or maintenance problem exists, the Village shall take immediate action to correct the problem. (Design or maintenance problems of laterals are not the responsibility of the Village to correct.)

Adopted September 14, 1992

**OPERATING PROCEDURE NO. 19**  
**WATER LINE BLOCKAGE**

1. Any person experiencing frozen or otherwise blocked water lines served by the Village of Edmore water system shall report the problem to the Village Department of Public Works. The Public Works Department can be reached at 427-3747 during normal business hours. Emergency after hours calls to the Department of Public Works may be directed to the Montcalm County Sheriff's central dispatch system at (989) 831-5253.
2. The Village Department of Public Works will check the main line and the lateral up to the valve box to verify that the problem or blockage is not in either of those areas.
3. If the problem or blockage is in either the main water line, or in the lateral leading away from the main up to the valve box, it will be corrected by the Village Department of Public Works in a manner deemed most appropriate by the Department of Public Works Director.
4. If the problem or blockage is not in the main line or in the lateral line up to the valve box, but in a private lateral beyond the value box, the property owner will be so notified, and instructed to contact a qualified contractor to unfreeze, clear or otherwise repair the lateral line beyond the valve box as necessary.
5. At no time shall Department of Public Works staff attempt to unfreeze, unblock or otherwise repair a private lateral water line above the valve box.
6. Department of Public Works staff may attempt to provide alternate and temporary water to a private building via the use of a hose connected to a working tap at another location. Such assistance will be offered at the discretion of the Department of Public Works Director who shall consider feasibility, practicality and safety factors associated with doing so. Such assistance will only be given with the prior expressed permissions of all property owners involved.
7. If any part of a frozen or otherwise block private lateral line is on village property, all repair work will be coordinated with the Department of Public Works Director.

Adopted March 17, 1994