

ORDINANCE CODE

OF THE

VILLAGE OF CALEDONIA

Kent County, Michigan

Adopted November 10, 1980

(Includes all amendments adopted through November 12, 2018)

ORDINANCE CODE OF THE VILLAGE OF CALEDONIA

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VILLAGE OF CALEDONIA

County of Kent, Michigan

VILLAGE OF CALEDONIA ORDINANCE CODE

AN ORDINANCE to provide for the exercise of certain municipal powers of the Village of Caledonia, County of Kent, Michigan; to provide for the health, safety and welfare of persons and property in the Village; to revise, amend, restate, codify and compile certain existing ordinances of the Village; and to provide penalties for the violation of the provisions thereof.

THE VILLAGE OF CALEDONIA ORDAINS:

**CHAPTER 1
GENERAL PROVISIONS**

Section 1.1 Short Title.

This Ordinance shall be known and may be cited as the “Caledonia Code.”

Section 1.2 Contents of Ordinance Code.

This Code contains all ordinances of a general and permanent nature of the Village of Caledonia, and includes ordinances pertaining to administrative organization of the Village, streets, sidewalks and other public grounds, sanitary sewer system, traffic regulations, fire regulations, utilities and municipal contracts and regulations pertaining to food and health, nuisances, businesses and trades and other matters. This Code excludes, however, the Village Zoning Ordinance, Sanitary Sewer Ordinance, Sewer Rate Ordinance, Sewer Connection Ordinance, Water Connection, Use, and Rate Ordinance, Building Code, all ordinances granting franchises and special privileges, ordinances establishing public improvement districts, for the construction and improvement of public works and authorizing the borrowing of money or issuance of bonds.

Section 1.3 Repeal of Previous Code.

Ordinance A, the Caledonia Code, adopted by the Village Council of the Village of Caledonia on May 7, 1956, is hereby repealed, except Section 1104.1 thereof, repealing certain previous ordinances, so that such repeal of said previous ordinances shall remain effective.

Section 1.4 Repeal of Other Ordinances.

All other ordinances of the Village of Caledonia are hereby repealed, except the Village Zoning Ordinance, Building Code, all ordinances pertaining to sewers and sewer rates, ordinances granting franchises or special privileges, providing for the construction or improvement of public works or authorizing the borrowing of money or issuance of bonds. All resolutions adopted by the Village Council shall remain in full force and effect until specifically repealed by action of the Village Council, except as the same may conflict with the provisions of this Code or amendments thereto. Ordinances hereafter adopted which are not of a general or permanent nature, or which are

not part of the subject matter of this Code, shall be numbered consecutively, authenticated, published and recorded in the Village Book of Ordinances, but shall not be prepared for inclusion in this Code nor be deemed a part hereof.

Section 1.5 Headings.

The chapter and section headings used in this Code are for convenience only, and shall not be considered a part of this Code.

Section 1.6 Penalties.

(1) **Class I Civil Infractions.** Any violation of, or failure to comply with, the provisions of the Caledonia Code listed in this subsection (1) shall be a municipal civil infraction, for which the fine shall be \$15 for the first offense and \$50 for a subsequent offense, in addition to all costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within six months of a previous violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

- (a) Section 3.9, House Numbering.
- (b) Section 5.6, Odd/Even Parking Regulations.
- (c) Section 5.7, Other Parking Regulations.
- (d) Section 7.1, Parking Lots.
- (e) Sections 8.4 and 8.5, Animal Control.
- (f) Section 8.9, Snow Removal.
- (g) Section 8.10, Littering.
- (h) Section 8.15, Smoke.
- (i) Section 8.18, Sound Amplifiers.
- (j) Section 8.21, Parades and Motorcades.
- (k) Section 8.22, Charitable Solicitations.
- (l) Subsections (1), (4), (5), and (6) of Section 8.23, Abandoned Refrigerators, Scaffolds, Noise, and Unattended Machinery.
- (m) Section 10.1, Garbage and Refuse.

(2) **Class II Civil Infractions.** Any violation of, or failure to comply with, the provisions of the Caledonia Code enumerated in this subsection (2) shall be a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$100 for the first offense and not less than \$75 nor more than \$150 for a subsequent offense, in addition to all costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within six months of a previous violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(a) Sections 3.2 through 3.7, inclusive, Streets, Sidewalks, Excavations, and Driveways.

(b) Section 3.10, Signs and Canopies.

(c) Sections 6.2, 6.4, 6.5, and 8.19, Fire Safety.

(d) Sections 3.11, 8.2 and 8.3, Trees, Shrubs, and Weeds.

(e) Section 8.11, Storage of Personalty.

(f) Section 8.12, Public Nuisance.

(g) Section 8.14, Barbed Wire.

(h) Section 8.17, Pools.

(i) The Village Building Codes, except that continuing work in violation of a stop work order shall be a misdemeanor, punishable as provided in subsection (4).

(3) **Class III Civil Infraction.** Any violation of, or failure to comply with, the provisions of the Caledonia Code enumerated in this subsection (3) shall be a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$2,500 for the first offense and not less than \$500 nor more than \$5,000 for a subsequent offense, in addition to all the costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within six months of a previous violation of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(a) Section 8.1 and all of Chapter 9, Businesses and Trade.

(b) Section 8.13, Dangerous Structures.

- (c) Section 10.2, Restaurants.
- (d) All of Chapter 11, Subdivision Control.

(4) The violation of any provision or subsection of the Caledonia Code which is not specifically enumerated as a civil infraction in Sections 1.6(1), (2), and (3) hereof shall be a misdemeanor, punishable by a fine of not more than \$500 and costs of prosecution, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. Each day such violation occurs shall constitute a separate offense.

(5) The penalties provided by this section shall, unless another penalty is expressly provided, apply to any amendment of this Code, whether or not such penalty is reenacted in the amendatory ordinance.

(6) Every person concerned in the commission of an act prohibited by this Code, whether such person directly commits the act or causes, counsels, aids, or abets in its commission, shall be subject to a civil infraction or a misdemeanor prosecution, as the case may be, and upon conviction thereof shall be subject to fine or punishment as if such person had directly committed such act.

(7) In addition to such civil infraction or misdemeanor penalties, the Village may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 1.7 Caledonia Code.

The Village President and Village Manager are authorized to issue citations for violation of any Village ordinance which is designated to be a municipal civil infraction if the Village President or Village Manager has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

Section 1.8 Village Building Codes.

The Village Building Official is authorized to issue citations for violations of those building codes which said official is responsible for administering and enforcing if the official has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

Section 1.9 Zoning Ordinance.

The Village President and Village Manager are authorized to issue citations for any violation of the Zoning Ordinance if the Village President or Village Manager has reasonable cause to believe a violation has occurred, based upon personal observation or the report of a person who has allegedly witnessed the violation.

Section 1.10 Form of Citation.

Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.

Section 1.11 Service.

Citations shall be served upon the alleged violator as provided by law.

Section 1.12 Appearance.

Citations shall require appearance at the District Court within a reasonable time after the citation has been issued.

Section 1.13 Procedure.

The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

Section 1.14 Severability.

If any provision, section or clause of this Code or the application thereof to any person or circumstance shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portion or application of this Code which can be given effect without such invalid portion or application, it being the intent that this Ordinance shall remain in effect, notwithstanding the invalidity of any provision or section thereof. All provisions and sections of this Ordinance shall be liberally construed in order to protect and preserve the peace, health, safety and welfare of the inhabitants of the Village.

Section 1.15 Notice.

Notice regarding any matters as to which notice is required to be provided under the terms of this Code, including notice regarding any act required by this Code, the expense of which, if performed by the Village, may be collected from the property owner, shall be served as follows:

- (1) By delivering the notice to the property owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion; or
- (2) By mailing the notice by registered or certified mail to such owner at his last known address; or
- (3) If the property owner is unknown, or if his whereabouts cannot be ascertained after diligent search and inquiry, by posting the notice in some conspicuous place on the premises not fewer than five days prior to the date set therein for compliance.

No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by the Village unless permission is given to remove the same.

Section 1.16 Rules and Regulations.

Copies of all rules and regulations promulgated pursuant to authority granted in this Code shall be kept and maintained in the office of the Village Clerk for public inspection and distribution. The Clerk shall establish a numbering system for such rules and regulations, and each such rule and regulation shall be assigned a distinctive number.

Section 1.17 Procedure to Amend Code.

This Code shall be amended only by ordinance. The title of each amendatory ordinance shall indicate clearly that it is an ordinance to amend a particular section or sections of this Code, to insert a new section, provision or chapter, or to repeal a section, provision or chapter, as the case may be.

Section 1.18 Disposition of Copies of Code.

The Village Clerk shall maintain the official copy of this Code and all amendments thereto, for inspection at reasonable times by any interested person. The Clerk shall distribute copies of this Code to each member of the Village Council and other Village officials.

CHAPTER 2
ADMINISTRATIVE ORGANIZATION

Section 2.1 Village President.

(1) The President shall be the chief executive officer of the Village and shall be a member of the Village Council. He shall preside at meetings of the Village Council and shall from time to time give to the Village Council information regarding the affairs of the Village and recommend such actions and measures as he may deem appropriate. He shall exercise supervision over the affairs of the Village and over its property, and take such action to assure that all laws relating to the Village and its ordinances and resolutions are properly carried out and enforced.

(2) The Village President shall appoint such standing and special committees as are provided for by ordinance, and such other committees pertaining to Village affairs as he may deem appropriate. The appointment of members of such committees shall be subject to approval by majority vote of the Village Council.

(3) The Village President shall, in addition, have all powers and authority granted by law and by ordinances and resolutions of the Village Council.

Section 2.2 President Pro Tempore.

The Village President shall appoint, upon approval by majority vote of the members of the Village Council, the President Pro Tempore of the Council. The President Pro Tempore shall, in the absence or disability of the Village President, perform the duties of the President.

Section 2.3 Village Clerk.

(1) As authorized by Chapter II, Section 2(3) of the General Law Village Act, being Act 3 of the Public Acts of Michigan of 1895, as amended, the Village Clerk shall be chosen by nomination by the Village President and appointment by the Village Council.

(2) The term of office of the Village Clerk shall be two years from the second Monday of March of each even-numbered year and until a successor is appointed; provided, however, that the person first appointed as Village Clerk under this Ordinance shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the Village, together with the filing of any bond required by law, and such initial term of office shall then continue until the second Monday of March, 2000, and until a successor is appointed.

(3) The Village Clerk shall be Clerk of the Village Council and shall attend its meetings. The Clerk shall record the proceedings and resolutions of the Council, and shall record or cause to be recorded all of the ordinances of the Village. The Clerk shall perform all other clerical work to be performed in the operation of the Village, except such as may be performed by the Deputy Clerk or other properly designated officer.

(4) The Clerk shall sign and record all licenses granted by the Village and when required shall make and certify official copies of the papers and records filed and kept in his office.

(5) The Village Clerk shall have charge of all books and documents pertaining to the accounts, contracts, debts and revenues of the Village and shall maintain a list and inventory of all property and principal assets belonging to the Village, and all of its debts and liabilities. The Clerk shall have such other powers, authorities and duties as prescribed by state law and Village Ordinance.

Section 2.4 Deputy Village Clerk.

The Village Council may appoint a Deputy Village Clerk, to assist the Clerk in the performance of the Clerk's duties and to carry out such other duties and functions as may be prescribed by resolution of the Village Council. The Deputy Village Clerk shall receive compensation in such amount and upon such basis as may be determined by the Village Council.

Section 2.5 Village Treasurer.

(1) As authorized by Chapter II, Section 2(3) of the General Law Village Act, being Act 3 of the Public Acts of Michigan of 1895, as amended, the Village Treasurer shall be chosen by nomination by the Village President and appointment by the Village Council.

(2) The term of office of the Village Treasurer shall be two years from the second Monday of March of each even-numbered year and until a successor is appointed. The person first appointed as Village Treasurer under this Ordinance shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the Village, together with the filing of any bond required by law, but such initial term of office shall commence not earlier than the second Monday of March, 2000.

(3) The Village Treasurer shall have custody of all monies and evidences of value belonging to the Village, shall receive all monies belonging to and receivable by the Village, and shall keep an account of all receipts and expenditures of the Village. He shall pay monies from the Village Treasury when authorized by law and upon warrants signed as prescribed by law. He shall keep a separate account of each fund of the Village, and shall credit to each fund all monies raised, paid in or appropriated therefor, and shall pay each warrant from the appropriate fund.

(4) The Treasurer shall render to the Village Council on a monthly basis, or at such other times as the Council may determine, a report of the amounts received and credited to each Village fund and the amounts paid out from each fund during the preceding month or other period. He shall also prepare and submit to the Village Council such other financial accounts and reports as may be requested by the Council.

Section 2.6 Village Assessor.

The Village Assessor shall have such authority and perform such duties pertaining to the assessment of real property and the levying of taxes within the Village as are prescribed by law.

Section 2.7 Reserved.

Section 2.8 Reserved.

Section 2.9 Public Service Department.

(1) The Public Service Department is hereby established. The Department shall consist of the Public Service Director, together with such other persons as may be designated and appointed by the Village Council. The Public Service Director shall be appointed annually by the Village President, with the approval of the Village Council.

(2) The Public Service Director shall have responsibility for all matters pertaining to the construction, management, maintenance and operation of the physical properties of the Village. Such responsibility shall include the streets, sidewalks, parks, sewers, sewage treatment facilities, drains, planting and removal of trees and related matters, except as specific authority for any of such matters may otherwise be delegated by the Village Council.

(3) The Public Service Director shall have responsibility for such repair and improvement of the streets, sidewalks, alleys and other public grounds within the Village as the Village Council shall direct.

(4) Upon request, the Public Service Director shall make reports to the Village Council, relating to matters under his supervision and control and to activities performed in the carrying out of his responsibilities.

(5) The Public Service Department shall, in addition, have responsibility for the Village street lighting system, water distribution system and all other Village utilities and the maintenance, repair and extension thereof.

Section 2.10 Health Department.

(1) The Village Health Department is hereby established. The Health Department shall consist of the Village Health Officer and such other persons as the Village Council may determine.

(2) The Village Health Officer shall be appointed annually by the Village President, upon approval of the Village Council. The Health Officer shall have responsibility for the operation of the Health Department and supervision of all persons employed in connection therewith.

(3) The Health Officer shall enforce all ordinances of the Village relating to the protection of the public health, upon request by the Village Council, including all provisions relating to nuisances endangering the public health, the care and handling of food in public establishments and all other matters pertaining to the public health. The Health Officer shall make, or cause to be made, all inspections required by law or ordinance, or requested by the Village Council, and shall report the results thereof to the Council. Upon request, the Health Officer shall make a report to the Village Council concerning matters under his jurisdiction.

Section 2.11 Building Inspector.

(1) The position of Village Building Inspector is hereby created. The Building Inspector shall be appointed by the Village President, upon approval of the Village Council.

(2) The Building Inspector shall attend to the enforcement of all Village ordinance provisions relating to buildings or zoning and shall inspect all buildings or structures being erected or altered so as to assure compliance with all Village ordinances and state law.

(3) The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of buildings within the Village when any of such work is being done in violation of the provision of any ordinance of the Village or applicable law of the state. Work shall not be resumed after issuance of any such order except upon the written permission of the Building Inspector. Such order directing the stoppage of such work may be served by the Building Inspector, the Village Marshal or by any police officer. The Building Inspector shall also have the authority to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is occurring, for the purpose of making inspections at any reasonable hour.

Section 2.12 Village Attorney.

Annually the Village President shall appoint, upon approval of the Village Council, the Village Attorney. Such appointment may designate an individual attorney or firm of attorneys. The Village Attorney shall prosecute or defend all actions at law to which the Village may be a party or in which it may be interested, or which may be brought against any officer of the Village, in his capacity as such officer. The Village attorney shall be the legal advisor of the Village and shall render advice upon legal questions affecting the Village when requested to do so. The attorney shall perform such other legal services as may be requested by the Village President or Village Council.

Section 2.13 Village Engineer.

There is hereby created the position of Village Engineer. The Village Engineer shall be appointed annually by the Village President, upon approval of the Village Council. Such appointment may designate an individual engineer or a firm of engineers. The Village Engineer shall advise the Village Council on all engineering and related matters referred to him, and shall perform such other duties as may be requested by the Village President or Village Council.

Section 2.14 Committees of the Village Council.

The Village President may appoint annually, upon approval of the Village Council, such committees of the Village Council as may be deemed appropriate. Such committees may include a finance committee, public works committee and such other committees as may be determined by the Village President and Village Council.

Section 2.15 Village Manager.

(1) The Village Council may appoint a Village Manager. The Village Manager shall receive such compensation and benefits as the council shall determine from time to time by resolution.

(2) The Manager shall be subject to the supervision and control of the Village Council. The Village President, or a committee appointed by the Council, shall monitor the activities and performance of the Village Manager and report to the Council as appropriate or directed.

(3) The Manager shall have the following duties and responsibilities:

(a) To attend all meetings of the Village Council and, as necessary, meetings of the Planning Commission, Zoning Board of Appeals, and similar Village boards and commissions, or boards or commissions of which the Village is a member. To the extent permitted by law, the Village Manager may be appointed to serve as a member of committees which have only advisory functions.

(b) Be responsible for staff supervision, including office and DPW staff (but not including the Village Clerk). The Manager shall recommend to the Village Council the salary or wages paid to said staff.

(c) To assist Village officials in preparation of the annual Village budget.

(d) To assist the public with requests for information, and with making application for land use, licensing, or other Village approvals. Provided, however, the Manager shall not be the Village's Administrative Officer for purposes of Act 442 of the Public Acts of Michigan of 1976, as amended, unless specifically so designated as provided in said Act.

(e) To purchase or approve purchases of supplies, equipment, or services in an amount not to exceed \$1000 for any item and in a total amount not to exceed \$1000 in any calendar month, but only if an appropriation for such purchase has been made by the Village Council. The Village Manager shall have the authority to purchase any product or service regardless of its cost when such a purchase is necessitated by an emergency condition and concurred in by an elected official of the Village. "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.

(f) To assist the Village with the procurement, including competitive bidding if necessary, for other supplies, equipment, or services.

(g) To sign contracts, purchase orders, and other documents on behalf of the Village, but only with the prior specific authorization of the Village Council.

(h) To 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 or the operation of Village government.

(i) To report to the Village Council the status of all functions and activities under the control of the Manager.

(j) To perform other duties as directed from time to time by the Village Council. Provided, however, that the delegation of any of the responsibilities described in Chapter V, Section 8(2) of Act 3 of the Public Acts of Michigan of 1895, MCL 65.8(2), may be only by ordinance adopted as provided in said Act.

(k) To perform such duties as may be assigned by the Village President from time to time in emergency or other situations which do not allow for prior Village Council approval;

provided, however, the Village President shall be responsible for fully informing the Village Council, at the next regular or special meeting, concerning the emergency and the actions taken with regard thereto.

Section 2.16 Library Board.

The Village may join with the Township of Caledonia in establishing and maintaining a Library Board for the supervision and operation of the public library serving the Village and the Township. To such end, the Village Council may join, and direct the President and Clerk to execute, all appropriate agreements between the Village and the Township for the establishing of the Library Board and for its activities in supervision and support of the public library. Periodically, as determined by agreement between the Village and the Township, the Village Council shall appoint Village representatives to the library board.

Section 2.17 Joint Boards and Agreements.

The Village Council may enter into such agreements, or may assist in establishing such boards and commissions with the Township of Caledonia or other municipalities as may be permitted by law and as may assist the Village in the providing of services to the inhabitants of the Village or in carrying out other municipal responsibilities. Such joint arrangements may include agreements or arrangements pertaining to public sanitary sewer service, public water supply, fire protection services, street maintenance and other matters permitted by law and in the mutual interest of the Village and the other municipalities involved.

Section 2.18 Nonpartisan Elections

Village elections of the Village of Caledonia shall be nonpartisan.

Section 2.19 Fiscal Year

The fiscal year of the Village of Caledonia shall be the 12-month period from July 1 through June 30.

**CHAPTER 3
STREETS AND SIDEWALKS**

Section 3.1 General Supervision.

All maintenance and repair of public streets, sidewalks, alleys and other public ways shall be under the supervision and control of the Village Council. The Village Council may designate the Public Service Director to perform duties pertaining to such maintenance and repair activity. The enforcement of all Village ordinance provisions relating to such public places shall be the responsibility of the Village Council.

Section 3.2 Construction.

It shall be unlawful to construct or lay any pavement on any public street, highway, alley or other public way, or to repair the same, without having first secured from the Village a permit for such purpose. Applications for such permits shall be made to the Village Clerk, and shall state the location of the intended construction or repair activity, the extent thereof and the person or firm designated to perform the actual construction work. No such permits shall be issued except in such cases where all of the proposed construction or repair work will conform to all Village ordinances.

Section 3.3 Sidewalk Construction and Repair.

(1) The good repair and condition of public sidewalks being necessary to the public health, safety and welfare, the Village Council may, by resolution, authorize, direct and require that sidewalks shall be constructed, or that sidewalks shall be rebuilt or repaired if in disrepair, on or along either or both sides of any street or streets or part thereof. Such work shall be performed under the direction of the Public Service Director. A sidewalk in disrepair shall include a sidewalk with any of the following conditions, or other conditions:

- (a) Potholes of one inch or more in depth; or
- (b) Loosened, crumbling or breaking surfaces; or
- (c) Differences of one inch or more in height of adjoining sections of sidewalk; or
- (d) Insufficient slope to adequately drain water; or
- (e) Other conditions or kinds of disrepair, as determined by the Public Service Director, and approved by the Village Council.

(2) Within 10 days after adoption of such resolution, the Village Council, or the Public Service Director, shall give written notice to the owner of any lot or premises in front of or adjacent to which a sidewalk is to be constructed, rebuilt or repaired, requiring such person to construct or rebuild such sidewalk or designated portion thereof, in front of or adjacent to the parcels of land owned by such owner, within the period of time designated in such notice.

(3) If the owner of any such lot or premises shall refuse or neglect to construct, rebuild or repair a sidewalk after having been duly notified to do so, the Village Council, or at its request the

Public Service Director, is hereby authorized and required to cause the same to be constructed, rebuilt or repaired, and the expense of such work shall be specially assessed to the person refusing or neglecting to construct, rebuild or repair the same, such expense shall be charged against any such lot or premises.

(4) Upon construction, rebuilding or repair of a sidewalk by the Village, either upon initiative of the Village Council or upon refusal or neglect to do so on the part of the owner of the adjacent lots or premises, the cost of such construction, rebuilding or repair may be charged against such lot or premises as a special assessment, upon such procedure and in such manner as otherwise required by law for special assessments.

Section 3.4 Excavations and Obstructions.

(1) It shall be unlawful to construct or maintain any opening in any public street, sidewalk, alley or other public way without first obtaining a permit for such purpose from the Village Clerk. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, as approved by the Director of Public Service. It shall, in addition, be unlawful to place any obstruction in any street, alley, sidewalk or other public way or to occupy any part thereof, for construction or otherwise, except as authorized by permit issued by the Village Clerk.

(2) It shall be unlawful to make any opening in or through the curb of any street, alley or other public way, without first obtaining a permit for such purpose from the Village Clerk.

(3) It shall be unlawful to disturb or interfere with any barricade lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley, sidewalk or other public way.

(4) It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street, alley, sidewalk or other public way. It shall be unlawful to obstruct any sewer or drain in any public street or property, or to erect or maintain any poles or wires over any public street, sidewalk, alley or other public way without having first obtained a permit to do so from the Village Clerk.

Section 3.5 Permits.

(1) An applicant for a permit for construction, excavation or use of any street, sidewalk, alley or other public way, or for the carrying out of any other activities with respect to such public ways as are authorized by the terms of this Ordinance, shall furnish to the Village Clerk a signed statement setting forth the location of such construction, excavation or other activities, the purpose and extent thereof, the location of any such obstructions, the duration of any such activity and the name of the person in charge of such work, together with such other information as the Village Council may require.

(2) The Village Council may establish a fee for such permit.

(3) Upon receipt of any such application, the Village Clerk shall immediately notify the Village Council and the Public Service Director. The Public Service Director shall investigate the matter and if satisfied that such work or other activity is reasonable and necessary, shall give his

written approval to the application. If the Public Service Director shall determine that such application shall be granted only upon certain conditions, he shall specify such conditions in his approval of the application, and the permit shall then be issued only upon full compliance with any such conditions.

(4) Before any such permit is issued, the Village Council or the Public Service Director may require the applicant to furnish a bond in an amount deemed adequate for the proposed purposes. Such bond may be in an amount designated specifically for the proposed work or other activities, but if not, such bond, if required, shall be in that amount specified by the last resolution on the subject adopted by the Village Council. Such bond shall become available to the Village, for the purpose of payment of any damage to public or private property or for any personal injury or other harm resulting from such construction, excavation, obstruction, use or other activity in connection with the work set forth on the application or otherwise. If required, such bond shall be filed with the Village Clerk.

(5) The Village Council or the Public Service Director may require the applicant to furnish a deposit to cover the cost of such construction or other activity before approving a permit for such work. The sum so deposited shall be paid to the Village Clerk and shall be used solely for the purpose of paying for such work. Upon completion of the work, the Public Service Director shall certify to the Clerk the cost of the work and the amount of any surplus remaining from the amount deposited, and such surplus shall thereupon be returned to the applicant.

Section 3.6 Regulations Pertaining to Street Excavations.

(1) It shall be unlawful to make any excavation in any street, sidewalk, alley or other public way in any manner contrary to or at variance from the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining lands. No injury shall be done to any pipes, cables, conduits in the making of any such excavations. Before the making of any excavation in which any such pipes, cables or conduits may be disturbed, the persons making such excavation shall first give reasonable notice to the person or firm maintaining any such pipes, cables or conduits.

(2) If in the making of any such excavation a sidewalk is obstructed or blocked, a temporary sidewalk, or safe place for the walking of pedestrians, shall be constructed or provided.

(3) After completion of any such excavation work, all trenches and excavations shall be promptly backfilled and thoroughly settled by wetting or tamping, and all excess material promptly removed from the site.

(4) Every person making an excavation in any public way shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times, so as to minimize inconvenience to the occupants of adjoining lands and to the general public. Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public way and appropriate devices shall be placed in the street so as to properly channel and direct traffic in a safe and efficient manner around the excavation.

(5) All such excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, sewer system lift stations and all other public utility equipment.

(6) As excavation work progresses, all streets shall be thoroughly cleaned of excess earth and other debris resulting from such work. All cleanup operations at the location of the excavation shall take place at the expense of the person receiving a permit for such work, and shall be completed to the satisfaction of the Public Service Director.

(7) Each applicant receiving a permit for such excavation work shall carry out the work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce insofar as practicable, noise, dust and unsightly debris.

(8) No provision in this Ordinance shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of improper or unsafe conditions in any conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Village Clerk for an appropriate permit on the first working day after such emergency work is commenced.

(9) Any person receiving a permit for such excavation work who shall fail to comply fully with all of the provisions thereof, or with any other conditions imposed by the Public Service Director, shall be subject to the suspension of such permit by the Public Service Director or the Village Council. In the event of any such suspension, such person shall not proceed with the work for which the permit was granted until after such permit shall be reissued.

Section 3.7 Driveways.

(1) No person shall construct, build, establish or maintain any driveway over, across or upon any portion of the public sidewalk or within the public street right of way without first having obtained a written permit to do so from the Village Clerk. No such permit shall be issued except in accordance with the provisions set forth herein. An application for such permit must be made in writing to the Village Clerk, and the application shall contain the name and address of the person making the application, the name of the person who is to construct the proposed driveway, and shall set forth the proposed location and dimensions of the driveway. The Village Council may establish a fee for such permit.

(2) The Public Service Director shall review all such applications, and after such review shall endorse on the proposed permit his approval or disapproval, together with any limitations or conditions on the matters requested.

(3) Where a driveway is constructed across a sidewalk or the sidewalk space, it shall conform to the sidewalk grade as established by the Public Service Director or Village Council. Driveways shall be constructed only of such materials and in such manner as specified by the Public Service Director or Village Council.

Section 3.8 Vacating of Streets.

The vacating and abandonment of streets, sidewalks, alleys and other public ways, by action of the Village Council, shall take place only in the manner and upon such procedures as required by law. In the abandonment or vacation of any street or other public way, the Village may reserve, for itself or for the benefit of others, all rights with respect to public utility equipment located within the area being vacated or abandoned.

Section 3.9 House Numbering.

(1) All lots, buildings and structures within the Village shall be numbered in accordance with the following plan: North and South numbers shall commence at the centerline of Main Street; East and West numbers shall commence at approximately the mid-point between Mill Street and Lake Street.

(2) The Village Clerk shall establish and designate appropriate numbers for each lot, building and structure in the Village, and shall keep records showing such street numbers. There shall be approximately 100 numbers for each block.

(3) It shall be the duty of the owners and occupants of each house within the Village to have placed thereon, in a place visible from the street, numerals showing the number of the house. Such numerals shall be of such size as to be readily visible from the street.

Section 3.10 Overhanging Signs and Canopies.

(1) No person shall erect or maintain any sign, signboard, canopy or other structure over any street, sidewalk, alley or other public way in such manner as to impede or influence the travel of pedestrians or vehicles, or the parking of vehicles.

(2) All signs and canopies and other such structures extending over any public sidewalk, street, alley or other public way shall be securely fastened and constructed so that there shall be no danger of the same being dislodged by ordinary winds or falling from other cause. No sign, canopy or other such structure shall be erected or maintained over any public sidewalk, street, alley or other public way in such location as to obstruct the view of any traffic sign or signal.

(3) The Building Inspector shall periodically inspect or cause to be inspected, every sign, canopy or other such structure extending over any sidewalk, street, alley or other public way. If any such sign, canopy or other such structure is found to be insecurely fastened, or obstructive of the view of any traffic light or traffic signal, the Building Inspector shall report such fact to the property owner, and give notice that such matter shall be corrected within a stated period of time. In the absence of removal or correction of such condition, the Village Council may cause such sign, canopy or other such structure to be removed, with the cost and expense thereof to be charged to the property owner.

Section 3.11 Overhanging Trees and Shrubs.

(1) Any tree or shrub which overhangs any sidewalk, street, alley or other public way in such manner or to such extent as to impede or interfere with traffic or travel on such public way, or

which obstructs any street lamp or interferes with other public facilities, shall be trimmed by the owner of the abutting premises on which such tree or shrub grows, so as to eliminate the obstruction.

(2) Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the lands on which such tree grows or stands.

(3) In the event that the appropriate property owner fails to remove any interfering trees or shrubs, or limbs or branches thereof, after being given notice by the Village Council to do so, the Village Council may arrange for the removal of the same, and the cost and expense thereof shall thereupon be charged to the owner of the lands on which such tree or shrub is located.

**CHAPTER 4
SANITARY SEWER SYSTEM**

Section 4.1 Sewer Ordinance.

Matters pertaining to the Village sanitary sewer system, and to the use thereof and rates charged with respect thereto shall be governed by the Sanitary Sewer Use Ordinance, the Sanitary Sewer Connection Ordinance and the Sanitary Sewer System Rate Ordinance, as adopted and amended from time to time by the Village Council, and by such other pertinent ordinances or amendments thereto which may hereafter be adopted by the Village Council.

Section 4.2 Water Ordinance.

Matters pertaining to that portion of the Charter Township of Caledonia Water System which is located within the Village, and to the use thereof and rates charged with respect thereto, shall be governed by the Water Connection, Use, and Rate Ordinance as adopted and amended from time to time by the Village Council, and by such other pertinent ordinances or amendments thereto which may hereafter be adopted by the Village Council.

CHAPTER 5 TRAFFIC REGULATIONS

Section 5.1 Adoption of Uniform Traffic Code by Reference.

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq.) and made effective October 30, 2002 is hereby adopted by reference. All references in said Uniform Traffic Code to a “governmental unit” shall mean the Village of Caledonia.

Section 5.2 Adoption of Provisions of Michigan Vehicle Code by Reference.

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 et seq.) are hereby adopted by reference:

- (1) Chapter I (Words and Phrases Defined): MCL 257.1-257.82
- (2) Chapter II (Administration, Registration): MCL 257.225; 257.228; 257.243; 257.244; 257.255; 257.256.
- (3) Chapter III (Operator’s and Chauffeur’s License): MCL 257.310e; 257.311; 257.312a; 257.324; 257.325; 257.326; 257.328.
- (4) Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b; 257.602-257.606; 257.611-257.616; 257.617a-257.622; 257.624a-257.624b; 257.625 (except felony provisions); 257.625a; 257.625m; 257.626-257.626b; 257.627-257.627b; 257.629b; 257.631-257.632; 257.634-257.645; 257.647-257.655; 257.656-257.662; 257.667-257.675d; 257.676-257.682b; 257.683-257.710e; 257.716-257.724.
- (5) Chapter VIII (License Offenses): MCL 257.904-257.904a; 257.904e; 257.905.

Section 5.3 Adoption of Other State Laws by Reference.

The following provisions of state law are hereby adopted by reference:

- (1) Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).

Section 5.4 Penalties.

The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

Section 5.5 Severability.

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Village of Caledonia, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Village of Caledonia to impose.

Section 5.6 Odd-Even Parking Regulations.

(1) On any even numbered day of the month before April 15, or after November 1 of any year, no motor vehicle or other vehicle shall be parked on or in that half of any public street within the Village adjacent to buildings having odd numbered building numbers from 12 o'clock midnight until 6 o'clock a.m., or at any time or for any period of time between such hours; on any odd numbered day of the month before April 15 or after November 1 of any year, no motor vehicle or other vehicle shall be parked on or in that half of any public street within the Village of Caledonia, adjacent to buildings having even numbered building numbers, from 12 o'clock midnight until 6 o'clock a.m. or at any time or for any period of time between such hours.

(2) Any official charged with enforcement of state or Village traffic regulations shall place a parking violation notice or tag upon any motor vehicle or other vehicle parked in violation of the terms of this section.

Section 5.7 Other Parking Regulations.

(1) No motor vehicle or other vehicle shall be parked on or in Main Street, between Mill Street and Church Street, at any time or for any period of time from or between 3 o'clock a.m. until 5:30 o'clock a.m. on any day.

(2) Any official charged with enforcement of state or Village traffic regulations shall place a parking violation notice or tag upon any motor vehicle or other vehicle parked in violation of the terms of this section.

Section 5.8 Golf Carts.

(1) **Purpose.** These regulations are intended to secure the public peace, health and safety of the residents and property owners of the Village of Caledonia for the regulation of the use of golf carts on public roads within the corporate limits of the Village, to provide for the issuance of decals in connection with the registration of golf carts, and to provide penalties for the violation of these provisions.

(2) Definitions.

(a) *Decal* means the sticker displayed on the front of every registered golf cart within the Village, which are obtained by completing and submitting the proper registration form to the Village.

(b) *Driver 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 MCL 257.329, as amended, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

(c) *Golf cart* means a vehicle designed for transportation while playing the game of golf.

(d) *Maintained portion* means that portion of a road improved, designated or ordinarily used for vehicular traffic.

(e) *Operate* means to ride in or on, or be in actual physical control of the operation of the golf cart.

(f) *Operator* means a person who operates or is in actual physical control of the operation of a golf cart.

(g) *Registration* means the process through which every person intending to operate a motorized golf cart on roads or streets within the Village must follow.

(h) *Street* means a road, roadway, street or right-of-way within the Village of Caledonia street system, but does not include a private road. The terms road, roadway, street and right-of-way are interchangeable.

(i) *Sunset and sunrise* mean that time determined by the National Weather Service on any given day.

(j) *Village* means the Village of Caledonia, County of Kent, State of Michigan.

(3) **Operation of Golf Carts on Village Streets.** A person may operate a golf cart on Village streets, subject to the following restrictions:

(a) A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is licensed to operate a motor vehicle.

(b) The operator of a golf cart shall comply with the signal requirements of MCL 257.648, as amended, that apply to the operation of a vehicle.

(c) All golf carts are required to have a red reflector on the rear of the golf cart that shall be visible from all distances up to 500 feet when in front of lawful low beams of headlamps on a motor vehicle.

(d) The operator of a golf cart shall obey by all sections pertaining to traffic in the Michigan Vehicle Code and the Uniform Traffic Code.

(e) A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(f) A person shall not operate a golf cart on a state trunk line highway. This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a street of the Village, using the most direct line of crossing.

(g) Where a usable and designated path for golf carts is provided adjacent to a road or street, a person operating a golf cart shall be required to use that path. A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians.

(h) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a two-way street, or on the left or right of traffic, in an unoccupied lane, in the case of a one-way street.

(i) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a roadway or street with a speed limit of more than 30 miles per hour except to cross that roadway or street. The Village may designate roads or classifications of roads for use by golf carts.

(j) A golf cart shall not be operated on the streets of the Village during the time period from one-half hour before sunset to one-half hour after sunrise.

(k) A person operating a golf cart or who is a passenger in a golf cart is not required to wear a crash helmet.

(l) A golf cart shall not be used to carry more persons at one time than the number for which it is designed and equipped.

(m) A golf cart operated on a street of the Village is not required to be registered under this Act for purposes of Section 3101 of the Insurance Code of 1956, 1956 PA 218, MCL 500.3101, as amended.

(n) A golf cart shall not be operated during inclement weather or with snow and/or ice on the ground.

(o) Golf carts shall not be operated on a road or street in a negligent manner, endangering any person or property, or obstructing, hindering, or impeding the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways or parks.

(p) Off-road vehicles, such as Gators, all-terrain vehicles (ATVs), a multitrack or multi-wheel drive vehicle, dune buggy, or like-vehicles are not considered golf carts.

(q) This section does not apply to a police officer, Village officials, employees, contractors or volunteers in the performance of Village duties.

(4) **Parking Regulations.** The parking, stopping, and standing regulations provided in the Village Ordinance Code, which are adopted by reference therein, shall also apply to golf carts operated in the Village, as if they are motor vehicles under those provisions.

(5) Registration and Decals.

(a) Golf cart owners shall register each golf cart on an annual basis by making application to the Village. Such application shall include a photograph of the golf cart and proof of insurance as a rider to a homeowner's or renter's policy, or in any other form of policy selected by the applicant, for coverage of personal injury or property damage resulting from operation of the subject golf cart. The minimum amount of coverage shall be no less than \$300,000.00, and the Village shall be named as an additional insured. The Village shall review and approve or deny each application, and a list of registered golf carts shall be maintained by the Village Manager or Clerk.

(b) A fee of Ten Dollars (\$10.00) shall be charged for the registration of a golf cart. The Village Council may, from time to time, revise the fee amount or otherwise change the fee by adopting a resolution to amend the fee. Each approved golf cart shall be issued a registration decal. The golf cart owner shall affix each decal provided by the Village on the front of the golf cart. The decal shall be valid for one year.

(c) Failure to register a golf cart or renew an existing registration shall constitute a violation of this article.

(d) The Village retains the right to refuse to issue and/or revoke any registration decal from any golf cart for any reason that is felt appropriate to ensure the safety and well-being of the citizens of the Village.

(e) Any police officer (including a deputy sheriff) or authorized Village official may temporarily suspend any registration decal, and ban further access on any public street or public property by any golf cart, when in the opinion of that officer or official the golf cart is being used in a manner to cause damage to public property or members of the public.

(6) Violations and Penalties.

(a) Any person violating any provisions of this Section shall be responsible for a civil infraction. The penalty for the first offense shall be \$100.00. For any subsequent or repeat offense, the fine shall be \$250.00.

(b) A court may order a person who causes damage to the environment, a road, or other public property as a result of the operation of a golf cart to pay full restitution for that damage above and beyond the penalties paid for civil infractions.

CHAPTER 6 FIRE REGULATIONS

Section 6.1 Applicable Law.

No person shall violate any law of the State of Michigan or any rule or regulation adopted by a duly authorized agency of the state or county pertaining to fire hazards, fire prevention or fire extinguishing.

Section 6.2 Obstruction of Fire Hydrants.

No person shall place any obstruction, nor shall any person responsible for such obstruction permit it to remain, within 15 feet of any fire hydrant or cistern from which water is drawn for the extinguishing of fires.

Section 6.3 Authority of Fire Department.

At any fire, the Village Fire Chief or other person in command of the Fire Department shall have full authority and command of all persons present, and shall have full power to enter upon any adjoining or adjacent premises in order to utilize any facilities available for the extinguishment of a fire. In his discretion, the Fire Chief or other person in command of the Fire Department, may require the aid of any person in extinguishing a fire, or in preventing any property from being stolen or injured or in protecting, removing or securing the same. Any person refusing or failing to comply with such request for assistance or who shall disobey any lawful order, or who shall interfere with or impede any member of the Fire Department in the performance of his duties shall be punishable as provided by Village ordinance or state law.

Section 6.4 Combustible Materials.

No person owning or being responsible for any premises shall permit any waste paper, ashes, oil, rags or any material of a similar nature to accumulate thereon, unless such material is contained in fireproof receptacles.

Section 6.5 Bonfires.

No person shall kindle a fire within 25 feet of any building, unless such fire be confined in a safe container, and in no case shall any such fire be permitted within 15 feet of any building. No person, having kindled a bonfire, shall fail to be in constant attendance upon the same until it is entirely extinguished. No person shall kindle a fire in or upon any street, sidewalk, alley or other public way. When in the judgment of the Fire Chief the kindling of a fire will constitute a fire hazard, either to person or to public or private property, he shall direct any person kindling the fire to extinguish the flame. No person shall fail to obey such direction.

**CHAPTER 7
OTHER UTILITIES AND SIMILAR SERVICES**

Section 7.1 Parking Lots.

(1) Village parking lots now established or hereafter acquired shall be under the supervision and control of the Village Council. The Village may join with the Township of Caledonia in joint arrangements for the operation of parking lots.

(2) It shall be unlawful to park any vehicle in any Village parking lot in violation of any ordinance; or to park a vehicle contrary to the rules and regulations established by the Village Council for the use of a parking lot.

(3) It shall be unlawful to park a car in any Village parking lot for a period longer than 16 hours in any one day. It shall be unlawful to park any car in a Village parking lot in any manner contrary to that required by signs posted in such parking lot.

(4) In any Village parking lot where parking meters are installed, it shall be unlawful to park any vehicle without first inserting a coin in the parking meter controlling the parking place used; or to park for a longer period than that permitted by the coin inserted in the parking meter.

Section 7.2 Utility Franchises.

(1) The grant and continuance of franchises to public utilities for telephone, electrical, natural gas, cable television or other services shall be governed by applicable provisions of this Code and the law of the state.

(2) The terms of any such franchise shall be as set forth in the ordinance or other action of the Village Council granting such franchise, or amending the same.

(3) In the event that a utility holding a franchise previously granted by the Village shall desire to terminate the same, at least 90 days' written notice shall be given by the municipality to the Village Council.

(4) In the event that the placing of public utility equipment, such as poles, anchors, wires, cables, conduit and other fixtures, shall necessitate the substantial disturbance of any street, sidewalk, alley or other public way, such placement shall be subject to the prior approval of the Village Council.

Section 7.3 Intermunicipal Utility Agreements.

The Village Council may in its discretion enter into agreements with the Township of Caledonia or other municipality for providing of public utility services to inhabitants of the Village, including sanitary sewer service, public water supply and other services. Such arrangements shall have such provisions and be of such duration as the Village Council in its discretion may determine.

Section 7.4 Cable Communications Services.

(1) **Definitions.** For the purpose of this Ordinance, the following words and phrases listed in this section shall have the meanings stated below:

“Cable Communications System” shall mean a system of coaxial cables or other equipment used to originate or receive television or radio signals and to transmit them via cable to subscribers for a fee, and also including related services.

“Cable Communications Service” shall mean the business, in whole or in part, of receiving over the air and amplifying or otherwise modifying the signals transmitting programs broadcast by various types of transmission, and redistributing such signals by cable or other means to members of the public located in the Village of Caledonia who pay for such service.

“Franchisee” shall mean a cable communications service or company having a franchise to operate a cable communications system within the Village of Caledonia.

“Gross Subscription Revenue” shall include all compensation or revenues received which are paid by subscribers to the Franchisee for receipt of the cable communications service, but such revenue shall not include those revenues derived from charges for paid television programs, leased channels, pay-TV service, nor any sales or excise tax.

(2) **Franchise Required.** No person shall construct, install, maintain or operate a cable communications system in the Village of Caledonia, nor provide any cable communications service without first having obtained a franchise therefor from the Village. The provisions of this Ordinance are the minimum requirements of any Franchise Agreement for the purposes set forth herein. Additional requirements shall be set forth in an agreement between the Village and the prospective Franchisee. An application for franchise shall be filed with the Village Council in the form as established thereby.

(3) **Compliance with Applicable Laws.** At all times during the effectiveness of the franchise, the Franchisee shall be subject to all lawful exercises of the police powers and other authority of the Village. The Franchisee as a condition of the continuance of its franchise, shall comply with all applicable local, state and federal laws, ordinances and regulations, including the rules, regulations and other authority of the Federal Communications Commission.

(4) **Indemnification.** The Franchisee shall indemnify and save the Village harmless from any and all losses, costs and expenses resulting from damage to any property or injury or death to any person arising out of or occurring by reason of the exercise by the Franchisee of any rights granted in the franchise, or by reason of the omission by the Franchisee of any duties or obligations thereof. The Franchisee shall carry insurance to protect itself and the Village from any and all claims, judgments, costs, expenses and liabilities which may arise or result from any such loss, injury or damage; such insurance shall be in such amounts as may be required by the Village Council.

(5) **Construction Standards.**

(a) **Construction Timetable.** The Franchisee shall construct not less than 90 percent of its total cable system, and shall commence cable television operations, within one year after the local telephone or electrical power company has made poles available to permit the Franchisee to commence construction, and the Franchisee has secured all necessary federal, state and local permits. The Franchisee shall thereafter equitably extend the cable television system so as to enable it to render service to all feasible areas within the Village. The Franchisee shall apply for all necessary permits within 60 days from execution of the Franchise Agreement.

(b) **Compliance with Codes.** The construction, maintenance and operation of the Franchisee's cable television system shall comply with the standards for materials and engineering and all other provisions of the National Electric Safety Code, the National Electric Code, the Village of Caledonia Building Code, and other standards and requirements of the Federal Communications Commission or other agencies having jurisdiction. The Franchisee shall install, maintain and operate its system in accordance with all accepted standards of the industry and shall at all times possess the financial and technical qualifications necessary to provide a cable communications system which will assure its subscribers a high quality of technical and public service.

(c) **Inspection.** The Village shall have the right to supervise all construction and installation work performed subject to the provisions of the franchise and to make such inspection as it shall find appropriate in order to assure compliance with all applicable ordinances.

(d) **Public Channels.** Every cable communication's system authorized under this Ordinance shall, at a minimum, maintain and make available without charge such public access channels, educational access channels and local government access channels as may from time to time be required by the rules and regulations of the Federal Communications Commission, and also such public channels as may be required by the Village Council by Ordinance or by agreement with the Franchisee.

(6) **Removal of Facilities.** In the event any street or other public right of way or other easement used by the Franchisee shall be vacated or abandoned by the Village, or in the event that the Franchisee shall discontinue the use thereof, the Franchisee shall forthwith remove all of its facilities therefrom unless specifically permitted otherwise by the Village, and upon removal thereof, the Franchisee shall restore, repair or reconstruct the street area from which such removal occurred to such condition as may be required by the Village. In the event of failure or refusal by the Franchisee after 30 days' notice by the Village Council to repair, improve or maintain such portion of street or other public right of way, the Village may do such work or cause it to be done, and the cost thereof shall be paid by the Franchisee, and the Village may enforce the same as permitted by law.

(7) **Conditions of Right of Way Occupancy.**

(a) **Use.** All transmission and distribution lines and other equipment installed by the Franchisee shall be so located as to cause only minimum interference with the rights and reasonable convenience of adjoining property owners.

(b) **Restoration.** In case of any disturbance of pavement, sidewalk or other surfacing, the Franchisee shall, at its own cost and expense, in any manner approved by the Village, replace and restore all such paving, sidewalk or other surface, to the same condition as existed before commencement of the work.

(c) **Relocation.** In the event that at any time during the period of the franchise the Village shall elect to alter or change the grade or width of any street or other public way, the Franchisee shall promptly remove and relocate its poles, wires, cables and other equipment at its own expense.

(d) **Temporary Removal.** At the request of any person holding a building removal permit issued by the Village, the Franchisee shall temporarily raise or lower its wires to permit the moving of buildings. The reasonable expense of such raising or lowering of wires shall be paid by the person requesting the same, and the Franchisee may require such payment in advance.

(8) **Use of Utility Poles.** Whenever possible and practicable, the Franchisee shall use the poles maintained by the Village or utility companies serving the Village. If such use cannot be accomplished, the Franchisee may erect and maintain its own poles, to the extent necessary for the proper construction and maintenance of its system. In all sections of the Village where the cable, wires or other facilities of public utilities are now or hereafter placed underground, the Company shall place its cables, wires or other like facilities underground as well.

(9) **Regulations and Procedures.** While operating under the franchise, the Franchisee shall at all times maintain efficient and technically current cable television service to its subscribers within the Village. At reasonable hours, the Village shall have access to and the right to inspect the Franchisee's books and records relating to its property and to its operation, and the right of inspection of all other records required to be kept hereunder. A copy of any and all rules and regulations adopted by the Franchisee for the conduct of its business shall be filed with the Village Clerk and shall also be available for public inspection at the offices of the Franchisee. The rates and charges of the Franchisee for its services shall at all times be fair and reasonable, shall be comparable to those charged in other communities in Kent County, and shall comply with the Franchise Agreement between the Village and the Franchisee.

(10) **Public Service and Payments.** The Franchisee shall furnish, without installation charge or monthly service fee, a free-of-charge connection to the Village Hall and to all public school buildings located within the Village. For and in consideration of the right and privilege to conduct cable television operations, the Franchisee shall pay to the Village a fee equal to 3 percent of gross subscription revenue, calculated on a monthly basis, derived from its cable television operations in the Village. Such fee shall be payable to the Village annually, not later than January 31, for the preceding calendar year. In the event of revocation or termination of the franchise, the final annual fee payment shall be prorated from the immediately preceding January 1 to the date of termination of service.

(11) **Complaint Procedures.** The Franchisee shall adopt procedures for the investigation and resolution of complaints regarding its cable television operations. Notice of such procedures shall be given to each subscriber at the time of initial subscription and a copy of such procedures shall be filed with the Village Clerk. The Franchisee shall maintain a local business office accessible

to subscribers for the purpose of receiving notice of, investigating and resolving any problems relating to service or other aspects of its operations. At its own expense, the Franchisee shall maintain and furnish telephone answering service and system maintenance service to subscribers, both during and after regular business hours. In addition to having its telephone listed in the local telephone directory, the Franchisee shall advise each of its subscribers in writing of such telephone number.

(12) **Assignment and Transfer.** The cable communications franchise shall not be signed nor shall control of the Franchisee be transferred without the prior approval of the Village Council, although the Council shall not unreasonably or unfairly withhold such approval.

(13) **Forfeiture.** The Village may declare a forfeiture of the franchise and revoke the same in the event that the Franchisee violates any provision of the Franchise Agreement or applicable Village Ordinance, and in the event that such violation remains uncured for a period of 30 days after the giving of written notice of the violation to the Franchisee. The Village may, in addition, declare such forfeiture in the event that the Franchisee practices any fraud or deceit upon the Village in connection with the cable communications system, or the operation thereof.

(14) **Other Matters.**

(a) The Franchisee shall file annually with the Village Clerk a current map showing the exact location of all of its transmission and distribution facilities and equipment within the Village, and shall further provide, upon request by the Village, such reports as to its operations, finances, facilities and activities as may be appropriate to enable the Village to carry out its responsibilities as required by law or Ordinance.

(b) Any Franchisee or other person violating any of the provisions of this Cable Communications Ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00. Each day of violation shall constitute a separate offense.

(c) Should any portion of this Ordinance be held invalid by any court or other authority having jurisdiction, such declaration of invalidity shall not affect the remainder of this Ordinance.

(d) This Ordinance shall become effective upon its publication in a newspaper of general circulation within the Village.

Section 7.5 Transfer of System.

The Village may sell by transfer the Village's Water Supply System, including all wells, treatment facilities, storage facilities, pumping facilities, water mains, water meters and all appurtenances thereto together with all Village interests in real estate (consisting of sites and easements or right-of-way) applicable thereto by public or private sale to the Charter township of Caledonia on such terms and conditions as the Village Council shall approve by resolution adopted by the approving vote of not less than two-thirds of the members of the Village Council.

**CHAPTER 8
MISCELLANEOUS REGULATIONS**

Section 8.1 Garbage and Refuse Collection.

(1) Any person hauling or offering to haul for profit, and regularly engaged in or offering to engage in the business of hauling garbage or refuse, shall, before engaging in such business, make application to the Village Clerk for a license to operate and engage in such business, and shall furnish the license fee, performance bond and other information required by Village Ordinance. Application for such license shall be in writing, signed by the applicant and shall be accompanied by the fee required by resolution of the Village Council. The application shall contain the name and address of the applicant, the type of equipment to be used, the routes to be covered, and other matters as determined by the Council.

(2) Upon approval of the Council of such application, the applicant shall provide and deliver to the Clerk a performance bond as required by the Village Council and in the amount determined by the Council. Such bond shall be conditioned upon the fulfillment by the applicant of a continuous garbage and refuse service, which bond shall be forfeited to the Village in the event that the applicant fails so to perform during the period for which the license has been granted or renewed.

(3) Such license shall be granted for a period of one year, and may be renewed for any number of successive one-year periods. An application for a renewal of such license shall be accompanied by the same information, fee and bond as required for an original application. Upon being issued a license, an applicant shall at all times thereafter operate the authorized garbage and refuse hauling business in the manner and upon the conditions required in the license.

Section 8.2 Trees.

(1) Definitions.

(a) “Street Trees” are defined as trees, shrubs, bushes and all other woody vegetation on lands located within the rights of way of public streets and public alleys within the Village.

(b) “Park Trees” are defined as trees, shrubs, bushes and all other woody vegetation in public parks, on all lands owned by the Village and on all lands to which the public has access for park purposes.

(2) Village Tree Board.

(a) There is hereby established a Village Tree Board, which shall consist of three persons, to be appointed by the Village President, with the approval of the Village Council by a majority vote of those present and voting. One member of the Tree Board shall be a member of the Village Council.

(b) **Term of Office.** The term of office of a member of the Tree Board shall be three years. A successor shall be appointed by the Village President with approval by the Village

Council for the unexpired portion of a term. Of the three persons first appointed to the Tree Board, one shall be appointed for a three-year term, one for a two-year term and one for a one-year term; thereafter, each member shall be appointed for a three-year term. Members of the Board shall serve without compensation.

(c) The Tree Board shall study, investigate, prepare and develop a written plan or plans for the planting, replanting, care, preservation, removal and disposition of trees and shrubs within street and alley rights of way, in parks and on other public lands in the Village. Such plan or plans may be in the form of annual plans, or may be in more comprehensive form, covering multiple years. Any such plans can be amended and updated at any time. Such plans or amendments thereof shall be presented to the Village Council and upon approval thereof by the Council, the same shall comprise the comprehensive Village Tree Plan.

(d) The Tree Board shall select its own officers annually, such officers being a chairperson, vice chairperson and secretary. The Board shall keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(3) **Permitted Species of Street Trees and Park Trees.** The Village Tree Board shall by resolution adopt and approve a list of permissible species of street trees and park trees. The approved list of trees, which may be amended from time to time, shall be filed with the Village Clerk and shall be available to the public. Only those species of trees which are identified on the approved list shall be permitted as street trees or park trees.

For purposes of this Section 8.2(3), each of the species of trees on the list shall be categorized as small trees, medium trees or large trees. When categorizing each permitted tree species on the list, the Tree Board may consider as a factor the usual height of mature trees for each species, with small trees being less than 30 feet, medium trees being 30 feet or more, but less than 45 feet, and large trees being 45 feet or more in height, as well as other factors. The usual height need not be determinative in the Tree Board's categorization of a tree species as a small, medium or large tree.

(4) **Spacing of Trees.**

(a) **Spacing of Street Trees.** The minimum distance separating trees planted as street trees, measured from the center of each tree, shall be as follows:

- (i) Small trees – 30 feet
- (ii) Medium trees – 40 feet
- (iii) Large trees – 50 feet

(b) **Distance of Street Trees from Curb.** The minimum distance of a street tree, measured from the center of the tree, to an adjacent curb or sidewalk shall be as follows:

- (i) Small trees – 2 feet
- (ii) Medium trees – 3 feet

(iii) Large trees – 4 feet

(c) Street trees shall not be planted within 35 feet of any street corner or intersection, or within 10 feet of any fire hydrant.

(d) No street trees, except those trees identified in subsection (3) as small trees, shall be planted within ten feet, measured laterally, of any overhead utility wire or within five feet, measured laterally, of any underground water line, sewer line, gas transmission or distribution line or other utility.

(5) **Care of Trees.**

(a) The Village shall have the right to plant, prune, maintain and remove trees, shrubs and plants lying within the boundaries of all public streets, alleys, lanes, parks and other public lands as may be necessary to insure or promote public safety, health and welfare, or to preserve or enhance the symmetry, beauty and usefulness of public parks and other public lands.

(b) The Tree Board may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewer lines, water lines, electric power or gas lines or other public improvements or which is affected with any injurious fungus or other disease or insect or other pest. This subsection shall not, however, prohibit the planting of street trees by adjacent property owners, provided, however, that the selection and locating of such trees shall comply with subsections 3 and 4 of this Ordinance.

(6) **Topping of Trees.** It shall be unlawful for any person to top any street tree, park tree or other tree on public property without the prior written consent of the Tree Board. For purposes of this subsection, the topping of a tree is defined as the severe cutting back of the limbs of the tree to substantially shorter limbs or stubs within the crown of the tree, to such a degree as to remove the normal canopy of the tree and to disfigure the tree, in whole or in part. However, trees that have been severely damaged by storms or other causes, or trees that are located under utility wires or other obstructions, and where other pruning practices are impractical, are exempt from the provisions of this subsection, upon the prior determination of the Tree Board.

(7) **Pruning of Trees Overhanging Streets, etc.** Every owner of any tree overhanging in any street, alley or right of way within the Village shall prune the branches of the tree so that the branches will not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of at least eight feet above the surface of the street or sidewalk. The owners of trees shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace or interference to the safety of the public. The Village will have the right to prune any tree or shrub on private property when it interferes with the proper dispersal of light along the street from a street light or interferes with the visibility of any traffic sign or traffic control device.

(8) **Removal of Dead or Diseased Trees.** The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when any such tree constitutes a hazard to life and property or harbors insects or diseases which constitute a potential threat to other trees within the Village. Upon determining that a tree satisfies these requirements, the Village Tree Board shall notify in writing the owner thereof, and shall state in writing the necessity

for the owner to remove the tree and specify the period of time within which removal must occur. Such removal must be completed by the tree owner at the owner's expense within 60 days after the date of the mailing of such notice. In the event of the failure of the owner to comply with such notice, the Village shall have the authority to remove such tree and, where permitted by law, to charge the cost of removal to the owner, to impose a lien upon the owner's property or to include the cost of such removal within the real property taxes otherwise required to be paid by the owner of such property.

(9) **Removal of Stumps.** All stumps of street trees and park trees shall be removed below the surface of the ground, so that the top of the stump shall not project above the surface of the ground.

(10) **Interference with Tree Board.** It shall be unlawful for any person to prevent delay or interfere with the Tree Board or any of its agents while they or any of them are engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park tree or tree on private lands, consistent with the terms of this Ordinance.

(11) **Arborist License.**

(a) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees or park trees within the Village without first applying for and obtaining an arborist license, under the applicable provisions of Chapter 9 of the Ordinance Code. The fee for such license shall be determined by resolution of the Village Council. However, no such license shall be required of any employee or agent of the Village or of any public utility company or agent or employee thereof, for the performance of such work in behalf of the Village or of public utilities, as the case may be.

(b) Before the issuance of any arborist license, the applicant shall first file with the Village Clerk satisfactory evidence of public liability insurance in the minimum amount of \$100,000 of coverage for bodily injury and \$100,000 of coverage for property damage, indemnifying the Village or any person injured or any person sustaining property damage, resulting or in any way arising out of the applicant's business, operations or activities in the pruning, treating or removing of street trees or park trees within the Village, whether or not such activities are in compliance with this section.

(12) **Appeal to Village Council.** Any person aggrieved by a ruling, order or other decision of the Tree Board may file an appeal of the same with the Village Council, by submitting such appeal in writing to the Village Clerk not later than 14 days after the ruling, order or decision complained of. Any such appeal filed after such period of time shall not be effective. The Village Council shall have the right to hear any such timely filed appeal and shall have the right to review any conduct, acts, decisions, rulings or orders of the Tree Board thus appealed to the Council. The Council shall set a date, time and place for the hearing of the appeal and shall give at least seven days notice by ordinary mail of such date, time and place of hearing, to the person filing the appeal. At the hearing, the person submitting the appeal shall have opportunity to address the Village Council and to state the basis for the appeal, and otherwise to comment on it. Other interested persons shall be heard as well. After the hearing, the Village Council may in its discretion affirm, reverse or modify in whole or in part the act, conduct, ruling, order or decision of the Tree Board.

Section 8.3 Noxious Weeds.

(1) All noxious weeds, including ragweed, Canada thistles, milkweed, wild carrot, oxeye, poison ivy, dodders, mustards, bind weed, perennial saw thistles or other weeds found growing on any lands within the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place. The owner or occupant of any lands within the Village on which such weeds are growing or located, shall cut or remove the same.

(2) The Public Service Director or Village Council shall serve, or cause to be served, a notice upon the owner or occupant of any premises on which any such weeds are permitted to grow in violation of the provisions of this Ordinance, and to demand the abatement of such nuisance within 10 days. If the person so served does not cut or remove such weeds within 10 days, the Village Council may proceed to abate the nuisance, keeping an account of the expenses therefor. Such expenses shall be charged and paid by the owner or occupant of the lands involved. Such expenses and charges for weed removal shall be a lien upon the premises. Notice of such lien shall be mailed to the owner of such premises at the last known address of such owner. The charges for such weed cutting, and the lien thereof, may be added to the property tax bill of the lands involved, and such amounts may thereby be assessed and collected in the same manner as real estate taxes with respect to such lands.

Section 8.4 Animals.

(1) No person shall keep cattle, swine, sheep, mules, donkeys, burros, horses, goats, chickens, pigeons or more than three adult rabbits within the limits of the Village of Caledonia; provided, however, that this provision shall not apply to lawful farms on lands in the AG Agricultural District under the terms of Section 5.2(a) of the Village Zoning Ordinance; and provided further, that this provision shall not apply to the periodic grazing of sheep and goats for the control of grasses and other vegetation on lands in the AG Agricultural District under the terms of Section 5.2(h) of the Village Zoning Ordinance.

(2) No person shall permit any dangerous or vicious animal of any kind to run at large within the Village. No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large within the Village.

(3) It shall be unlawful for any person to own, protect or keep any dog within the Village limits unless such dog has been licensed in accordance with the laws of the State of Michigan. Every dog within the Village limits shall at all times be confined upon the premises of the owner or custodian thereof, except when the dog is otherwise under the reasonable control of some person. Any dog within the Village limits running at large and not upon the premises of its owner or custodian and unaccompanied by the owner or custodian shall constitute a public nuisance.

(4) Any dog found running at large may be impounded by the Village Marshal or by any police officer. Any dog so impounded may be turned over by the Village Marshal to the Animal Control Officer of the County of Kent, for such control and disposition as is provided by law.

Section 8.5 Bees.

It shall be unlawful to keep or harbor any bees within the limits of the Village. Any beehive used or occupied by bees is hereby declared to be a nuisance; it shall be unlawful to keep or maintain any such beehive within the Village.

Section 8.6 Disorderly Conduct.

Any person who shall do any of the following acts within the Village shall be guilty of disorderly conduct:

- (1) Incite, encourage, participate in or be connected with any unlawful assemblage, riot, disorder or make or assist in making any noise or disturbance which shall tend to destroy peace and good order;
- (2) Disturb or be instrumental in disturbing any school, meeting or congregation;
- (3) Jostle or roughly crowd or push any person unnecessarily in any street, alley or other public place;
- (4) Engage in any fray, or commit any assault or assault and battery upon another, or commit any act whatsoever amounting to a breach of the peace;
- (5) Be under the influence of intoxicating liquor, narcotic drugs or other controlled substances upon any public street or in any public place;
- (6) Discharge any firearm (as defined by the State Penal Code);
- (7) Explode any fireworks or firecrackers, except under lawful permit authorizing the same;
- (8) Maliciously or willfully destroy, deface, damage or injure any public property or any private property owned by another;
- (9) Insult, accost, molest or otherwise annoy, either by word of mouth or by sign or motion, any person in any street, alley or other public place;
- (10) Misrepresent or falsify his or her age or the age of another for the purpose of obtaining beer, wine, liquor or other intoxicating beverage for any minor under the age of 21 years;
- (11) Obstruct, resist, injure or fail or refuse to comply with any lawful order or direction of the Village Marshal or any police officer.

Section 8.7 Curfew.

(1) No minor child under the age of 17 years shall be abroad upon the public streets, alleys, parks or other public places of the Village, unless accompanied by a parent or guardian, between the following hours:

- (a) Sunday through Thursday: Between 11 o'clock p.m. and 6 o'clock a.m.
- (b) Friday and Saturday: Between 12 o'clock midnight and 6 o'clock a.m.

(2) It shall be unlawful for either or both of the parents, or the guardian or adult person placed in charge of any minor under the age of 17 years to permit or allow said minor to violate the provisions of this section.

Section 8.8 Liquor Control. [Amended by Ord. No. O11-01]

(1) No person shall violate any law of the State of Michigan nor any rule or regulation adopted by any authorized agency of the State of Michigan pertaining to alcoholic liquor and the consumption thereof. Any such violation of the state law or rules or regulations adopted thereunder shall constitute a violation of this Code.

(2) No alcoholic liquor shall be consumed in public streets, parks or in any other public place, including any store or establishment doing business with the public not licensed to sell alcoholic liquor for consumption on the premises. No person who owns, operates or controls any such store or establishment shall permit the consumption of alcoholic liquor therein.

(3) It shall be unlawful for any person under the age of 21 years to offer to buy, obtain or drink any alcoholic liquor in any place where alcoholic liquor is sold, and for any person to furnish, sell, give or offer any alcoholic liquor to any person under the age of 21 years in any place where alcoholic liquor is sold.

(4) It shall be unlawful for any person under the age of 21 years to falsely represent himself to be 21 years of age or over and thereby procure the sale or furnishing to himself of any alcoholic liquor, and it shall also be unlawful for any person to make false statements as to the age of another for the purpose of inducing the sale or furnishing to any person under the age of 21 years any alcoholic liquor. The person in charge of any place where alcoholic liquor is sold shall have the right at any time to demand of any person offering to buy, buying or obtaining any alcoholic liquor, satisfactory identification of the age of such person, and on failure of such person to show such satisfactory identification, such person in charge may refuse to serve such person with any alcoholic liquor, and may exclude such person from such place of business. If any person shall then refuse to leave such place of business, he shall be deemed a disorderly person.

(5) No licensee shall permit his premises to be occupied by patrons or customers for more than 30 minutes after the required hour of closing as set forth above.

Section 8.9 Snow Removal. [Amended by Ord. No. O18-16]

(1) All persons owning or occupying lots or other lands within the Village limits which are bordered by sidewalk on any side or sides shall promptly remove the snow from said sidewalk or sidewalks if there is an accumulation of two (2) or more inches of snow or ice on the sidewalk. If an accumulation of two (2) or more inches continues to exist for twenty-four (24) or more hours, it shall be conclusive evidence under this section that the removal was not done "promptly." Notwithstanding the foregoing, the owner or occupant of a lot or parcel shall at all times have a duty to keep the sidewalk located on, in front of or adjacent to such lot or parcel in good repair and free of dangerous ice, snow or other dangerous conditions.

(2) Should any person fail to remove snow as required above, the Public Service Director shall cause such snow to be removed and the expense thereof shall be charged to the person violating this Ordinance as aforesaid. Should any such person refuse to pay such charge, the Public Service

Director shall report the same to the Village Assessor, and such charge shall thereupon be assessed against the lands involved, and collected in the same manner as other Village taxes.

(3) Any person operating a mechanical snow-blower shall operate the same in such manner that snow shall not be directed at or into any public street.

Section 8.10 Littering; Debris in Streets and Sidewalks. [Amended by Ord. No. O18-16]

(1) It shall be unlawful for any person to cast, throw, shovel, blow, propel, mow, sweep, sift or deposit in any manner in or upon any public street, sidewalk, public way or other public place within the Village or any public water, drain, sewer or receiving basin within the Village, any kind of dirt, rubbish, waste articles, debris, grass clippings, leaves, bark, mulch or lawn waste, garbage or other waste substance, whether liquid or solid or any snow, slush or ice. Nor shall any person cast, throw, shovel, sweep, sift or deposit any of said items anywhere within the Village in such manner that the same may be carried or deposited in whole or in part by the action of the sun, wind, rain or snow into any of the aforementioned public or other places. The shoveling, plowing, blowing or depositing of snow, slush or ice into the public street is specifically prohibited because of the danger such accumulations, if they freeze, may cause to snow plow operators and equipment and to the traveling public. This section shall not apply to the deposit of material under a permit duly authorized by any ordinance of the Village, the seasonal depositing of leaves at the curbside during the week prior to scheduled Village leaf-pickup services, or to articles or things deposited in or conducted into the Village sewer system through lawful drains in accordance with the ordinances of the Village relating thereto.

(2) It shall be unlawful for any person to use any vehicle to haul any kind of dirt, rubbish, waste article, debris, garbage or other waste substance, whether liquid or solid, unless such vehicle is covered to such extent as to prevent any part of its load from spilling or dropping while such vehicle is in motion on any street or alley within the Village. This requirement shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material if such matter is securely fastened to such vehicle to prevent spilling or dropping as stated above.

Section 8.11 Storage of Personalty.

(1) Unsheltered storage of old, unused, stripped, junked and other automobiles and parts thereof not in good, safe and operating condition, and storage of any other vehicles, machinery, implements and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured (collectively herein described as said personalty), for a period of 30 days or more, within the limits of the Village, is hereby declared to be a nuisance and dangerous to the public safety.

(2) The owner or owners, tenants, lessees and/or occupants of any lands within the Village upon which such storage is made, and also the owner or owners and/or lessees of said personalty involved in such storage shall jointly and severally abate such nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, or otherwise to remove the same to a location outside the Village.

(3) If said owners or other persons allow said nuisance to exist or fail to abate the same, they and each of them shall be deemed in violation of this Ordinance and upon conviction thereof shall be subject to the penalties prescribed in this Code.

(4) Whenever said owners or other persons fail to abate such nuisance, then the Village shall remove such personalty to another location, and the expenses for such purpose shall be billed to said owners or other persons, jointly and severally, such expenses to be recoverable in an appropriate action at law.

Section 8.12 Public Nuisances.

(1) Whatever annoys, injures or endangers the safety, health, comfort, convenience or repose of the public; interferes with, obstructs or renders dangerous any public place, street, highway, navigable lake or stream; or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance.

(2) No person shall commit, create or maintain any nuisance. Each day a nuisance shall remain unabated shall be a separate violation of this Ordinance.

(3) In its discretion, the Village Council may elect to enforce the provisions of this section by any of the following procedures:

(a) It may prosecute the person committing, creating or maintaining the nuisance for a violation of the provisions of this Code; or

(b) It may cause the nuisance to be immediately abated, if the nuisance involves the public health or safety or injury to property; or

(c) It may give notice in the manner provided in Section 1.8 of this Code, ordering said nuisance to be abated.

(4) In the event that the owner, occupant or any other person having charge of any property subject to an order of abatement of a nuisance by the Village Council fails or refuses to comply with the notice of abatement, it shall be the duty of the Village Marshal or the Village Council to take all necessary steps to abate and remove such nuisance, after the date prescribed in said notice of abatement. The cost of abatement by the Village of any nuisance may be collected in an action at law from the owner, occupier or possessor of the property upon which the nuisance was committed, created or maintained. In all cases where the Village shall incur any expenses for draining, filling or otherwise taking action with respect to any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the Village Council may, in addition to all other remedies provided for the recovery of such expense, charge the same or any part thereof upon said lot or premises and cause the same to be assessed upon such lot or premises and collected as a special assessment thereupon.

Section 8.13 Dangerous Structures.

(1) No person shall maintain any structure which is unsafe or which is a menace to the health, safety or welfare of the public.

(2) After investigation, the Village Council may condemn any such structure by giving notice to the owner, occupant or possessor of the land upon which such structure is located in the manner provided in Section 1.15 of this Code, specifying in what respects said structure is a public nuisance and requiring the owner or other person to whom such notice is directed to alter, repair, tear down or remove the same within five days after service of said notice.

(3) If after the expiration of the time limit provided in any notice of condemnation, the owner has not complied with the requirements thereof, the Village Marshal or Village Council shall carry out the requirements of said notice. If the public safety requires immediate action, the Village Marshal may abate any such public nuisance, without preliminary order of the Council.

Section 8.14 Barbed Wire.

(1) Except as permitted in subparagraph (2) of this section, no person shall place or maintain any barbed wire fencing or any strands of barbed wire along the line of or in any public street, alley or other public place within the Village, nor shall any person place or allow the same to remain between any lands owned or occupied by such person and the adjoining lands, or place or allow to remain any barbed wire fencing or barbed wire at any place where it may cause injury to any person, provided, however, that it shall not be unlawful to place or maintain barbed wire at the top of a lawful fence when such barbed wire is placed and maintained not less than six feet above the ground.

(2) Barbed wire fencing or strands of barbed wire may be placed and maintained on lands or along the boundary of lands occupied in whole or in part by electrical transmission substations, above-ground natural gas transmission equipment, sanitary sewage treatment ponds and related facilities and governmentally approved landfills.

Section 8.15 Smoke.

No person who is responsible therefor shall permit the emission from any chimney or smokestack of dense smoke or smoke containing soot or other substance in sufficient quantity as to noticeably permit the deposit of soot or other substance within the Village. The emission of smoke or other substance is hereby declared to constitute a public nuisance, except as permitted under the terms of Section 8.25 of this Ordinance Code.

Section 8.16 Fireworks. [Amended by Ord. No. O14-19]

(1) **Conduct Regulated.** The manufacture of fireworks is prohibited within the Village. The storage, sale, possession, transport, display or discharge of fireworks shall comply with all of the requirements of this Ordinance. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode or cause to explode any fireworks, except as provided by state law or in accordance with this Ordinance.

(2) **Definitions.** As used in this Ordinance, the following terms are defined as follows:

(a) **Alcoholic Liquor.** That term defined in section 1d of the Michigan Vehicle Code, 1949 PA 300, MCL 257.1d, as amended.

(b) **APA Standard 87-1.** The 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

(c) **Caledonia Independence Day Celebration.** A day designated by the Caledonia Village Council to commemorate Independence Day.

(d) **Consumer Fireworks.** Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

(e) **Controlled Substance.** That term as defined in section 8b of the Michigan Vehicle Code, 1949 PA 300, MCL 257.8b, as amended.

(f) **Firework or Fireworks.** Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

(g) **Low Impact Fireworks.** Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

(h) **National Holiday.** Includes any of the following:

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

(i) **Person.** A firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination thereof as well as a natural person.

(j) **Public Property.** Streets, sidewalks, easements or other land owned by the local, county, state and federal government and used by the general public.

(3) **Ignition, Discharge and Use of Consumer Fireworks.**

(a) Subject to the provisions of this Ordinance and state and federal law, a person may ignite, discharge or use consumer fireworks within the Village, or allow the ignition, discharge or use of consumer fireworks within the Village, on the day before, the day of, or the day after a National Holiday, or the Caledonia Independence Day Celebration; except that no person shall so ignite, discharge or use consumer fireworks, or allow such activities on their property, between the hours of 1:00 a.m. and 8:00 a.m. on such days.

(b) No person shall ignite, discharge or use consumer fireworks not categorized as Low Impact Fireworks, within the Village, or allow the ignition, discharge or use of consumer fireworks not categorized as Low Impact Fireworks, within the Village, without a permit from the Village Council, at any time, other than the days and time permitted according to Section 3(a) above.

(c) A person shall not ignite, discharge or use consumer fireworks on Public Property, school property, church property or the property of another person without the express written permission of the property owner. No person shall ignite, discharge or use consumer fireworks on Village property.

(d) A person shall not recklessly endanger the life, health, safety or well-being of any person or property by the ignition, discharge or use of consumer fireworks.

(e) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance or combination thereof.

(f) A person shall not sell consumer fireworks to a person under the age of 18 years.

(g) A person under the age of 18 years shall not buy, purchase, acquire or obtain consumer fireworks.

(h) A person under the age of 18 years shall not possess, ignite, discharge or use consumer fireworks without the presence and under the control of a parent, guardian or other responsible adult of the age of 18 years or older.

(i) Consumer fireworks shall not be used if a burn ban is in effect within the Village.

(4) **Permits.** As required in Section 3(b) above, a permit shall be obtained from the Village Council prior to the ignition, discharge, and use of consumer fireworks not categorized as Low Impact Fireworks. Also, the discharge or other use of fireworks manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement

parks or other organizations or groups of individuals approved by the Village Council, shall take place only upon grant of a permit by the Village Council, within its discretion. Such permits shall be on forms provided by the Village. After grant of a permit, the sale, possession, transportation, discharge or other use of fireworks shall take place only for the purposes described in the permit.

(5) **Applications for Permits.** Applications for permits shall be made in writing at least 30 days prior to the day of the proposed use, sale, possession for resale, display or discharge of fireworks. The use, sale, possession, display or discharge of fireworks shall be lawful under the terms and conditions of such permit and only for the purpose expressly set forth in the permit. A permit granted hereunder shall not be transferable, nor shall any permit be issued to any person under 18 years of age, nor shall any permit be extended beyond the dates set forth thereof. The initial fee for a fireworks permit shall be \$50, but the Village Council may amend this amount by resolution without amending this Ordinance.

(6) **Requirements for Permits.** Permits shall be granted only for the purposes described in subparagraph (4) of this Ordinance or for other purposes authorized by the law of this state. Before any such permit is granted, the person, firm or corporation making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the Village Council to satisfy any and all claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof. Such bond or insurance shall be in the amount, character and form deemed necessary by the Village Council for the protection of the public. No such permit shall be issued to any person, firm or corporation not a resident of the State of Michigan until such person, firm or corporation has duly appointed a resident agent to be his legal representative within the state and upon whom all process in any action or proceedings against him may legally be served. The Village Council shall have authority to rule in its discretion on the competence and qualifications of proposed operators of pyrotechnic displays and on the time, place and matters of safety of such proposed displays, before granting permits therefor.

(7) **Contents of Permits.** Permits for the discharge or other use of fireworks authorized hereunder shall specifically set forth the activities thereby permitted, and no other activities or purposes shall be authorized by reason of the permit. The permit shall specify the period of time within which the permitted activities are authorized to take place and also the places or areas thereof. The permit shall be effective only as to activities within the Village and no such permit issued by any other municipal corporation shall be effective within the Village. A permit may include all such conditions or requirements which the Village Council deems necessary to protect the public health and safety. The permit shall state the amount of bond or insurance required of the applicant, if the same be required, and in that event none of the activities authorized under the permit may take place until submission of proof of such bond or insurance to the Village Council or its delegated representative.

(8) **Violations.**

(a) Any person who violates any term or provision of this Ordinance shall be responsible for a municipal civil infraction and subject to payment of a civil fine as well as any other action by the Village to abate the violation. The minimum fine for a municipal civil infraction under this Ordinance shall not be less than \$500, in the discretion of the court, and in addition to all other

costs and expenses imposed by the court. For any violation, the Village may seek such other relief as may be provided by law.

(b) The following persons may issue a municipal civil infraction citation for a violation of this Ordinance if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the violation. Other procedures with respect to issuance of citations and other matters pertaining to violations hereof shall be as provided by law.

1. The Village President or any Village ordinance enforcement official appointed by the Village Council; or

2. A law enforcement officer of the Kent County Sheriff's Department or the Michigan State Police.

(c) The issuance of a municipal civil infraction citation is not an exclusive remedy and may be undertaken in addition to all other means of enforcement, including but not limited to injunctive and other relief.

(9) **Nuisance Per Se.** Any violation of this Ordinance is a public nuisance per se. The Village Council may enforce the provisions of this Ordinance by seeking injunctive relief in a court of competent jurisdiction in addition to any other remedies which may be available under the law or this Ordinance.

(10) **Administrative Liability.** No officer, agent, employee, or member of the Village Council shall be personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 8.17 Swimming Pools.

(1) No swimming pool shall be constructed, erected or installed on any lands within the Village unless a permit for such purposes has been obtained from the Village Clerk. All swimming pools constructed, erected, installed or used within the Village shall comply with all of the provisions of this section.

(2) The outside edge of the swimming pool wall shall be located not closer than 10 feet to any lot line or other boundary line.

(3) Any swimming pool constructed of poured concrete shall have a bottom not less than six inches thick and walls not less than eight inches thick. The walls and bottom of the pool shall be reinforced with metal reinforcing rods. Liner type pools, whether above ground or below ground, may be constructed or installed if:

(a) The liner used is made and finished by a manufacturing concern which, as a part of its business, regularly makes swimming pool liners out of plastic, rubber, fiberglass, steel or other such material; and

(b) The bottom and walls of such liner type swimming pool are constructed in accordance with the specifications of the manufacturer of the liner.

(4) Each swimming pool shall be enclosed by a fence or wall of a height of at least four feet above the ground, and which is constructed in such a manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the swimming pool is situated. The fence may be placed on or anywhere inside the lot lines of the parcel of land where the pool is situated; provided however, that no fence may be erected closer to a street than a building may be erected in the zoning district, under the Village Zoning Ordinance, in which the pool is located. If the pool is a permanent, above-ground type with a wall height of at least four feet above the surrounding ground surface, and if the pool is of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder or other means of access to the pool.

(5) All gates and doors which permit access to the swimming pool area shall be capable of being located and shall be locked at all times when no person is present on the lot on which the pool is located. All gates and doors which permit access to the pool area shall be of a self-closing, latch type, with the latch on the inside of the gate or door; in addition, each such gate or door shall have a lock located on the inside thereof.

(6) The provisions of subsections (4) and (5), above, shall apply to swimming pools constructed before the adoption of this Code, as well as to those constructed hereafter.

Section 8.18 Sound Amplifiers.

(1) It shall be unlawful to maintain or operate any loudspeaker or amplifier connected with any radio, phonograph, microphone or other device, by which sounds are magnified so as to be heard over any public street or public place, without having first obtained a permit for such purpose from the Village Clerk.

(2) Any person, firm or corporation desiring a permit for the use or operation of such sound amplifying device shall file an application therefor with the Village Clerk, setting forth the name and address of the applicant, the name of the owner of such device, the date upon which it is intended to be used, the purpose for such use, the duration of such use and such other information as may be prescribed by action of the Village Council. Such permit, if issued, shall set forth all of the terms and conditions under which the use and operation of such device may occur.

(3) No licensee shall use, operate or employ any such sound amplifying device within the Village limits on Sunday; no licensee shall use, operate or employ any such device within a radius of two blocks from any funeral home, church or cemetery while funeral services are being held at such location.

(4) This section shall not apply to radios in motor vehicles, or to radios, phonographs or television sets in residences or other buildings, when the same are operated in such manner as not to be audible at a distance of 100 feet from any such motor vehicle in which a radio may be operated, or at a distance of 100 feet from the boundary line of the lot or other parcel of land on which such residence is located.

This section shall not apply to noise devices, bands or other musical devices, or to the discharge of firearms, when the same are used in any public parade or procession, or patriotic or historical observance or display, when the same take place under the terms of a permit lawfully issued under the ordinances of the Village.

Section 8.19 Safety Regulations for Public Buildings.

(1) The owner, agent, occupant or person in control of any auditorium, school, church, theater, lodge hall or other public building, and in the case of schools, the Board of Education, shall maintain such buildings in a safe condition for the use, operation and accessibility by any persons.

(2) The Village Fire Chief or other members of the Fire Department shall, in their discretion, inspect such public buildings periodically, with regard to the operation and accessibility of regular and emergency exits, and with regard to the location and number of any items of fire protection equipment.

(3) All public buildings which may be used or which are used for public meeting places or similar purposes, including churches, schools, theaters, lodge halls and other public buildings, and all buildings used for commercial purposes to which the public is invited, shall be built so that all doors leading from the main hall or place of assembly, or the principal part of such building, shall open outward, and all means of egress for persons within such building shall be by means of doors which open outward from and out of the building.

(4) There shall be no obstruction in the way of or upon any fire escape, balcony or ladder intended as a means of escape from fire. No flammable material shall be permitted under or at the bottom of any stairway, elevator or other part of any building, nor shall any such material be placed in such position as to obstruct or render hazardous the means of exit from any building. There shall be no obstructions in the hallways of apartment houses, lodging houses, tourist homes or hotels, if such obstruction would interfere with reasonable exit from the building in the event of fire or other emergency. No person shall obstruct any door, aisle or passageway of any theater, church or other place of public assembly in such manner as to interfere with exit from the building in the event of fire or other emergency.

Section 8.20 Reserved. [Repealed by Ord. No. O10-29]

Section 8.21 Parades and Motorcades.

(1) Definitions.

(a) Parade means any march or procession consisting of people, animals or vehicles, or any combination thereof, except funeral processions, upon any public street, sidewalk, alley or other public place, which does not comply with normal and usual traffic operations, regulations or controls; parade shall not include a march or procession consisting of not more than 100 school band students, assembled for the purpose of practicing band performances or routines.

(b) Motorcade means an organized procession containing 25 or more vehicles, except funeral processions, upon any public street, sidewalk, alley or other public place.

(2) **Permits.** It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk, alley or other public place within the Village, or knowingly to participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the Village Council. No permit shall be issued for a parade or motorcade which has as its chief purpose the advertising of any product, merchandise, services or event and which is designed entirely for private profit or is proposed to be conducted, or is conducted, for any commercial purposes.

(3) **Conducting of Parades.** No parade or motorcade shall be conducted in which there occurs the tossing or throwing of candy, tokens, prizes or other objects of any kind by any person, whether on foot or in vehicles, in or associated in any way with such parade or motorcade. The Village Council may by resolution prohibit, limit or regulate the parking of motor vehicles on public streets, alleys and other public areas during a parade or motorcade and during a stated period of time before and after the same.

(4) **Interference With Parade.** No person shall knowingly join or participate in any parade or motorcade conducted under permit from the Village Council in violation of any of the terms of such permit, nor knowingly join or participate in any permitted parade or motorcade without the consent or over the objection of the party being permitted to conduct such parade or motorcade, nor in any manner interfere with the orderly progress or occurrence of such parade or motorcade.

(5) **Application.** Any person who desires to conduct a parade or motorcade shall apply to the Village Council for a permit at least 30 days in advance of the date of the proposed parade or motorcade. In its discretion, the Village Council may request the Chief of Police, or representative of the County Sheriff's Department, to review and give opinion concerning the application for such parade or motorcade. The application for such permit shall be made in writing and shall contain the following information:

(a) The name of the applicant, the sponsoring organization, the chairman of the parade or motorcade and the addresses and telephone numbers of each.

(b) The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembling area, the location of the disbanding area, the route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.

(c) A general description of the individual floats, marching units, vehicles, bands and other components of the parade or motorcade, including a description of any sound amplification equipment to be used.

(d) Such other information as the Village Council may deem reasonably necessary in the circumstances.

(6) **Issuance or Denial of Permit.** The Village Council shall consider the issuance of a permit for a parade or motorcade upon considering the following standards:

(a) The time, route and size of the parade or motorcade and the extent to which it is likely to disrupt the normal movement of traffic.

(b) The number of police officers which will be necessary to properly patrol the parade or motorcade and the areas contiguous thereto.

(c) Whether the parade or motorcade will interfere with another parade or motorcade for which a permit has already been issued.

(d) Whether the Village Chief of Police, County Sheriff or other public security officers have made any findings contrary to matters set forth in the application for the permit.

(e) Whether the information contained in the application is found to be false in any material detail.

(7) In any permit issued under the terms of this section, the following matters shall be included: The assembly area and time therefor; the starting and ending times of the parade or motorcade; the minimum and maximum speeds; the route to be traveled by the parade or motorcade; the portions of streets to be traveled; the maximum length of the parade or motorcade; the disbanding area and disbanding time; the approximate number and type of vehicles, if any; and such other conditions as are found by the Village Council to be reasonably necessary for the protection of persons or property.

(8) Upon the granting of any permit for a parade or motorcade, the Village Council shall notify the Village Fire Chief, the Public Service Director, the Village Police Chief, if any, and the Kent County Sheriff's Department.

(9) **Revocation of Permit.** Any permit for a parade or motorcade issued pursuant to this chapter may be summarily revoked by the Village Chief of Police, or by the County Sheriff, at any time when by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.

Section 8.22 Charitable Solicitations.

(1) **Permit Required.** As used in this section, a "charitable solicitations campaign" shall mean any course of conduct whereby any person, organization, society, association, corporation or any agent, member or representative thereof (except as indicated below), shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription or anything of value upon the statement or representation that such sale or solicitation or the proceeds therefrom are for a charitable, educational, patriotic or philanthropic purpose. It shall be unlawful to conduct any charitable solicitations campaign upon the streets or in any other public place within the Village, or by house to house canvass therein, unless the person, organization, society, association or corporation conducting the same and responsible therefor shall have first obtained a permit in compliance with the terms of this section; provided, however, that the provisions of this section shall not apply to any solicitations, campaign, organized or sponsored by the public school system serving the Village, or to the charitable solicitations campaign of any organization which solicits funds solely from its own members or from its own assemblies not using public streets or public places for such purposes, or to any church or religious congregation located within the Village which solicits funds for its own religious purposes.

(2) **Application.** A permit to conduct a charitable solicitations campaign on the streets or in any public place or by house to house canvass within the Village shall be granted only upon an application for such permit filed with the Village Clerk not less than 30 days prior to the commencement of the proposed charitable solicitations campaign. Such application shall contain the following information:

(a) The full legal name of the organization applying for such permit and its address; if the organization is a chapter or other affiliate of an organization having its principal office outside the Village, the name and address of the parent organization shall be provided.

(b) The purpose or purposes for which the gross receipts derived from the charitable solicitations or other activities are to be used.

(c) The name and address of the person or persons who will be in charge of conducting the charitable solicitations campaign.

(d) A statement of the method or methods to be used in conducting the charitable solicitations campaign.

(e) The period of time within which the charitable solicitations campaign shall be conducted, including the proposed dates for the beginning and ending of the campaign.

(f) The total amount of funds proposed to be raised.

(g) The amount of all salaries, wages, fees, commissions, expenses and costs to be expended or paid to anyone in connection with such campaign, and the maximum percentage of funds collected which are to be used to pay such expenses of solicitation and collection.

(h) A full statement of the character and extent of the charitable, educational, patriotic or philanthropic work done by the applicant within the Village during the last preceding year.

(i) If the applicant is a corporation, a copy of its charter or articles of incorporation; if the applicant is a foreign corporation, a copy of its certificate to do business in the State of Michigan.

(j) If the applicant is a charitable corporation or other such organization, proof of its current status as an organization to which contributions are tax deductible for federal income tax purposes.

(3) **Conditions of Approval.** Upon receipt of a proper application as provided in this section, the matter of approval or disapproval of such application shall be considered by the Village Council. The Village Clerk shall notify the applicant of the time and place set for consideration of the matter. In its consideration of the approval or disapproval of the requested permit, the Village Council shall consider the following matters among others:

(a) Whether one or more of the statements made in the application are untrue or materially misleading.

(b) Whether the applicant or person in charge of the charitable solicitations campaign has made or caused to be made false statements or misrepresentations to any member of the public with regard to the campaign or other activities described in the application.

(c) Whether the applicant's fund raising expense in any charitable solicitations campaign conducted by it during any of three years immediately preceding the date of application exceeded 25% of the gross amount collected.

(d) Whether the expected fund raising expense of the applicant in the proposed campaign will exceed 25% of the gross amount collected, based upon data concerning prior campaigns of the applicant and other available evidence.

(e) Whether the applicant has failed to keep or observe any representation, statement or commitment with regard to the allocation of funds or methods of fund raising or solicitation made to the Village Council in connection with any previous application or permit.

(4) **Issuance of Permit.**

(a) By majority vote, the Village Council shall determine whether or not to issue the requested charitable solicitations permit. Any permit issued pursuant to such action shall be in writing and shall set forth all of the terms and conditions under which the proposed charitable solicitations campaign may occur. The minutes of the Village Council meeting shall reflect the reasons for the denial of any such permit.

(b) Any permit so issued shall indicate the period of time during which the proposed charitable solicitations campaign may be conducted. Such period shall not exceed three calendar months.

(5) **Transfer.** Any permit issued hereunder shall be personal to the applicant and shall not be assigned or transferred to any other person, firm, corporation or association. Any such attempted assignment or transfer shall render the permit void and of no further effect.

(6) **Revocation.** If after notice and hearing the Village Council shall determine and make findings of fact that any permit holder or any agent or representative thereof is making or has made any false statements or misrepresentations to any member of the public with regard to the campaign or other activities described in the permit, or has made false statements or misrepresentations in the application, or has in any way publicly represented that the permit granted is an endorsement or recommendation of a cause for which the campaign is being conducted, or has violated any of the terms of the permit, then the Village Council shall revoke the permit.

(7) **Fees.** By resolution the Village Council shall establish and shall charge a fee for an application for a permit under the terms of this section. Such fee shall be nonrefundable, and shall be paid by the applicant at the time of the filing of the application. The fee shall be charged for the purpose of helping to defray the costs incurred by the Village Council in the processing and consideration of the application.

(8) **Reports.** All persons or organizations issued permits under this section shall furnish to the Village Clerk, within 30 days after the charitable solicitations campaign has been completed, a

detailed report and financial statement showing the amount of funds raised by the campaign, the amount expended in collecting such funds, including a detailed report of the wages, fees and commissions paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the campaign.

(9) **Agents or Permit Holders.** All persons to whom permits have been issued under this Ordinance shall furnish proper credentials to their agents and representatives for such charitable solicitations campaign. Such credentials shall include the name of the permit holder, the date, a statement describing the holder's charitable, educational, patriotic or philosophic activity, a description of the purpose of the solicitation, the signature of the permit holder and the name, address and signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permit holder. No person shall solicit under any permit granted under this section without such credentials and a facsimile copy of the permit in his possession. Such credentials and facsimile copy of the permit shall be shown upon request to all persons solicited and to any police officer of the Village or any member of the County Sheriff's Department. No agent or solicitor shall conduct or participate in any charitable solicitations campaign except under a valid permit issued in compliance with this section.

Section 8.23 Other Regulations.

(1) **Abandoned Refrigerators.** It shall be unlawful to abandon any refrigerator, freezer or ice box or other such device having an automatic lock on a compartment large enough to enclose a human being in any place accessible to children without first removing the doors of such refrigerator, freezer, ice box or other such device.

(2) Weapons.

(a) It shall be unlawful to carry any concealed weapons, as defined by the State Penal Code, in violation of the laws of this state, except that this provision shall not apply to B-B guns or other air guns. It shall be unlawful to discharge any pistol, revolver or rifle within the Village of Caledonia, except as follows:

(i) Authorized officers of the law are permitted to discharge their weapons in the performance of their duties.

(ii) A person may discharge a weapon for the protection of life and/or property, to the extent permitted by law.

(b) No weapon, including, but not limited to, firearms, bow and arrows, crossbows, compound bows and other such devices, shall be used recklessly or without regard for the safety of other persons, nor shall any weapon be shot or discharged upon or across any public street or highway.

(c) It shall be unlawful for any person to discharge any bow and arrow, crossbow or compound bow inside the Village limits except as follows:

(i) A bow and arrow, crossbow or compound bow shall be used only on private property, and only with the express prior consent of the property owner.

(ii) All arrows or other projectiles shot from any bow and arrow, crossbow or compound bow shall remain upon the private property from which the arrow or projectile was shot at all times while in flight and upon falling to the ground.

(iii) Adequate and effective measures shall be taken to prevent any injury to person or property.

(3) **Unlawful Assembly.** It shall be unlawful to collect, gather or be a member of any disorderly crowd of persons, or any crowd of persons gathered for any unlawful purpose.

(4) **Scaffolds.** Any scaffold or ladder placed in such a manner that it overhangs or can fall onto any public street, alley or other public place, shall be firmly constructed and safely guarded; it shall be unlawful to place or leave any tools or articles on any such ladder or scaffold in such a manner that the same can fall onto any such street, sidewalk, alley or other public place from a height greater than four feet.

(5) **Noise.** It shall be unlawful to make or cause to be made any noise or sound of such volume or of such a nature as to cause substantial disturbance of the peace.

(6) **Unattended Machinery.** It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth grading or farm machinery which is self-propelled and moves upon the ground, and which is owned or controlled by such firm, person or corporation, to stand for any period of time unattended without locking the ignition system or otherwise rendering such machinery inoperable, so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

(7) **Defacing Public or Private Property.** No person shall mar, injure, destroy or deface, or aid in injuring, destroying or defacing any public or private property within the Village; or mar, injure, destroy or deface, or cause to be marred, destroyed, injured or defaced, any street sign or traffic device, street light, lamp post, fence, railroad signal device, awning, bridge, tree or apparatus or any other property, not belonging to the person so offending, and without permission of the owner, whether such property be public or private.

Section 8.24 Drug Paraphernalia.

(1) **Definitions.** The term “drug paraphernalia” shall mean all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as provided for in Act 368 of the Michigan Public Acts of 1978, as amended.

(2) **Possession of Drug Paraphernalia.** It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

(3) **Manufacture or Delivery of Drug Paraphernalia.** It shall be unlawful for any person to deliver, possess with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

(4) **Exclusions.** These regulations shall not include a police officer, who, in the course of his duties, is required to perform certain acts in investigating illegal drug traffic, nor shall it include a person, for whom marijuana has been prescribed by a physician, duly licensed by the State of Michigan, nor a person, who, in the course of his business, is required to handle said items.

Section 8.25 Burning of Leaves, etc.

(1) Except as permitted by the terms of this section, the open burning of leaves, grass, brush, refuse or other debris is prohibited and shall constitute a public nuisance.

(2) Leaves and other dead seasonal vegetation may be burned outside an incinerator or other structure between the hours of 8:00 a.m. and 7:00 p.m., solely for the purpose of disposing of such materials, but the same may not be burned on any paved right of way or sidewalk or within ten feet of any building or lot line, and any such burning shall be further subject to subsections (3) and (4) of this section.

(3) No open burning, if otherwise permitted, shall be done so as to endanger any adjacent or other property or be harmful to any person. Any smoke emanating from such open burning shall be always controlled, so as not to be a nuisance to adjacent or other properties or to be harmful to any person.

(4) The opening burning of leaves and other dead seasonal vegetation, if otherwise allowed, shall always be attended and controlled by one or more persons. No such open burning, if otherwise allowed, shall involve such quantity of leaves or other dead seasonal vegetation as to endanger property, be harmful to persons or be a nuisance. The provisions of this section regarding specified open burning shall not be construed to permit the burning of materials other than leaves and other dead seasonal vegetation commonly disposed of by bonfires on private property.

CHAPTER 9 BUSINESS AND TRADE

Section 9.1 General License Provisions.

(1) No person shall engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by any ordinance of the Village without first obtaining a license from the Village in the manner required by this Ordinance Code.

(2) No license shall be granted or delivered to any applicant therefor until such applicant has complied with all of the terms, conditions and requirements for the issuance of such license, as set forth in this Ordinance Code.

(3) Unless otherwise provided in this Code, any person required to obtain a license from the Village to engage in the operation, conduct or carrying on of any trade, profession, business or privilege, shall make application for such license to the Village Clerk, upon forms provided by the Clerk. All statements required to be made in connection with the granting of any such license shall be made under oath or affirmation as to their truthfulness.

(4) Any application for a license may be referred by the Village Clerk to the Village Marshal, Fire Chief, Health Officer or other appropriate Village official, for investigation and recommendation regarding matters pertaining to the public safety, health, welfare or other matters.

(5) Unless otherwise provided by this Ordinance Code, the license shall begin on May 1 of each year and shall terminate on April 30 of the following year. Annual licenses issued after May 1 in any year shall terminate on April 30 of the following year. In all cases where the issuance of licenses for a period of less than one year is permitted, any license so issued shall become effective on the date of the issuance thereof, and shall terminate at the end of the period for which it was issued.

(6) **State License.** No license required by this Code shall be issued to any person who is also required to have a comparable license or permit from the State of Michigan, until such person shall submit evidence that such state license or permit has been secured.

(7) **Renewal.** Applications for the renewal of any license shall be regarded as, and shall be treated in the same manner as, original applications for such license.

(8) **License Fee.** No license shall be issued by the Clerk except upon payment of the fee or fees therefor, prescribed by resolution of the Village Council, provided, however, that no license fee shall be required to be paid by any person who is exempt from the payment of such fee by any provision of applicable law. Such person shall, however, comply with all other provisions of this Code with respect to the license for which such fee is required.

(9) **Nontransferability.** Licenses issued by the Village shall not be transferable unless specifically authorized by that part of this Ordinance Code requiring such license, or as lawfully indicated in the license itself.

(10) **Appeal to Village Council.** Any applicant for any license who has been refused such license for any reason by the authorized issuing officer may appeal such refusal to the Village Council by setting forth all of the facts in a written petition and filing same with the Village Clerk. The Village Council may act upon such petition upon the facts set forth therein, or may grant a further hearing to the applicant. The decision of the Village Council on such appeal shall be final.

(11) **Suspension and Revocation.** Any license required by this Code may be suspended or revoked, or the renewal thereof refused, for misrepresentation of any material fact in the application for such license or for any good cause by the Village Council, or by the officer of the Village to whom application was required to be made to secure such license.

As used in this section, “good cause” shall mean any act, omission or the permitting of any condition to exist with respect to the licensing question, which is contrary to the health, safety or welfare of the public, unlawful or fraudulent in nature, a violation of this Ordinance Code, beyond the scope of the license issued, or any fact circumstance or condition which, had it existed or been known to the issuing authority at the time the license was granted, would have been sufficient grounds for the denial thereof.

(12) **Notice of Revocation.** No license issued under this Ordinance Code shall be revoked except after hearing before the Village Council, following not less than ten (10) days’ written notice to the licensee, stating the time and place of such hearing and setting forth the reasons for such revocation. Such notice shall be given by the Village Clerk, by mail or personal service.

(13) **Posting or Carrying of License.** No person to whom a license has been granted shall fail to carry the same upon his person, or post the same at his place of business, when engaged in the operation, conduct or carrying on of the trade, profession, business or privilege for which the license was granted. When requested to do so by any Village officer or any police or health officer, or by any person representing the issuing authority, any person having any such license issued by the Village shall produce the same for inspection.

(14) **Record of Licenses.** The Village Clerk shall keep a record of all applications for licenses, indicating whether the license applied for in each case has been granted or denied, and if denied, the reasons therefor.

(15) **License Fees.** The fee for each license required by the terms of this Code shall be established by resolution duly adopted by the Village Council.

(16) **Compliance.** Full, timely and complete compliance with all of the terms and provisions of a license issued under the terms of this Code shall be a condition to the continuance of such license; the failure of compliance with any of the terms and conditions of the license, shall be a basis for revocation or suspension of the same.

Section 9.2 Restaurants.

(1) **License.** It shall be unlawful to operate a restaurant within the Village without first having obtained a license therefor, or without full compliance with all of the provisions of this Ordinance. The annual fee for such license shall be established by the Village Council; application for such license shall be made to the Village Clerk.

(2) **Definition.** As used in this Ordinance, the term “restaurant” shall include any place where food or drink (other than alcoholic beverages) is prepared or served to the public for consumption on or off the premises; the term “food” shall include beverages other than alcoholic beverages.

(3) **Investigation of Premises.** All applications for a license to operate a restaurant shall first be referred to the Village Council, which shall make, or cause to be made by the Health Officer or by designated members of the Council, an investigation of the premises to be used for such purpose, and who shall then report findings thereon to the Village Clerk, recommending or advising in favor of or against the issuance of the proposed license.

(4) **Grant of License.** Upon receiving a favorable report from the investigating parties, with respect to any application for a restaurant license, the Village Clerk shall issue such a license, after payment of the fee prescribed therefore, and including such conditions and limitations as may be prescribed by this Code or other Village Ordinance.

(5) **Revocation of License.** Any restaurant license may be revoked by the Village Council for violation of the provisions of any Village Ordinance, relating to the conduct of the restaurant, the condition of the premises, the articles sold, the license required or other pertinent matters.

(6) **Compliance.** As a condition of the continuation of any restaurant license, the holder thereof shall operate and maintain the restaurant in full compliance with all applicable provisions of this Code, county ordinances or regulations and state law.

(7) **Renewal and Transfer.** Such license shall be for a period of one year. It may be renewed for successive one-year periods upon application and payment of the prescribed fee. Such license may not be transferred except upon approval of the Village Council.

Section 9.3 Alcoholic Liquor Establishments.

(1) **Definition.** For purposes of this section, alcoholic liquor is defined as any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume which is suitable for beverage purposes. Restaurant is defined as set forth in Section 9.2 of this chapter. Establishment is defined as a tavern, bar, club or similar establishment maintained and used as a place in which alcoholic liquor is sold or served. Establishment includes a restaurant which serves alcoholic liquor in addition to food.

(2) **License.** It shall be unlawful to sell, serve or offer for sale, or offer to serve, in any establishment within the Village, any alcoholic liquor without first having obtained a license for such purpose. Such license shall be designated as a tavern license, with respect to establishments serving alcoholic liquor for consumption on the premises, and shall be designated a retail liquor dealer’s license, as to establishments selling or offering for sale alcoholic liquor at retail. It shall also be unlawful to sell, serve or offer for sale, or offer to serve, any alcoholic liquor in violation of the terms of any license for such purpose, or in violation of any Village Ordinance or state law.

(3) **State License.** It shall be unlawful for any establishment to sell, or offer for sale, or to serve or offer to serve, any alcoholic liquor without such establishment being licensed to do so under the laws of the State of Michigan.

(4) **Application.** All applications for a tavern license or retail liquor dealer's license shall be made to the Village Clerk, upon forms provided for such purpose. All applicants shall pay the fee for such purchase, as prescribed by action of the Village Council. Prior to any action with regard to such application, the Village Clerk or Village Council may make or cause to be made such investigation of the applicant or such inspection of the premises as may be reasonable, including a determination whether such establishment has been properly licensed under state law.

(5) **Revocation.** Any tavern license or retail liquor dealer's license may be revoked by the Village Council for violation of any provision of Village Ordinance or applicable state law, or for violation of, or noncompliance with, any provision of the license.

(6) **Renewal.** Such license shall be for a period of one year. Any such license may be renewed for successive one-year periods, upon application to the Village Clerk and payment of the required fee, unless the licensee is, or has been, in violation of any of the terms of the license.

(7) **Transfer of License.** A tavern license or retail liquor dealer's license may not be transferred except on approval of the Village Council. Such approval, if granted, shall include issuance by the Village Clerk of a new license to the proposed transferee of an existing license.

Section 9.4 Peddlers.

(1) **Definition.** The word "peddler" as used in this section shall mean any person, whether a resident of the Village or not, traveling either by foot or vehicle from place to place, carrying goods, wares or merchandise, and offering the same for sale, or making sales and delivering articles to purchasers, or offering to provide services, either immediately or in the future. The term "peddler" shall include "hawker" and "huckster."

(2) **License.** It shall be unlawful for any peddler to engage in the business or activity of peddling within the Village without first obtaining a license for such purpose.

(3) **Application and Fee.** Application for a peddler's license shall be made to the Village Clerk, and such application shall state thereon the description and number of vehicles, if any, intended to be operated, the kind and quantity of merchandise to be peddled, and the permanent address of the peddler.

(4) **Exemptions.** All other provisions in this section notwithstanding, it shall be lawful for any person to sell or offer for sale the produce or agricultural products which such person has grown and harvested, and it shall also be lawful for the students of any school system located within the Village to sell or offer for sale merchandise, or to provide services, as a part of a school-sanctioned effort to obtain funds for school activities or purposes, without the necessity of obtaining a peddler's license.

(5) **Exhibition of License.** If requested by any citizen, a peddler shall exhibit any peddler's license issued to him.

(6) **Invitation to Premises.** It shall be unlawful for any peddler to enter a private residence, or any other premises, for the purpose of engaging in peddling without first having been requested or invited to do so by the owner or occupant thereof.

Section 9.5 Solicitors and Canvassers.

(1) **Definition.** The term “solicitor” and “canvasser,” as used in this section, shall mean any person, whether a resident of the Village or not, traveling either by foot or vehicle from place to place, who takes or attempts to take, orders for the sale of goods, wares or merchandise for future delivery, or for services to be furnished or performed in the future. Such definition shall include any person who uses or occupies any building, structure or other place in the Village for any of such purposes.

(2) **License.** It shall be unlawful for any solicitor or canvasser to engage in such business within the Village without first obtaining a license for such purpose.

(3) **Application and Fee.** Application for a solicitor’s or canvasser’s license shall be made to the Village Clerk, and such application shall state thereon the description and number of vehicles, if any, intended to be operated, the kind and quantity of merchandise to be sold or delivered, and the permanent address of the solicitor or canvasser. Any applicant for such license shall pay the fee therefor as prescribed by resolution of the Village Council.

(4) **Exemptions.** All other provisions in this section notwithstanding, it shall be lawful for any person to sell or offer for sale the produce or agricultural products which such person has grown and harvested, and it shall also be lawful for the students of any school system located within the Village to sell or offer for sale merchandise, or to provide services, as a part of a school-sanctioned effort to obtain funds for school activities or purposes, without the necessity of obtaining a license for such purpose.

(5) **Exhibition of License.** If requested by any citizen, a solicitor or canvasser shall exhibit any solicitor’s or canvasser’s license issued to him.

(6) **Invitation to Premises.** It shall be unlawful for any solicitor or canvasser to enter a private residence, or any other premises, for the purpose of engaging in soliciting or canvassing without first having been requested or invited to do so by the owner or occupant thereof.

Section 9.6 Transient Merchants.

(1) **Definition.** The term “transient merchant,” as used in this section, shall mean any person, whether a resident of the Village or not, who engages in the temporary business of the retail sale and delivery of goods, wares or merchandise within the Village, and who, for the purpose of conducting such business, uses or occupies any lot, premises, building, room or structure, provided however that such definition shall not include merchants having regularly established places of business within the Village, or to persons making sales at any annual fair, street fair, festival or annual celebration or observance.

(2) **License.** It shall be unlawful for any transient merchant to engage in such business within the Village without first obtaining a license for such purpose.

(3) **Application and Fee.** Application for a transient merchant's license shall be made to the Village Clerk, and such application shall state thereon the address of the place at which the business is to be conducted, the kind and quantity of merchandise to be sold or delivered, and the permanent address of the transient merchant. Any applicant for such license shall pay the fee therefor as prescribed by resolution of the Village Council.

(4) **Exhibition of License.** If requested by any citizen, a transient merchant shall exhibit any transient merchant's license issued to him.

Section 9.7 Public Show, Circus or Exhibition.

(1) **License.** No person shall conduct, maintain or operate any carnival, public show, circus or exhibition to which admission is obtained upon the payment of money and which has no permanent location in the Village, without first obtaining a license as provided in this section.

(2) **Exemption.** Any provisions of this section shall not apply to any exhibitions or performances by the pupils of any school or to any entertainment for the benefit of any school, church, fraternal organization, or for any benevolent or charitable object, and no provision herein shall be construed to require any school, church or those giving or responsible for any entertainment for any benevolent, fraternal or charitable object to obtain a license hereunder.

(3) **Application.** An application for such license shall be made to the Village Clerk and shall specify the location of the proposed activity, the number of employees, a description of the sanitary facilities on the property, a description of the type of show or exhibit, and shall include the written consent of the owner of the property, if the property is not owned by the applicant. Upon making application, the applicant shall pay the fee prescribed by the Village Council.

(4) **Granting of License.** The Village Clerk shall not grant such license except after certification by the Village Marshal, Fire Chief and Health Officer that all requirements prescribed by this Code have been complied with and that the public peace, health and safety are adequately protected. For such purpose, the Marshal, Fire Chief and Health Officer shall make such inspection of the proposed equipment or displays and the property to be used as may be sufficient to verify compliance with the terms of this Code and the protection of the public peace, health and safety. Such license shall not be granted unless the proposed public show, circus or exhibition will fully comply with all county ordinances or regulations and all provisions of state law.

(5) **Bond.** Before granted a license, the applicant shall file with the Village Clerk a bond, running to the benefit of the Village, in an amount not less than \$10,000.00, which bond shall become available for the payment of any damage to public or private property and for the payment of any personal injuries resulting from the conducting, maintenance or operation of the licensed activity. Such bond shall be further conditioned upon the compliance by the applicant of all provisions of the license.

(6) **Conditions of License.** In addition to any other requirement set forth herein, the applicant shall furnish evidence of his intention and ability to comply with the following conditions: The operator and sponsor of the exhibition shall each be fully responsible for maintaining order, for keeping the site clean and free of trash, papers and other debris. Trash containers in adequate numbers shall be placed in convenient locations for the use of the public. No ride shall be placed in

operation for public use until the same has been approved for such purpose by the appropriate county or State Agency. Adequate safeguards shall be placed in order to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electrical switches and other possible hazards.

(7) **Insurance.** No license for the conducting of any show, circus or exhibition shall be issued until the applicant therefor has placed on file with the Village Clerk a certificate or certificates of insurance, indicating that there is in effect, and will remain in effect for the duration of the event, public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with such carnival or exhibition. Such insurance shall be in the minimum amount of \$100,000.00 coverage for each person and \$300,000.00 coverage for each accident.

(8) **Supervision.** For the purpose of preserving and maintaining order, a sufficient number of Sheriff's Department officers or other police personnel shall be admitted to any such show, circus or exhibition free of charge.

Section 9.8 Garbage and Rubbish Collection.

(1) **License.** Any person hauling or offering to haul for profit and regularly engaged in or offering to regularly engage in the business of hauling rubbish or garbage and/or any other refuse within the Village shall, before engaging in such business, obtain a license for such purpose.

(2) **Application and Fee.** Application for such license shall be made in writing to the Village Clerk, and shall be accompanied by the fee prescribed by the Village Council. Such application shall set forth the name and address of the applicant, the type of equipment to be used, the number of days per week to be spent in such business, the routes to be covered, a schedule of approximate fees to be charged for the services rendered, and such other information as may be requested in order to fully inform the Village regarding the nature and extent of the services proposed to be rendered by the applicant.

(3) **Bond.** Upon approval of the application for such license, the applicant shall provide and deliver to the Village Clerk a performance bond in an amount not less than \$5,000.00, running to the benefit of the Village, conditioned upon the fulfillment by the applicant of all of the conditions set forth in the license, which bond shall be forfeited to the Village in the event such applicant fails so to perform during the period for which the license has been granted or during any renewal period thereof.

Section 9.9 Amusement Devices and Amusement Centers.

(1) Definition of Terms as Used in this Section.

(a) "Amusement device" shall mean any machine or apparatus which is operated electronically or manually, with or without the use of coins or discs, and which is constructed so as to make possible the registering of a score, except any machine or apparatus designed and used to simulate a ride, as to which a score is solely incidental.

(b) “Amusement center” shall mean an establishment where four or more amusement devices are located but shall not include a private dwelling, private club or other place not open to the public.

(c) “Location owner” shall mean that person who has the legal right of possession of the premises on which an amusement device is or may be located.

(d) “Redemption game” shall mean a single player or multi-player mechanical, electronic, or manual amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, propelling, or stopping a ball or other object into, upon, or against a hole or other target. Redemption game does not include either of the following:

(i) Games such as roulette, beano, cards, dice, wheels of fortune, video poker, slot machines, or other games in which winning depends primarily upon fortuitous or accidental circumstance beyond the control of the player; or

(ii) A game that includes a mechanical or physical device which directly or indirectly impairs or thwarts the skill of the player.

(2) **Unlawful Devices.** No person shall own, keep or have in his possession in any place other than a private dwelling, private club or other place not open to the public, nor shall any license be issued for, an amusement device (other than a “redemption game” as defined herein) which is capable of returning or giving to the player thereof anything of value, excluding free games. Redemption games shall only be permitted under this Ordinance where the following conditions are met:

(a) The outcome of the game is determined through the application of an element of skill by the player.

(b) The award of the prize is based upon the player’s achieving the object of the game or otherwise upon the player’s score.

(c) Only noncash prizes, toys, novelties, or coupons or other representations of value redeemable of noncash prizes, toys, or novelties are awarded.

(d) The wholesale value of a prize, toy, or novelty awarded for the successful single play of a game is not more than \$3.75.

(e) The redemption value of coupons or other representations of value awarded for the successful single play of a game does not exceed 15 times the amount charged for a single play of the game or \$3.75, whichever is less. However, players may accumulate coupons or other representations of value for redemption for noncash prizes, toys, or novelties of a greater value up to, but not exceeding, \$250.00 wholesale value.

(3) **Device Owner’s License.** It shall be unlawful for any amusement device owner to have or maintain any amusement device owned by him in any place other than a private dwelling, private club or other place not open to the public, unless an amusement device owner’s license is first obtained from the Village.

(4) **Procedure for Obtaining Device Owner's License.** In addition to meeting the general licensing provisions of Section 9.1 in this Ordinance Code, all applicants for a device owner's license shall furnish annually to the Village Clerk the following information:

(a) The name, address and telephone number of the owner.

(b) The number of licenses needed.

(c) A statement attesting that all amusement devices for which a license is being sought are incapable of returning or giving to the player thereof anything of value, excluding free games, or that the amusement devices are redemption games which meet the requirements of this Ordinance.

(5) **Location of Owner's License.** It shall be unlawful for any location owner to keep or have located on any of his premises, other than a private dwelling, private club or other place not open to the public, any amusement device unless a location owner's license is first obtained from the Village.

(6) **Procedure for Obtaining Location Owner's License.** In addition to meeting the general licensing provisions of Section 9.1 of this Ordinance Code, the following provisions shall also be met:

(a) All applicants must provide the Village Clerk with the information required in paragraph (4) of this section.

(b) All applicants must provide the Village Clerk with the address and a description of the place where the amusement devices are to be located; the number of amusement devices to be so located; and a signed statement attesting that the applicant is the owner of the location premises.

(7) **Amusement Center License.** It shall be unlawful for any amusement center, as defined in paragraph (1) of this section, to be maintained, operated or open for business, unless an amusement center license is first obtained from the Village.

(a) The procedure for obtaining the license shall be as provided in paragraph (6) of this section.

(b) All amusement devices on the premises of the amusement center shall be currently licensed.

(c) Not less than 30 square feet of floor space shall be provided for each amusement device in an amusement center. Such space shall be vacant except for that occupied by the amusement device.

(d) The amusement center shall at all times when open to the public be actively managed and supervised by one or more persons of 18 years of age or more continuously on the premises, and if other than the owner, shall be employed by or otherwise responsible to and representative of the owner.

(e) The sale of food or drink shall take place only by means of vending machines or other such devices, but shall not be sold personally or over-the-counter. The sale of tobacco products or the sale or delivery of any unlawful substances, whether personally or by vending machines or other devices, is prohibited on the premises of the amusement center.

(f) No person under the age of 17 years shall be present in the amusement center after 11:00 p.m. on any day on which the amusement center is open.

(g) No amusement center shall open for business until the premises thereof shall have been approved by the Village Fire Chief and Village Building Inspector.

(8) **Denial of License.** The Village Clerk may deny the application for a location owner's license or an amusement center license for any of the following reasons:

(a) Failure to receive approval of any appropriate Village official to whom the application has been referred pursuant to Section 9.1(4) of this Ordinance Code.

(b) Any present or past violations of any provisions of this Ordinance Code.

(c) Where the granting of a license will be harmful or detrimental to the operation of any adjoining or nearby business, harmful to or disruptive of the normal functioning of any public or private school, or harmful to the quiet enjoyment of any residence or church; or where the granting of a license would result in an extraordinary demand for police, fire or other municipal services.

(9) **Revocation of License.** In addition to the grounds provided for license revocation under Section 9.1 of this Ordinance Code, a location owner's license or amusement center license may be revoked for any violation of this section or for repeated instances of disturbances of the public welfare and peace at or immediately outside the amusement location by those persons who are or may be attending or frequenting the amusement center or the location or immediate vicinity thereof.

(10) **Right of Appeal.** In the event that an application for a license is denied, the Village Clerk shall make findings of fact as to why the application was denied; and the applicant may appeal the denial to the Village Council, which shall hold a public hearing on the denial and shall have the power to reverse, approve, or modify the decision of the Village Clerk. The Village Council shall, in its determination, make findings of fact as to the reason for its decision, based upon the terms of this Ordinance Code.

(11) **Ongoing Requirements.** Each amusement device shall be located in such a way that it can be continuously supervised by the owner or his employees.

(a) Each amusement device shall have a device owner's license affixed thereto; and all location owners shall prominently display on the premises a location owner's license.

(b) No person under the age of 16 years shall operate an amusement device, except in a private dwelling, private club or other place not open to the public. No manager or person having responsibility for an amusement center shall allow any person under the age of 16

years to operate an amusement device. The immediately preceding two sentences shall be prominently displayed on each amusement device.

(c) No device owner or location owner shall display or permit to be displayed a license issued pursuant to this Ordinance Code which does not pertain to the amusement device or to the premises for which the license was issued.

(12) **Non-Licensed Devices.** In the event that any amusement device required to be licensed under this section is not so licensed, or though licensed such device does not qualify as a redemption game as defined herein and is capable of returning or giving to the player anything of value other than free games, the device may be immediately seized by law enforcement officials or other authorized officials, as evidence pending a disposition of a revocation hearing or of such charges as may be brought against the device owner. After a final disposition of the hearing or charges, which shall include any appeal therefrom, the device shall be released to the owner or his authorized representative. The Village may charge reasonable storage charges for the duration of the storage period.

CHAPTER 10 PUBLIC HEALTH

Section 10.1 Garbage and Refuse.

(1) **Definitions.** As used in this section, the word “garbage” shall mean wastes resulting from the handling, preparation, cooking and consumption of food and wastes from the handling, storage and sale of produce. “Refuse” shall mean combustible trash, including but not limited to paper, cartons, boxes, wood, tree branches, leaves, yard trimmings and other material, and shall also mean noncombustible trash, including but not limited to metal, tin cans, dirt, rock and concrete, glass, crockery, street rubbish and sweepings, contents of litter receptacles and all other waste and debris.

(2) **Uncovered Garbage.** It shall be unlawful to place or permit to remain anywhere in the Village any garbage or other materials subject to decay, other than leaves or grass, except in a sealed or tightly covered container.

(3) **Wind Blown Refuse.** It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such material that it can be blown away by the wind, except that such material may lawfully be placed or accumulated in a sealed or tightly covered container.

(4) **Dumping on Streets.** It shall be unlawful to deposit any garbage or refuse on any public street, alley, sidewalk or other public way within the Village, except that leaves, grass, and the like may be placed in bags or containers for the purpose of having such material collected and disposed of by the Village or a private refuse collection service.

(5) **Disposal.** It shall be unlawful to dispose of any refuse anywhere within the Village except in an incinerator or disposal device properly constructed and sealed or covered.

Section 10.2 Restaurants.

(1) **Definition.** The term “restaurant” shall have the meaning set forth in Section 9.2 of this Code.

(2) **Inspection.** The Village Health Officer, or, in the discretion of the Village Council, a member of the Council, shall periodically inspect every restaurant within the Village. In the course of such inspection, should the Health Officer or inspecting Village Council member, discover any violation of this Ordinance, he shall notify the owner of the restaurant and grant a reasonable period of time for such violation to be corrected. Thereafter, the Health Officer or inspecting Council member shall make a second inspection to verify correction of the violation. The inspecting person shall prepare a written inspection report, which he shall post upon an inside wall of the restaurant, and such report shall not be defaced or removed by any unauthorized person. For purposes of such inspection, the inspecting person shall be granted access to all parts of the restaurant, and also for such purpose such person may obtain and take samples of any food or drink and may make whatever tests he deems necessary to insure that all requirements of this Code have been satisfied.

(3) **Sanitation.** All restaurants shall at all times comply with all of the following sanitation requirements:

(a) All buildings where food or drink is stored, handled or served shall be of substantial construction and in good repair.

(b) The kitchen shall be of sufficient size to permit separation of food preparation and serving from washing facilities for utensils.

(c) When flies are prevalent, all openings to the outer air shall be effectively screened, and any screen doors shall be self-closing. Doors and windows shall be kept clean at all times.

(d) The floors, walls and ceilings of all rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(e) All rooms in which food or drink is stored, prepared or served and in which utensils are washed, shall be adequately lighted and ventilated, and shall be free from excessive condensation and objectionable odors.

(f) Running water under pressure shall be easily accessible to all rooms in which food or drink is prepared or utensils are washed. The water supply shall be from an approved potable source and adequate in quantity for the purpose.

(g) Adequate and convenient hand washing facilities, including warm water, soap and sanitary towels shall be provided for both employees and customers. Lavatories and surrounding areas shall be kept clean and waste containers shall be provided.

(h) Every restaurant shall be provided with adequate toilet facilities for both employees and customers. Such facilities shall be conveniently located, readily accessible at all business hours and shall comply with all county and state regulations. Toilet rooms and fixtures shall be kept in a clean condition, in good repair, and the rooms shall be well lighted and ventilated.

(i) All sewage and other water carried wastes shall be disposed of into the Village sanitary sewage collection and treatment system.

(j) Adequate fly proof and watertight containers of standard size shall be used for the disposal of garbage and refuse. Lids shall be kept on containers at all times. Such containers shall be periodically cleaned so as not to be offensive to sight or smell. All containers shall be stored off the ground on a suitable platform or rack, and the surrounding area shall be kept clean at all times.

(k) All counters, bars, shelves, tables, stoves, hoods, fountains, sinks and other places where food or drink is prepared or stored shall be constructed so as to be easily cleaned and shall be kept clean and in good repair.

(l) All readily perishable foods or drink shall be kept under refrigeration. Refrigeration space shall be adequate and shall be maintained in a clean and sanitary condition, and shall contain no spoiled food.

(m) All food and drink shall be wholesome, free from spoilage and shall be prepared so as to be entirely safe for human consumption.

(n) Food in storage shall be kept off the floor and shall in no case be subject to contamination from flooding, leakage or foreign material. Storage rooms shall be kept free of rodents, insects and other pests. No spoiled material shall be kept anywhere on the premises.

(o) The surroundings of all restaurants shall be maintained in a clean, orderly and sanitary condition. Waste material, obsolete and unnecessary articles, tin cans, rubbish and other refuse shall not be permitted to accumulate on the premises.

(4) **Spoiled Food or Drink.** No person shall process, sell, prepare or serve any diseased, contaminated or spoiled food or drink. The Health Officer is hereby empowered to destroy any food or drink which, in his opinion, is diseased, contaminated or spoiled.

(5) **Suspension of License.** For the purpose of carrying out the provisions of this chapter, or whenever reasonably necessary for the protection of public health and safety, any restaurant license may be suspended temporarily by the Health Officer or Village Council for a period not exceeding 10 days. Within a 10-day period following suspension of a license, the owner thereof may apply for reinstatement thereof. Such application shall include a true statement that the violation, or violations, have been corrected. Within one week after receipt of such application, the Health Officer, or authorized Village Council member, shall make a reinspection, and if the owner is then in compliance with all provisions of this Code, the license shall be reinstated. If no application for reinstatement is made within such 10 days, or if after reinspection following such application the findings of the reinspecting person indicate continued noncompliance with this Code, the reinspecting person shall recommend to the Village Council further suspension or revocation of the license, as permitted by this Code.

**CHAPTER 11
SUBDIVISION CONTROL**

**Article I
General**

Section 11.1 Purpose.

The purpose of this Ordinance is to regulate and control the subdivision of land within the Village to promote the safety, public health, and general welfare of the Village. Among other purposes, this Ordinance is intended to provide for the proper and orderly subdivision of land and for the establishment and regulation of plats, so as to provide for adequate and essential public improvements and utilities.

Section 11.2 Legal Basis.

This Ordinance is enacted pursuant to Michigan Act 288 of 1967, as amended, the Subdivision Control Act of 1967. (“Act 288”)

Section 11.3 Fee Schedule.

Any person filing a plat pursuant hereto shall pay such fees as may be set from time to time by resolution of the Village Council, and until the fee is paid the plat shall not be considered or reviewed.

Section 11.4 Definitions.

All terms contained herein shall have the meanings and definitions given by Act 288.

**Article II
Preliminary Plat Application and Review Procedures**

Section 11.5 Submission of Plats.

Whenever any subdivision of land shall hereafter be laid out in the Village of Caledonia, the Proprietor thereof or his or her agent shall first submit four preliminary plats and supplementary information to the Village Clerk. Such plats and all supplementary materials and procedure relating thereto shall, in all respects, be in full compliance with the provisions of this chapter and Act 288. The Village Clerk shall refer the preliminary plats to the Village of Caledonia Planning Commission (the “Planning Commission”).

Section 11.6 Preliminary Plat; Required Information.

The preliminary plat of a subdivision and supplementary information shall contain the information described below. Maps shall be drawn to show clearly all information, including date and north point, at a scale of not more than 200 feet to one inch.

- (1) The name or title under which the proposed subdivision is to be recorded.

- (2) Sufficient legal description to define the boundaries of the proposed tract.
- (3) The name, address, and telephone number of the Proprietor, developer, record owner and subdivider.
- (4) A statement of intended use of the proposed plat and land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, showing location, width, and purpose.
- (5) The location, width and approximate grade and radius of proposed and existing streets, alleys, highways and ways included in the plat.
- (6) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses, etc.
- (7) The location and size of nearest available public sewers and water mains, existing or planned. Also, indication of methods of water service and sewage disposal proposed.
- (8) Proposed improvements and utilities to be installed.
- (9) Location and dimension of lots, radii of all curves and approximate location of all setback lines.
- (10) When any part of the subdivision lies within or abuts floodplain area:
 - (a) The floodplain, as established by the water state department of natural resources, shall be shown within a contour line.
 - (b) The contour line shall intersect the sidelines of the lots.
 - (c) The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
 - (d) The floodplain area shall be clearly labeled on the plat with the words "floodplain area."

Section 11.7 Preliminary Plat; Tentative Approval Procedure.

- (1) Tentative approval under this section shall confer upon the Proprietor, for a period of one year from date, approval of lot sizes, lot orientation and street layout. Such tentative approval may be extended if applied for by the Proprietor and granted by the Village Council in writing.
- (2) The Planning Commission shall examine the plat and all comments received, including examination as to compliance with the Act 288, this Ordinance, the Village's zoning ordinances and other ordinances, the official street system, the type of water service and sewage disposal facilities to be installed, and good engineering practice. If the requirements for approval

have been met, the Planning Commission shall recommend to the Village Council tentative approval of the preliminary plat.

(3) The Village Council shall approve or disapprove the preliminary plat. If the plat is approved, the resolution so indicating shall state also the nature and character of the improvements that will be required to be made by the Proprietor, based upon the recommendations of the Planning Commission. The resolution shall also state the times at which the respective improvements must be completed, and shall contain any conditions relating thereto. If the plan is not approved, the Village Council shall set forth in writing its reasons for rejection and requirements for tentative approval. The Village Council shall record its approval or disapproval on the plat and return one copy to the Proprietor.

(4) No work shall be done by the Proprietor on any land offered or to be offered for dedication until the Village Council shall have adopted said resolution granting tentative approval of the preliminary plat and determining the nature and character of the work and improvements to be required.

(5) Improvements constructed pursuant to the requirements of the Village Council must be made in accordance with the specifications approved by the Planning Commission, as modified by the Village Council.

Section 11.8 Preliminary Plat; Final Approval Procedure.

(1) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. The two year final approval period may be extended if applied for by the Proprietor and granted by the Village Council in writing.

(2) Following tentative plat approval from the Village Council, the Proprietor shall:

(a) Submit the preliminary plat to all the authorities as required by Act 288.

(b) Submit a list of all such authorities to Village Clerk, certifying that the list shows all approving authorities as required by Act 288.

(c) Submit all approved copies to the Village Clerk after all necessary approvals have been secured.

(d) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat together with all communications from the reviewing agencies to the Village Council not less than seven calendar days prior to the next regularly scheduled meeting.

(3) The Village Council, upon receipt of the above, shall:

(a) Consider and review the preliminary plat and approve it if the Proprietor has met all conditions laid down for approval of the preliminary plat.

(b) Instruct the Village Clerk to notify the Proprietor of approval or rejection in writing.

Article III Final Plat Application and Review Procedure

Section 11.9 Requirements.

- (1) Final plats shall be prepared and submitted as provided in Act 288.
- (2) A written application for approval and the recording fee shall accompany all final plats.
- (3) The Proprietor shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to the date of the Proprietor's certificate, or a policy of insurance currently in force.
- (4) The Village of Caledonia may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

Section 11.10 Procedure; Final Plat.

- (1) The Village Council shall examine the final plat at a regular or special meeting.
- (2) The Village Council shall approve the plat or disapprove it.

Section 11.11 Improvements and Facilities Required by the Village of Caledonia.

- (1) The Village Council may require all improvements and facilities to be completed before it approves the final plat.
- (2) If improvement and facilities are not required to be completed by the Village Council before plat approval, the final plat shall be accompanied by a contract between the Proprietor and the Village Council for completion of all required improvements and facilities.
- (3) Performance of the contract shall be guaranteed by a cash deposit, certified check, surety bond, or irrevocable bank letter of credit in form acceptable to the Village. The Village Council shall not require a bond duplicating any bond required by another governmental agency.
- (4) Such surety shall be rebated or credited to the account of the Proprietor as the work progresses, as included in a written agreement between the Village of Caledonia and the Proprietor.

Section 11.12 Street Names.

Approval of street names shall be secured from the Village Council before printing the same on the final plat. All streets which are extensions of existing streets or roads must carry the names of those in existence. A street name shall not be adopted which may be confused with a similarly named street within Kent County.

Section 11.13 Certificates on Final Plat.

On all final plats presented to the Village Council for approval, there shall be provided proper certificates for the Village of Caledonia Clerk to certify the approval of the plat by the Village Council, and the acceptance on behalf of the public of all dedications shown thereon.

Section 11.14 State Filing Fees.

In addition to any fee the Village of Caledonia may charge, filing and recording fees required by Act 288 must be deposited with the final plat.

Section 11.15 Scope and Conflict.

The provisions of this Ordinance apply to all subdivisions of land within the Village. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

**Article IV
Improvements and Regulations**

Section 11.16 General.

The following standards shall apply to all subdivisions within the Village of Caledonia.

Section 11.17 Lots.

- (1) All lots shall face upon, and have direct access to, a public street.
- (2) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- (3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the Zoning Ordinance. If public water and sewer are available, the provisions of the Village Zoning Ordinance shall override Section 186 of Act 288.
- (4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.
- (5) The maximum depth of a lot shall be not more than 3 times the width of its frontage, except where a greater depth in relation to width of frontage is necessary, appropriate or desirable because of topography or other natural features of the land.

Section 11.18 Usable Land.

All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas. For areas under the control of a subdivision property owners association or similar organization, the Village may require a recorded agreement whereby the Village may

maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the area.

Section 11.19 Dedication.

All streets and alleys shall be dedicated to the public. Acceptance of such dedication shall be by affirmative action of the Village Council.

Section 11.20 Street Alignment and Layout.

(1) The subdivision layout shall conform to the major road and thoroughfare plan and the master plan of the Village.

(2) All proposed streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Streets in new subdivisions shall be at least as wide as existing streets so continued or projected.

(3) A sufficient number of streets in the said division shall extend to the boundary of the subdivision to provide the proper access to adjoining property and to future development on contiguous land.

(4) New platted streets shall have a minimum right-of-way of 66 feet in residential and light commercial plats and 86 feet in heavy commercial or industrial plats. Cul-de-sac or dead end turn around right-of-ways shall be 60 feet minimum radius in residential plats and 75 feet minimum radius in commercial-industrial plats.

(5) Dead end streets and streets terminating in a cul-de-sac shall not exceed 800 feet in length, except that a greater length may be permitted if, despite the length of the street, there will be safe and appropriate access for emergency vehicles throughout the length of the street or if access or ease of passage will be sufficiently improved by additional measures, such as periodic passing lane areas or the like.

(6) Intersections of the streets shall be at an angle of 90 degrees, or as close to such an angle as possible, but in no case more than 30 degrees from perpendicular.

(7) Each block shall have at least two sides which are at least 500 feet in length. No side of any block, however, shall be less than 250 feet or more than 1,000 feet in length. The streets shall be platted far enough apart to allow for two tiers of lots. Alleys are not permitted in residential subdivisions.

Section 11.21 Street Design Standards.

(1) Streets and cul-de-sacs in residential plats shall conform to the minimum requirements shown on the Kent County Road Commission's Standard Sections "30' Bituminous Aggregate Valley Gutter," or "27' Bituminous Aggregate with 24" Concrete Valley Gutter," and "Residential Cul-de-Sac" found in "Requirements and Specifications for Plat Development" issued by the Kent County Road Commission.

(2) Streets and cul-de-sacs in heavy commercial industrial plats shall conform to the minimum requirements shown on the Kent County Road Commission's "Standard Section for Industrial and Commercial Streets" and "Commercial Cul-de-sac." Any street with design volumes of 5,000 average trips per day or more shall conform to the "Standard Section for Industrial and Commercial Streets, for ADT Volumes of 5,000 or more" found in "Requirements and Specifications for Plat Development" issued by the Kent County Road Commission.

(3) Streets and cul-de-sacs in light commercial plats shall conform to the minimum requirements shown on the Kent County Road Commission's Standard Sections "30' Bituminous Aggregate Valley Gutter," or "27' Bituminous Aggregate with 24" Concrete Valley Gutter," with 3" Bituminous Aggregate and 8" of Gravel, as set forth in "Requirements and Specifications for Plat Development" issued by the Kent County Road Commission.

(4) Minimum street grades shall be 0.6%, and maximum grades shall be 6.0%.

(5) Permanent cul-de-sacs shall be constructed on a sufficient grade to insure a minimum 0.6% grade along the flowline of the gutter while maintaining approximately .02' per foot crown. The grade on a permanent or temporary cul-de-sac shall not exceed +3% in the direction away from the cul-de-sac, for a distance of 100' from its center.

(6) For "T" intersections, the terminated street shall have a grade between -0.6% and 2.0% in the direction away from the through street, unless the through street is superelevated.

(7) Adequate measures for storm water run off shall be provided. Storm water shall be collected by a system of catch basins and underground pipes.

Section 11.22 Street Lighting.

Adequate street lights shall be provided and dedicated to the public.

Section 11.23 Public Utilities.

Where available, public electricity, gas, cable television, water service, and sewer service shall be installed and maintained underground and in appropriate easements. Where public water and sewer is not available, adequate provisions shall be made for private on-site sewage disposal and private water wells.

Article V Variance

Section 11.24

A variance from the provisions of this chapter may be granted as follows:

(1) If the Proprietor can clearly demonstrate that literal enforcement of the terms of this chapter is impractical, or will impose undue hardship in the use of the land because of peculiar conditions pertaining to the land, the Village Council, upon recommendation of the Planning Commission, may permit such variance or variances as in its sound discretion, it finds reasonable and within the general policy and purpose of this chapter, and if the Village Council finds that:

(a) There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the Proprietor of reasonable use of his or her land.

(b) The variance is necessary for the preservation and enjoyment of a substantial property right of the Proprietor.

(c) The granting of the variance will not be detrimental to the public welfare or be injurious to the property in the area in which said property is situated.

(2) The Village Council may, in granting approval of variances, require such conditions as will in its judgment secure substantially the objectives of the requirements so varied or modified.

(3) A petition for any such variance shall be submitted in writing by the Proprietor at the time the preliminary plat is filed for consideration by the Planning Commission. The petition shall fully state the grounds for such variance.

Article VI Enforcement

Section 11.25

No plat shall be transmitted to any county or state approving authority for official action until each plat shall have, in the first instance, been approved by the Village Council in accordance with the requirements of this chapter.

Section 11.26

No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the County Register of Deeds.

Section 11.27

Any sale or option or contract to sell, contrary to the provisions of these regulations, shall be voidable at the option of the buyer or person contracting to purchase, his or her heirs, personal representatives or assigns within two years after the execution of the document of sale or contract, but such document shall be binding upon the vendor, his or her assigns, heirs or devisees.

Section 11.28

No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations.

Section 11.29

Any act or failure to act done in violation of the provisions of this chapter is hereby declared to be a nuisance per se.

Section 11.30 Legal Remedies.

In addition to any other available remedy, the Village of Caledonia may in its discretion bring an action in its own name to restrain or prevent any violation of this Ordinance or any continuance of such violation. In such case the person found violating this Ordinance shall pay the Village of Caledonia's costs and expenses in enforcing this chapter, including its attorneys' fees.

Section 11.31 Approval of Division of Platted Lands.

(1) No lot, outlot or other parcel of land located in a recorded plat shall be further divided or partitioned unless such division or partition is first approved by the Village Council in accordance with this section.

(2) Whenever any proprietor or other owner desires to divide or partition a lot, outlot or other parcel of land located in a recorded plat, the proprietor or other owner shall first apply to the Village Council for approval of such division or partition. The application shall be set forth on such application form as may be provided by the Village. The application shall include a detailed statement of the reasons for the requested approval, a sketch map or maps drawn to scale and accurately showing the proposed division or partition, together with all adjoining lots, streets, easements and other parcels of land. The application shall also include statements from public agencies having jurisdiction, indicating that the proposed parcels of land shall be served by public utilities, or that such parcels can properly be served by private sewage disposal systems and private water supply wells.

(3) Except as permitted in subparagraph (4), all lots and parcels created by a division or partition shall comply with the minimum requirements for lot area, street frontage and lot width as required for the zoning district in which the lands are located, under the terms of the Village Zoning Ordinance.

(4) No building permit shall be issued for construction upon any platted lot, outlot or other parcel of land which is proposed to be divided or partitioned, or which has been divided or partitioned, unless such division or partition shall first have been approved by the Village Council in accordance with this section.

(5) A division or partition of a lot, outlot or other parcel of land which results in the creation of a parcel or parcels of a smaller area or a lesser width than is required by the Land Division Act, as amended, or the Village Zoning Ordinance, may nevertheless be approved by the Village Council in its discretion, provided, however, that any such smaller or narrower parcels created by such division or partition are contiguous with other lots or parcels of land owned by the same proprietor or other owner which, when added to the lots or parcels created by such division or partition will then comply with the minimum lot area and minimum lot width requirements of the Land Division Act, as amended, and the Village Zoning Ordinance. If approval of any such division or partition is granted pursuant to this subsection, then the parcel or parcels established by such division or partition and the contiguous lots or parcels of land required for compliance with said minimum lot area and minimum lot width requirements shall be considered as one building lot or parcel for all purposes.

(6) The application for approval of a division or partition under this section shall, when complete, be considered by the Village Council at a regular or special meeting thereof. Notice of such meeting of the Village Council shall be given by regular mail to all of the owners of and parties in interest in all lands adjacent to the lot or parcel of land proposed to be divided or partitioned, as the names and addresses of such owners and other parties are shown on the current tax assessment roll. Such notice shall be mailed not later than five days prior to the meeting at which the Village Council will consider the application for approval of the division or partition. In considering the application, the Village Council may require additional pertinent information from the applicant, and the applicant shall supply the same.

(7) In giving approval of any requested division or partition under this section, the Village Council may impose reasonable terms and conditions upon such approval, where such terms and conditions are deemed desirable by the Council and are in accordance with the goals and purposes of the Land Division Act and this Ordinance. An applicant shall fully and timely comply with all of such terms and conditions.

CHAPTER 12
SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS

Section 12.1 Purpose.

The Village Council shall have the power to make any public improvement described in Section 12.3, below, and to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessments against the property especially benefited by the improvement.

Section 12.2 Costs.

The costs of a public improvement shall include all costs and expenses of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing a public improvement, including any engineering, architectural, legal, accounting and financial expenses, not to exceed twelve months capitalized interest on any bonds to be issued by the Village for the public improvements and other expenses incident thereto.

Section 12.3 Public Improvements.

The term public improvement as used in this chapter shall be construed to mean any public work or public and special improvement which the Village is empowered to undertake under the laws of the State of Michigan, any part of the cost of which may be assessed against property benefited, including without limitation the following:

- (1) The construction, improvement, and maintenance of storm or sanitary sewers (or the separation thereof) or combined storm and sanitary sewer systems.
- (2) The construction, improvement, and maintenance of water systems.
- (3) The construction, improvement, and maintenance of public streets and roads.
- (4) The acquisition, improvement, and maintenance of public parks.
- (5) The collection and disposal of garbage and rubbish.
- (6) The construction, maintenance, and improvement of bicycle paths.
- (7) The construction, maintenance, repair, or improvement of erosion control structures or dikes.
- (8) The planting, maintenance, and removal of trees.
- (9) The installation, improvement, and maintenance of lighting systems.
- (10) The construction, improvement, and maintenance of sidewalks.
- (11) The eradication or control of aquatic weeds and plants.

- (12) The construction, improvement, and maintenance of private roads.
- (13) The construction improvement and maintenance of public parking systems.

Section 12.4 Initiative of Village Council; Written Objections; Petitions.

The Village Council may proceed to carry out a public improvement unless written objections to the public improvement are filed with the Village Council at or before the public hearing provided in Section 12.5 by property owners as follows:

(a) For a public improvement under Section 12.3(1), (2), (4), (5), (7), (8), (9), (11), or (13), by the record owners of land constituting more than 20% of the total land area in the proposed special assessment district.

(b) For a public improvement under Section 12.3(3), (6), (10), or (12), by the record owners of land constituting more than 20% of the total frontage upon the street, road, bicycle path, or sidewalk.

(2) The Village Council may require the filing of a petition meeting the requirements of subsection (3) before proceeding with a public improvement.

(3) If written objections are filed as provided in subsection (1), or if the Village Council requires a petition before proceeding, the Council shall not proceed with the public improvement until a petition is filed with the Village Clerk which is signed as follows:

(a) For a public improvement under Section 12.3(1), (2), (4), (5), (7), (8), (9), (11), or (13), by the record owners of the land constituting more than 50% of the total land area in the special assessment district as finally established by the Village Council.

(b) For an improvement under Section 12.3(3), (6), (10), or (12), by the record owners of land constituting more than 50% of the total frontage upon the street, road, bicycle path, or sidewalk.

(c) As used in this chapter, “record owner” means a person, sole proprietorship, partnership, association, firm, corporation, or other legal entity, possessed of the most recent fee title or land contract vendee’s interest in the land as shown by the records of the county register of deeds. Record owners shall be determined by the records in the register of deeds’ office as of the day of the filing of a petition, or if written objections are filed as provided in subsection (1), then on the day of the hearing. In determining the sufficiency of the petition, lands not subject to special assessment and lands within a public highway or alley shall not be included in computing frontage or an assessment district area. Any filed petition may be supplemented as to signature by the filing of an additional signed copy or copies of the petition, and the validity of the signatures on a supplemental petition shall be determined by the records as of the day of filing the supplemental petition.

Section 12.5 Plans and Cost Estimate; Public Hearing.

Upon receipt of a petition or upon determination of the Village Council if a petition is not required under Section 12.4, the Council, if it desires to proceed with a public improvement, shall cause to be prepared by a registered engineer plans describing the public improvement and its location together with an estimate of the cost of the public improvement on a fixed or periodic basis, as appropriate. Upon receipt of the plans and estimate of cost, the Council shall order the same to be filed with the Village Clerk. If the Council desires to proceed with the public improvement, the Council shall tentatively declare by resolution its intention to make the public improvement and tentatively designate the special assessment district against which the cost of the public improvement or a designated part of the public improvement is to be assessed.

The Council shall set a time and place for public hearing to meet and hear any objections to the petition, if a petition is required, to the public improvement and to the special assessment district, and shall cause notice of the hearing to be given as provided in Section 12.6. The notice shall state that the plans and estimates are on file with the Village Clerk for public examination and shall contain a description of the proposed special assessment district. If periodic redeterminations of cost will be necessary without a change in the special assessment district, the notice shall state that such redeterminations may be made without further notice to record owners or parties in interest in the property.

At the public hearing, or any adjournment of the hearing which may be without further notice, the Village Council shall hear any objections to the petition, if a petition is required, to the public improvement and to the special assessment district. The Council may revise, correct, amend, or change the plans, estimate of cost or special assessment district.

Property shall not be added to the special assessment district unless notice is first given as provided in Section 12.6 or by personal service upon the record owners of the property in the entire proposed special assessment district and a hearing afforded to the record owners. If a petition is required because property is added to the special assessment district which makes the original petition insufficient, then a supplemental petition shall be filed containing sufficient additional signatures of record owners. If the nature of the public improvement to be made is such that a periodic redetermination of costs will be necessary without a change in the special assessment district boundaries, the Village Council shall include in its estimate of costs any projected incremental increases. If at any time during the term of the special assessment district an actual incremental cost increase exceeds the estimate thereof by 10% or more, notice shall be given as provided in Section 12.6 and a hearing afforded to the record owners of property to be assessed.

Section 12.6 Notice of Public Hearing.

(1) Notice of hearings in special assessment proceedings shall be given to each record owner of, or party in interest in, property to be assessed whose name appears upon the last tax assessment records by first-class mail addressed to the record owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing. The last tax assessment records means the last assessment roll for ad valorem tax purposes which was reviewed by the Board of Review, as supplemented by any subsequent changes in the names or the addresses of the owners or parties listed on that roll. If a record owner's name does not appear on the

assessment records, then notice shall be given by first-class mail addressed to the record owner at the address shown by the records of the county register of deeds at least 10 days before the date of hearing.

(2) Notice shall also be published twice before the hearing in a newspaper circulating in the Village. The first publication shall be at least 10 days before the date of the hearing.

(3) If a person claims an interest in real property whose name and correct address do not appear upon the last Village tax assessment records, that person shall file immediately his or her name and address with the Village Clerk. This filing is effective only for the purpose of establishing a record of the names and addresses of those persons entitled to notice of hearings in special assessment proceedings. The Village Clerk shall immediately enter on the tax assessment records any changes in the names and addresses of record owners or parties in interest filed with the Clerk and at all times shall keep the tax assessment records current, complete, and available for public inspection.

(4) A Village officer or employee whose duty is to give notice of hearings in special assessment proceedings may rely upon Village tax assessment records in giving notice of the hearing by mail. The method of giving notice by mail as provided in this section is declared to be the method that is most reasonably certain to inform those to be assessed of the special assessment proceedings.

(5) Failure to give notice as required in this section shall not invalidate an entire assessment roll but only the assessment on property affected by the lack of notice. A special assessment shall not be declared invalid as to any property if the record owner or the party in interest of that property actually received notice, waived notice, or paid any part of the special assessment. If an assessment is declared void by court decree or judgment, a reassessment against the property may be made.

Section 12.7 Approval; Preparation of Special Assessment Roll.

If, after the hearing provided for in Section 12.5, the Village Council desires to proceed with the public improvement, the Council shall approve or determine by resolution all of the following:

- (1) The completion of the public improvement.
- (2) The plans and estimate of cost as originally presented or as revised, corrected, amended, or changed.
- (3) The sufficiency of the petition for the public improvement if a petition is required. After this determination, the sufficiency of the petition shall not be subject to attack except in an action brought in a court of competent jurisdiction within 30 days after the adoption of the resolution determining such sufficiency.
- (4) The special assessment district including the term of the special assessment district's existence. If the nature of the public improvement to be made is such that a periodic redetermination of cost will be necessary without a change in the special assessment district boundaries, the Village Council shall so state in the resolution and shall set the dates upon which such redeterminations shall

be made. After finally determining the special assessment district, the Council shall direct the Village Assessor to make a special assessment roll in which are entered and described all the parcels of land to be assessed, with the names of the respective record owners of each parcel, if known, and the total amount to be assessed against each parcel of land, which amount shall be the relative portion of the whole sum to be levied against all parcels of land in the special assessment district as the benefit to the parcel of land bears to the total benefit to all parcels of land in the special assessment district. When the Assessor completes the assessment roll, the Assessor shall affix his or her certificate to the roll which certificate states that the roll was made pursuant to a resolution of the Council adopted on a specific date, and that in making the assessment roll the Assessor, according to his or her best judgment, has conformed in all respects to the directions contained in the resolution and applicable state law.

Section 12.8 Public Hearing; Confirmation of Special Assessment Roll.

(1) When a special assessment roll is reported by the Assessor to the Village Council, the special assessment roll shall be filed in the office of the Village Clerk. Before confirming the special assessment roll, the Council shall appoint a time and place for a public hearing when it will meet, review, and hear any objections to the special assessment roll. The Council shall give notice of the hearing and the filing of the assessment roll as provided in Section 12.6.

(2) A hearing under this section may be adjourned from time to time without further notice. A person objecting to the assessment roll shall file the objection in writing with the Village Clerk before the close of the public hearing or within such further time as the Village Council may grant. After the hearing the Council, at the same or at a subsequent meeting, may confirm the special assessment roll as reported to the Council by the Assessor or as amended or corrected by the Council; may refer the assessment roll back to the Assessor for revision, or may annul it and direct a new roll to be made.

(3) If a special assessment roll is confirmed, the Clerk shall endorse on the assessment roll the date of confirmation. After the confirmation of the special assessment roll, all assessments on that special assessment roll shall be final and conclusive, unless an action to contest or enjoin an assessment is instituted in compliance with subsection (4).

(4) No action of any kind shall be instituted for the purpose of contesting or enjoining the collection of any special assessment unless, within 45 days after the confirmation of the special assessment roll, written notice is given to the Council indicating an intention to file such an action and stating the grounds on which it is claimed that the assessment is illegal and unless that action is commenced within 90 days after the confirmation of the roll.

(5) Subject to Section 12.16, if a portion of an assessment roll is determined to be illegal, in whole or in part the Council may revoke its confirmation, correct the illegality, if possible, and reconfirm it. Property which is not involved in the illegality shall not be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

Section 12.9 Payment of Special Assessments.

(1) The Council may provide that special assessments are payable in one or more installments, but the amount of an installment shall not be less than one-half of any subsequent installment. The amount of each installment, if more than one, need not be extended upon the special assessment roll until after confirmation of that assessment roll. Subject to the provisions of Section 12.5(4), the amount of installments for improvements subject to periodic cost revision may be extended upon the special assessment roll by the Village Council without additional public hearings or public notice, provided that additional property is not added to the special assessment district.

(2) The first installment of a special assessment shall be due on or before the time after confirmation as the Village Council shall fix. Subsequent installments shall be due at intervals of 12 months from the due date of the first installment or from a date the Council shall fix.

(3) The unpaid balance of special assessments shall bear interest, payable annually on each installment due date, at a rate to be set by the Village Council, not exceeding 1% above the average rate of interest borne by special assessment bonds issued by the Village in anticipation of all or part of the unpaid installments; or not exceeding 1% above the average rate of interest borne by bonds issued by the County, a drainage district, or an authority if the unpaid installments are to be applied to the payment of a contract obligation of the Village to the drainage district; or, if bonds are not issued by the Village, a county, a drainage district, or an authority, not exceeding 8% per annum, commencing in each case from a date fixed by the Village Council. Future due installments of an assessment against any parcel of land may be paid to the Village Treasurer at any time in full, with interest accrued through the month in which the final installment is paid.

(4) If an installment of special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of not more than 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Village Council for reassessment upon the Village Tax Roll pursuant to Section 12.13, or before being returned to the County as delinquent pursuant to Section 12.22.

Section 12.10 Lien.

(1) All special assessments contained in any special assessment roll, including any part thereof deferred as to payment, and all interest thereon, shall from the date of confirmation of such roll, constitute a lien upon the respective parcels of land assessed. Such lien shall be of the same character and effect as the lien created for Village taxes and shall include accrued interest and penalties. No judgment or decree or any act of the Village Council vacating a special assessment shall destroy or impair the lien of the Village upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon.

(2) The full amount of the special assessment and all interest thereon shall also be a debt of the person to whom assessed until paid and, in the case of delinquency, may be collected as delinquent village property taxes pursuant to Section 12.13 or by a suit against said person.

Section 12.11 Collection of Special Assessments.

When any special assessment roll shall be confirmed, the Village Council shall direct the assessments made therein to be collected. The Village Clerk shall thereupon deliver to the Village Treasurer the special assessment roll, to which he or she shall attach his or her warrant commanding the Treasurer to collect the special assessments therein in accordance with directions of the Council in respect thereto. Said warrant shall further require the Treasurer on the 1st day of April following the date when any such assessments or any part thereof have become due to submit to the Village Council a sworn statement setting forth the names of the persons delinquent, if known, a description of the parcels of land upon which there are delinquent assessments and the amount of such delinquency, including accrued interest and penalties computed to said April 1. Upon receiving such special assessment roll and warrant the Village Treasurer shall proceed to collect the several amounts assessed therein as the same shall become due.

Section 12.12 Hardship Deferral of Special Assessment.

The Village Council may enact an ordinance to define hardship and to permit deferred or partial payment of a special assessment pursuant to this section. As a condition of granting the deferred or partial payment of a special assessment, the Village Council shall require that any deferred assessment will constitute a recorded lien against the property.

Section 12.13 Reassessment of Delinquent Special Assessments.

In case the Village Treasurer shall report as delinquent any assessment or part thereof, the Village Council shall certify the same to be reassessed on the annual Tax Roll for such year in a column headed "special assessments," with interest and penalties to April 1 of such year, and an additional penalty of 6% of the total amount. Thereafter the provisions of Act 206 of the Public Acts of Michigan of 1893, as amended, as the same relate to the collection of Village ad valorem property taxes shall apply to the collection of said special assessments.

Section 12.14 Division of Parcels.

Should any parcel of land be divided after a special assessment thereon has been confirmed, and before the collection thereof, the Village Council may require the Assessor to apportion the uncollected amounts between the several divisions thereof and the report of such apportionment when confirmed by the Council shall be conclusive upon all parties: Provided, that if the interested parties do not agree in writing to such apportionment, then before such apportionment, notice of public hearing shall be given to all the interested parties in the manner provided by Section 12.6. Following the public hearing, the Council may apportion the special assessment between the divisions of the parcel.

Section 12.15 Additional Assessments; Refunds.

Should the assessments in any special assessment roll prove insufficient for any reason, including the noncollection thereof, to pay for the costs of the public improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection thereof, then the Village Council shall make additional pro rata assessments to supply the deficiency. Should the total amount collected on assessments prove larger than necessary by more than 5% of

the original roll, then the surplus shall be prorated among the properties assessed in accordance with the amount assessed against each and applied toward the payment of the next Village ad valorem tax levied against such properties, respectively; or, in the alternative, it shall be refunded to the persons who are the respective record owners of the properties on the date of the passage of the resolution ordering such refund. Any such surplus of 5% or less may be paid into the Village General Fund.

Section 12.16 Procedure In Case of Illegal Assessments.

Subject to Section 12.8(5), whenever any special assessment shall, in the opinion of the Village Council, be invalid by reason of irregularities or informalities in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Village Council shall, whether the public improvement has been made or not, and whether any part of the assessment has been paid or not, have power to proceed from the last step at which the proceedings were legal and cause a new special assessment to be made for the same purpose for which the former special assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original special assessment, and whenever any assessment or any part thereof levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment.

Section 12.17 Agreement to Pay Assessment.

The governing body of any public or private corporation whose lands are exempt by law may, by resolution, agree to pay the special assessments against such lands, and in such case the assessment, including all the installments thereof, shall be a valid claim against such corporation.

Section 12.18 Bonds.

The Village Council may borrow money and issue the bonds of the Village therefor in anticipation of the collection of special assessments to defray all or any part of the cost of any public improvement made after the special assessment roll therefor shall have been confirmed. Such bonds shall be issued in accordance with the requirements of Act 215 of the Public Acts of Michigan of 1895, as amended and Act 202 of the Public Acts of Michigan of 1943, as amended, and other applicable laws.

Section 12.19 Alternate Procedure for Contract Obligations.

The Village Council may determine that the whole or any part of an obligation of the Village assessed or contracted for pursuant to Act No. 342 of the Public Acts of 1939, as amended; Act No. 185 of the Public Acts of 1957, as amended; Act No. 40 of the Public Acts of 1956, as amended; and Act No. 233 of the Public Acts of 1955, as amended, shall be defrayed by special assessments against the property specially benefited thereby and in such case, the special assessments may be levied and collected in accordance with this chapter except that the requirements of Section 12.4 with respect to requiring a petition and of Section 12.5 with respect to the hearing therein required shall not apply to any special assessments levied and collected in accordance with this section and the above described acts.

Section 12.20 Alternate Procedure When All Record Owners Consent.

If all of the record owners of lands to be included within a special assessment district petition the Village Council to make a public improvement and/or levy special assessments pursuant to this chapter, the property owners may also request that the Village waive the public notice and hearing required by this chapter. If the Village Council, in its sole discretion, decides to grant such request for waiver, the procedure set forth in this chapter shall be followed, except that the public notice and hearing requirements set forth in Sections 12.5, 12.6, and 12.8 shall not apply. Before proceeding in this manner, all record owners and other interested parties shall execute a written consent to special assessment and waiver of hearing and notice containing such provisions and in such form as is approved by the Village.

Section 12.21 Procedure for Drain Assessments.

If the Village contemplates levying special assessments to defray the Village's obligation pursuant to Chapters 20 and 21 of the Drain Code of 1956, then, notwithstanding Sections 12.19 and 12.20, the Village Council shall provide for and conduct the public hearings provided for by Sections 463, 489a, and 490 of the Drain Code before the Village Council files its petition for improvements pursuant to Chapters 20 or 21 of the Drain Code.

Section 12.22 Alternative Method for Collection of Special Assessments.

In lieu of the reassessment provided for in Sections 12.11 and 12.13, the Village Council may provide by resolution for the Treasurer to cause to be included as a delinquent tax any unpaid special assessment which is delinquent on the last day of February in the delinquent taxes returned to the County Treasurer the next day, pursuant to Section 55 of Act 206 of the Public Acts of Michigan of 1983, as amended. A delinquent special assessment included as a delinquent tax pursuant to this section shall, after returned to the County Treasurer, be a valid tax for all purposes.

**CHAPTER 13
OUTDOOR FURNACES**

(Ord. No. 08-001)

AN ORDINANCE to regulate the installation and use of outdoor furnaces.

THE VILLAGE OF CALEDONIA ORDAINS:

Section 13.1 Purpose.

The purpose of this Ordinance is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Village of Caledonia so as to secure and promote the public health, safety and welfare of the Village and its inhabitants. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor furnaces.

Section 13.2 Outdoor Furnaces Defined.

For purposes of this ordinance, the term "outdoor furnace" shall mean a furnace, stove or boiler that is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for such building or structure.

Section 13.3 Regulations.

An outdoor furnace shall not be permitted within the Village unless it complies with each of the following regulations:

A. **Setback.** The outdoor furnace shall be located no less than 100 feet from any existing residence or occupied structure which is not on the same property as the outdoor furnace and no less than 50 feet from the nearest property line of another property. An outdoor furnace shall not be located within any yard fronting on a street.

B. **Chimney Height.** The chimney shall be no less than 20 feet in height and shall also extend no less than two feet above the highest roof peak of the residence or structure that it serves. If there are any residences or occupied structures not served by the outdoor furnace located within 300 feet of the outdoor furnace, the chimney of the outdoor furnace shall also extend no less than two feet above the highest point of the roofs of such structures. All chimneys shall have a spark arrester installed at the top of the chimney.

The Zoning Administrator, or such other person as is designated by the Village Council to enforce ordinances, may approve a lesser height on a case by case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. Insulated chimneys are recommended.

C. **Open Ground Area.** An area with a radius of ten feet around the outdoor furnace shall be free of vegetation, except grass not exceeding four inches in length.

D. **Appropriate Furnace Size.** Outdoor furnaces shall be appropriately designed for the size of the structure to be heated. An outdoor furnace designed to heat structures more than 10 percent greater than the size of the structure to be heated shall not be permitted.

E. **Fuel.** No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:

(1) Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(2) Waste oil or other oily wastes.

(3) Asphalt and products containing asphalt.

(4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(5) Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(6) Rubber, including tires and synthetic rubber-like products.

(7) Newspapers, corrugated cardboard, container board or office paper.

Section 13.4 Permit.

The owner of an outdoor furnace shall obtain a permit from the Village, according to the following provisions:

A. **Application Information.** The applicant for a permit shall submit the following information:

(1) Verification that the outdoor furnace will comply with the manufacturer's specifications for such outdoor furnace.

(2) Verification that the outdoor furnace will comply with all applicable state and federal statutes.

(3) A drawing providing the location of the proposed outdoor furnace and of nearby residences, together with the height of all applicable roofs, so as to establish compliance with all regulations contained in this Ordinance.

B. **Application Permit; Fee.** The Zoning Administrator, or such other person as is designated by the Village Council to enforce ordinances, shall review each application and issue a

permit to such applicants as meet the requirements contained in this ordinance. The Village Council may establish by resolution a fee for the processing of outdoor furnace permit applications.

Section 13.5 Liability.

A person using or maintaining an outdoor furnace shall be responsible for all fire suppression, costs and other liability resulting from damage caused by the outdoor furnace. Compliance with this Ordinance shall not be a defense to any civil claims. Nothing in this Ordinance shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith.

Section 13.6 Severability.

The sections and provisions of this ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

Section 13.7 Penalty.

A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

B. Each day during which any violation continues shall be deemed a separate offense.

C. The foregoing penalty shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 13.8 Publication/Effective Date.

This Ordinance shall become effective 20 days after publication of a summary of its provisions thereof in a local newspaper of general circulation within the Village.

Adopted: July 14, 2008

Effective: August 15, 2008

**CHAPTER 14
PLANNING COMMISSION ORDINANCE**

(Ord. No. 09-10)

THE VILLAGE OF CALEDONIA ORDAINS:

Section 1. General Provisions.

(a) **Short Title.** This Ordinance shall be known and may be cited as the Village of Caledonia Planning Commission Ordinance.

(b) **Statutory Authority.** This Ordinance is authorized by Public Act 33 of 2008, as amended.

(c) **Continuation of Planning Commission.** The existence and status of the Village Planning Commission is hereby continued for all lawful purposes and effects and without limitation as to duration.

(d) **Repeal.** Any prior resolution establishing the Village Planning Commission is repealed.

(e) **Definitions.** Any words not otherwise defined in this Ordinance are defined as stated in Michigan Public Act 33 of 2008, as amended. If such words have not been defined, they are to be understood by their ordinary meaning.

Section 2. Transition.

All actions taken by the Village Planning Commission preceding the creation of this Ordinance are approved, ratified and confirmed. Any Planning Commission actions in process at the effective date of this Ordinance shall continue, but shall be subject to the terms hereof.

Section 3. Membership and Officers.

(a) **Composition.** The Planning Commission shall consist of seven members.

(b) **Appointment.** The Village President shall appoint each Planning Commission member, subject to the approval of the Village Council, by majority vote of the Council members elected and serving.

(1) **Qualifications of Members.** The members of the Planning Commission shall be qualified electors of the Village, except that two members need not be qualified electors. A person is a qualified elector if a person resides in and is eligible to register to vote in the Village. Appointment of two non-qualified electors to the Planning Commission is discretionary only.

(2) **Representation.** To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Village.

(3) **Ex Officio Members.** One or more members of the Village Council, the Village President, the Village Manager or a person designated by the Village Manager may be appointed as ex officio members of the Planning Commission; provided, however, no more than one third of the total members of the Planning Commission shall be ex officio members. An ex officio member shall have full voting rights, but shall not serve as chairperson of the Planning Commission. The term of a Village Council member or Village President on the Planning Commission shall be the same as the member's Village Council term. The term of the Village Manager on the Planning Commission shall correspond to his or her term as Village Manager. The term of any person designated by the Village Manager on the Planning Commission shall expire with the term of the Village Manager by whom he or she was appointed.

(4) **Village Employees.** Village employees shall not be eligible for membership on the Planning Commission, except for the Village Manager or any other employee designated by the Village Manager to serve on the Planning Commission as an ex officio member.

(c) **Officers.** At the first meeting of each year, the Planning Commission shall select a chairperson from among its members, who shall serve for a term of one year; the chairperson may be re-elected. At the same meeting, the commission shall also elect vice chairperson and a secretary from among the remaining members. The vice chairperson and the secretary shall each have a one-year term and may be re-elected. The Planning Commission shall elect such other officers as the members may determine. The term of each such officer shall be one year; each officer may be re-elected.

(d) **Term of Office.** Planning Commission members in office at the time of the adoption of this Ordinance shall continue in office until the expiration of their respective terms. Succeeding members shall be appointed for three-year terms. A succeeding member's term commences on the date of appointment and terminates three years from the date of appointment, unless that member is an ex officio member whose term on the Planning Commission corresponds to his or her term as an elected or appointed official. Despite the foregoing, a Planning Commission member shall continue to serve until his or her successor is appointed.

(e) **Vacancies.** The Village Council shall fill vacancies in the membership of the Commission in the same manner as provided for the initial appointments. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term or for a term that corresponds to his or her term as an elected or appointed official.

(f) **Removal.** The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance, after providing written notice to the member and an opportunity for a public hearing.

(g) **Compensation.** Planning Commissioners may receive such compensation and expense reimbursement as the Village Council may determine.

(h) **Zoning Board of Appeals.** One member of the Planning Commission may serve as a member of the Zoning Board of Appeals.

Section 4. Powers and Duties.

(a) **In General.** Unless otherwise reserved in this Ordinance, the Planning Commission has all the powers and duties provided by Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended and applicable Village ordinances.

(b) **Duties and Responsibilities.** The Planning Commission shall perform the following duties and responsibilities, among others:

(1) **Bylaws and Other Matters.** The Planning Commission shall adopt bylaws for the transaction of its business and shall keep a public record of its resolutions, findings, determinations and other official actions. Public records shall be available to the public as provided by the Freedom of Information Act, Public Act 442 of 1976, as amended. The bylaws shall provide that members shall not participate in matters as to which they have a conflict of interest. The Planning Commission shall prepare an annual report to the Village Council.

(2) **Master Plan.** To guide the development of the Village, the Planning Commission shall prepare a Master Plan in accordance with applicable provisions of Michigan Public Act 33 of 2008, as amended.

(3) **Zoning Ordinance.** The Planning Commission shall administer the Village zoning ordinance and take such other actions with respect to zoning and land use planning as are authorized by the terms of the zoning ordinance, other applicable Village ordinances and state law.

(c) **Capital Improvements.** The Village Council retains the responsibility of adopting a capital improvements program for the Village.

Section 5. Meetings.

The Planning Commission may hold meetings as frequently as it determines, subject to Village Council oversight, but may not have fewer than four regularly scheduled meetings each year. The time and place of regular meetings shall be determined by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended. Meetings shall be held in accordance with the Open Meetings Act.

Section 6. Notice; Effective Date.

This Ordinance shall become effective 63 days after it is published, or 63 days after a summary of its provisions is published in a newspaper of general circulation in the Village.

Adopted: May 11, 2009

Effective: July 25, 2009

CHAPTER 15
COMPENSATION OF VILLAGE OFFICERS

AN ORDINANCE to authorize payment of compensation to the Village President and to the Village Trustees for the performance of the duties of their respective offices; to provide for the manner and method of the payment of such compensation; and to adopt other provisions with regard to the payment of compensation to the Village President, other Village officers and Village Trustees.

THE VILLAGE OF CALEDONIA ORDAINS:

Section 1.

The Village President and each Village Trustee shall receive compensation for the performance of the duties of the office of Village President and Village Trustee, respectively, only in the manner and by the method provided in this Ordinance.

Section 2.

The Village President shall receive an annual salary, as compensation for the performance of the duties of the office of Village President. Such annual salary shall be payable in installments. The amount of the annual salary and the frequency of the payment of installments thereof shall be as determined annually by resolution adopted by the Village Council, by majority vote of the members of the Council then present and voting.

Section 3.

Each Village Trustee shall receive a fee for his or her attendance at each regular and special meeting of the Village Council, as compensation for the performance of the duties of the office of Village Trustee. The amount of the fee for each meeting attended and the manner and method of payment hereof shall be as determined annually by resolution adopted by the Village Council, by majority vote of the members of the Council then present and voting.

Section 4.

The annual salary of the Village President and the fees received by Trustees for Village Council meetings attended shall be payable from the general fund and/or from such other funds of the Village as may be determined by the Village Council.

Section 5.

The Village President and the Village Trustees shall receive no other compensation for services performed for or on behalf of the Village during their terms of office.

Section 6.

The Village Clerk, the Village Treasurer and other Village officers shall receive such compensation for the performance of the duties of their respective offices as may be prescribed by resolution adopted by the Village Council, by majority vote of the members of the Council then present and voting.

Section 7.

All other ordinances and all resolutions inconsistent with the terms of this Ordinance are hereby rescinded. This Ordinance shall become effective upon its adoption.

ADOPTED FEBRUARY 8, 1993

CHAPTER 16
REIMBURSEMENT FOR CLEANUP EXPENSES

AN ORDINANCE to require reimbursement to the Village of Caledonia for expenses of cleanup of certain spillages and restoration of affected premises.

THE VILLAGE OF CALEDONIA ORDAINS:

Section 1. Purpose.

The purpose of this Ordinance is to enable the Village of Caledonia to require reimbursement from those responsible for the leaking, spilling, or otherwise allowing certain dangerous substances to escape containment, thereby requiring cleanup and disposal by the Village.

Section 2. Dangerous Substances.

(1) A dangerous substance is any substance which, when spilled, leaked, or otherwise released from its container:

(2) Represents a significant risk to the public health and safety as a result of the toxic or hazardous properties which it exhibits, or because it is a radioactive material; or

(3) Is dangerous or harmful to the environment or human or animal life and safety; or

(4) Is obnoxious by reason of odor; or

Is determined by the Village of Caledonia to constitute a danger or threat to the public health, safety and welfare.

Section 3. Duty to Remove and Clean Up.

It shall be the duty of any person or any other entity which causes or controls leakage, spillage or other dissemination of dangerous substances to immediately remove such dangerous substances and clean up the area of such spillage in such manner that the area involved is fully restored to the condition in which it existed before such leakage, spillage or other dissemination of dangerous substances.

Section 4. Failure to Remove and Clean Up.

Any person or entity which fails to comply with Section 3 of this Ordinance shall be liable to and shall pay the Village of Caledonia for its costs and expenses, including the costs incurred by the Village or paid to any party which the Village engages for the complete cleanup and restoration of the affected area.

Section 5. Enforcement.

If any person or entity fails to reimburse the Village of Caledonia as provided in Section 4 of this Ordinance, and such person or entity is the owner of the affected property, the Village shall have the right and power to add any and all costs of cleanup and restoration to the tax roll as to such

property, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property.

Section 6. Enforcement Through Legal Means.

The Village of Caledonia, the Village Attorney of Caledonia, or his or her designee, may institute appropriate legal action, either civil or criminal, which may be necessary to collect the costs and expenses of cleanup pursuant to Section 4 of this Ordinance, or which may be necessary to enjoin or abate any activities that pose an unreasonable danger of spillage, leakage or release of dangerous substances within the boundaries of the Village of Caledonia.

Section 7. Effective Date.

This Ordinance shall be published as soon as practicable after its adoption and shall become effective [20 days after such publication].

ADOPTED AUGUST 11, 1986.

CHAPTER 17
CABLE RATE ORDINANCE

AN ORDINANCE to adopt regulations concerning rates charged for basic cable television service within the Village; to establish procedures for the consideration and review of proposed basic cable television rates and to provide reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the Village; to provide for the making of decisions on rates for basic cable television service, to authorize public hearings and the notice thereof, and to authorize the adoption of rules and regulations for basic cable television service rate regulation proceedings; to provide for certain additional powers relating to cable television rate regulation; to establish remedies against cable television operators for failure of compliance with the ordinance; and to establish other provisions regarding the regulation of rates for basic cable television service within the Village, all in accordance with the Federal Communications Act, as amended, and applicable rules of the Federal Communications Commission.

THE VILLAGE OF CALEDONIA ORDAINS:

Section 1. Purpose of Ordinance.

The purpose of this Ordinance is to adopt regulations consistent with the Federal Communications Act of 1934 as amended, the Cable Television Consumer Protection and Competition Act of 1992 and the Rules of the Federal Communications Commission with respect to basic cable television service rate regulation. In addition, the purpose of this Ordinance is also to prescribe procedures so as to provide reasonable opportunity for consideration of the views of interested parties in connection with regulation by the Village of rates for basic cable television service. This Ordinance shall be implemented and interpreted consistent with the above stated statutes and applicable rules of the Federal Communications Commission.

Section 2. Definitions.

For purposes of this Ordinance, the words and phrases listed in this section shall have the meanings stated below:

(1) “Act” means the Communications Act of 1934 as amended, and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, being U.S. Public Law 102-385, as it may be amended from time to time.

(2) “Associated equipment” means all equipment and services subject to regulation pursuant to 47 CFR § 76.923.

(3) “Basic cable television service” shall mean basic service as defined in the rules of the Federal Communications Commission and any other cable television service which is subject to rate regulation by the Village pursuant to the Act and the rules of the Federal Communications Commission.

(4) “Cable television operator” means an operator of basic cable television service as defined in the FCC Rules and the operator of any other cable television service which is subject to

rate regulation by the Village pursuant to the Act and the rules of the Federal Communications Commission.

(5) “FCC” means the Federal Communications Commission.

(6) “FCC Rules” means all rules of the FCC promulgated from time to time pursuant to the Act.

(7) “Increase in rates” means an increase in cable television rates or a decrease in cable television programming or a decrease in the customer services provided by a cable television operator.

(8) “Village” means the Village of Caledonia, Kent County, Michigan.

All other words and phrases used in this Ordinance shall have the meanings as defined in the Act and in the FCC Rules.

Section 3. Regulation of Basic Cable Television Service.

The Village may regulate the rates charged for basic cable television service within the Village, in accordance with this Ordinance and other applicable Village ordinances. In the regulation of rates for basic cable television service and associated equipment, the Village shall follow all FCC Rules.

Section 4. Procedures; Filing of Rate Schedules; Submission of Information by Cable Television Operator.

(1) The procedures under which the Village shall regulate the rates charged for basic cable television service within the Village shall be as set forth in this Ordinance.

(2) A cable television operator shall submit its schedule of rates for basic cable television service and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC Rules. The cable television operator shall also submit with its proposed schedule of rates such information as may be necessary to demonstrate that its schedule of rates or its proposed increase in rates complies with the Act and the FCC Rules. The cable television operator shall file ten (10) copies of its schedule of rates or its proposed increase in rates with the Village Clerk. Such filing by the cable television operator shall be deemed to have been made when ten (10) copies thereof have been received by the Village Clerk.

(3) By resolution or otherwise, the Village Council may adopt rules and regulations prescribing the information, data, calculations and other material which the Village requires to be included as a part of the filing of a schedule of rates or a proposed increase in rates by a cable television operator.

(4) In addition to information, data, calculations and other material required by rules and regulations of the Village, a cable television operator shall provide all other information requested by the Village Council in connection with the Village’s review and regulation of existing rates for basic cable television service and associated equipment or a proposed increase in such rates. The Village

Council may establish deadlines for submission of any requested information, data, calculations or other material, and the cable television operator shall comply with such deadlines.

(5) A cable television operator has the burden of proving that its schedule of rates or its proposed increase in rates for basic cable television service and associated equipment complies with the Act and the FCC Rules, including, without limitation, 47 U.S.C. § 543 and 47 CFR §§ 76.922 and 76.923.

Section 5. Notice; Initial Review of Rates.

Upon the filing of ten (10) copies of the schedule of rates or a proposed increase of rates by the cable television operator, pursuant to this Ordinance, the Village Clerk shall publish a public notice in a newspaper of general circulation in the Village. The notice shall state that the filing has been received by the Village Clerk and (except those parts which may be withheld as proprietary under Section 6 hereof) is available for public inspection and copying; that interested parties are encouraged to submit written comments on the schedule of rates or proposed increase in rates, to the Village Clerk, not later than seven (7) days after the public notice is published; and any other information deemed pertinent. The Village Clerk shall give notice to the cable television operator of the date, time and place of the meeting in which the Village Council shall first consider the schedule of rates or the proposed increase in rates. Such notice to the cable television operator shall be mailed by first-class mail at least three days prior to the meeting of the Village Council. If a written report by Village staff or a consultant of the Village, regarding the schedule of rates or the proposed increase in rates, has been prepared for consideration of the Village Council, then the Village Clerk shall mail a copy of the report by first-class mail to the cable television operator at least three days before the meeting at which the Village Council will first consider the schedule of rates or the proposed increase in rates.

Section 6. Proprietary Information.

(1) If this Ordinance, any rules or regulations adopted by the Village pursuant to Section 4(2), or any request for information pursuant to Section 5 requires the production of proprietary information, the cable television operator shall produce such information. The cable television operator may request, however, that specific, clearly identified portions of its response be treated as confidential and be withheld from public disclosure, for the reason that such stated portions are proprietary. Such request must state the reasons why the information should be treated as proprietary and the facts supporting such reasons. The Village Council may grant the request for confidentiality of such information if the Board determines that the preponderance of the evidence shows that non-disclosure of such information is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. The Village Clerk shall place in a file available for public inspection any written decision that results in information being withheld. If the cable television operator requests confidentiality of allegedly proprietary information, and such request is denied, the cable television operator may withdraw its proposal, in cases in which the cable operator is proposing a rate increase, and in that event the allegedly proprietary information shall be returned to the cable television operator; alternatively, the cable television operator may seek review within 5 business days of the denial of such request for confidentiality, in any appropriate forum, and in that event the Village's release of such information shall be stayed, pending resolution of the review being sought.

(2) Any interested party may file with the Village Clerk a written request to inspect material withheld as proprietary. In responding to such request, the Village shall consider the policy considerations favoring non-disclosure and shall also consider the reasons cited for permitting inspection of the material, in relation to the facts of the particular case. Upon reaching a decision regarding whether withheld material shall then be disclosed, the Village shall promptly notify the requesting party and the cable television operator that submitted the information in question. The Village may grant, deny or grant with conditions any such request. The party requesting disclosure of such information or the cable television operator may seek review of the Village's decision by filing an appeal in any appropriate forum. Pending resolution of any such appeal, disclosure by the Village of such information or material shall be stayed.

(3) 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 7. Effective Date of Rates; Order Tolling Effective Date of Rates.

After a cable television operator has filed its existing schedule of rates or its proposed increase in 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 5 of this Ordinance unless the Village Council (or other properly authorized body or official) tolls such thirty (30) day period 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 by such order toll the thirty (30) day period for an additional ninety (90) days in cases not involving cost-of-service showings or for an additional one hundred and fifty (150) days in cases involving cost-of-service showings.

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

(1) If a written order has been issued pursuant to Section 7 of this Ordinance and 47 CFR § 76.933 so as to toll the effective date of existing rates for basic cable television service and associated equipment or a proposed increase in such rates, the cable television operator shall submit to the Village any additional information required or requested pursuant to Section 4(4) of this Ordinance.

(2) 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, as the case may be.

(3) The Village Clerk shall publish a notice of the public hearing in a newspaper of general circulation within the Village. The notice shall state the date, time and place at which the hearing will be held; the fact that interested parties may appear in person, by agent or by letter at such hearing, in order to submit comments on or objections to the existing cable television rates or the proposed increase in rates; and that 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 Village Clerk. Such notice shall be published not less than 15 days before the public hearing. In addition, the Village Clerk shall mail by first-class mail a copy of the public notice to the cable television operator not less than 15 days before the public hearing.

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

Following the public hearing provided for in Section 8, the Village Council may cause a written report to be prepared for the Board by the Village's staff or consultants. The report may include a recommendation for a decision by the Village Council regarding cable television rates pursuant to Section 10. Such a report shall be based on the material and information filed by the cable television operator, the comments or objections of interested parties, information requested from the cable television operator, review or comment by Village staff or consultants and other appropriate information. If such a report is submitted, the Village Clerk shall mail a copy of it to the cable television operator by first-class mail not less than 20 days before the decision by Village Council under Section 10. The cable television operator may file with the Village Clerk a written response to the report. The Village Clerk shall forward the written response of the cable television operator to the Village Council, if the response is received by the Clerk within 10 days after the report is mailed by the cable television operator and at least 10 copies of the response are submitted to the Clerk.

Section 10. Decision and Order on Rates.

The Village Council shall issue an order, by resolution or otherwise, which in whole or in part, (1) approves the existing rates for basic cable television service and associated equipment or a proposed increase in such rates; (2) denies the existing basic cable television rates or proposed increase in such rates; (3) orders a reduction in the existing rates or in the proposed increase in rates; (4) prescribes a reasonable rate or reasonable increase in rates; (5) allows the existing cable television rates or proposed increase in rates to become effective subject to refunds; or (6) orders other appropriate relief; all in accordance with the FCC Rules. If the Village Council issues an order allowing the existing basic television rates or proposed increase in rates to become effective subject to refund, the Village Council shall also direct the cable television operator to maintain an accounting pursuant to 47 CFR § 76.933. The order of the Village Council shall be issued within 90 days of the tolling order under Section 7 in all cases not involving 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 cable television subscribers as provided in 47 CFR § 76.942. Before the Village Council orders a refund to subscribers, the Village Clerk shall give at least 7 days written notice to the cable television 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 television operator to comment regarding the proposed refund. The cable television 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 Village 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 Village Clerk. In addition, the Village Clerk shall mail a copy of the test of the written decision to the cable television 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 television 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 Council to give the notices or to mail copies of reports as required by this Ordinance shall not invalidate the decision or proceedings of the Village Council.

Section 15. Additional Hearings.

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

Section 16. Additional Powers.

The Village Council shall possess all powers conferred by the Act, the FCC Rules, the cable television 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 Council may take any action not prohibited by the Act and the FCC Rules to protect the public interest in connection with basic cable television service rate regulation.

Section 17. Failure to Comply; Remedies.

The Village Council may pursue any and all legal and equitable remedies against the cable television operator (including, without limitation, all remedies provided under a cable television operator's franchise with the Village Council) for failure to comply with the Act, the FCC Rules, any orders or determinations of the Village Council pursuant to this Ordinance, any requirements of this Ordinance, or any rules and regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC Rules, any orders or determinations of the Village Council 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 of renewal of a cable television 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 become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation within the Village.

ADOPTED SEPTEMBER 13, 1993.

CHAPTER 18
ORDINANCE TO ADOPT BY REFERENCE THE
2000 INTERNATIONAL PROPERTY MAINTENANCE CODE

Section 1. Adoption of Property Maintenance Code.

The International Property Maintenance Code, 2000, as published by the International Code Council, Inc., be and it hereby is adopted as the Property Maintenance Code of the Village of Caledonia, for the control of buildings and structures as provided in said Code. All of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby adopted, as if fully set forth in this Ordinance, with the additions, insertions, deletions and changes stated in Section 2 of this Ordinance.

Section 2. Additions, Changes and Other References in Said Code.

The International Property Maintenance Code is hereby amended and revised as follows:

(1) Section 101.1 is amended to state Village of Caledonia as the name of the jurisdiction within which the Code applies.

(2) Section 103.6 is hereby amended so as to read in its entirety as follows:

“103.6 Fees: Fees for examinations, inspections, issuance of permits and all other activities of the property maintenance department shall be established by resolution.”

(3) Section 106.2 is hereby amended so as to read in its entirety as follows:

“106.2 Penalty: A violation of this Code shall be punishable as a municipal civil infraction. Any person who violates a provision of this Code shall upon conviction thereof be subject to a fine of not less than \$50 nor more than \$500 for the first offense and shall be subject to a fine of not less than \$75 nor more than \$1,000 for each subsequent offense. For purposes of this section, a subsequent offense shall mean an offense occurring within one year after the previous offense. Each day that a violation continues shall be deemed to be a separate offense.”

(4) Section 303.14 is hereby amended so as to insert “April 1” as the first specified date therein and “October 31” as the second specified date therein.

(5) Section 602.3 is hereby amended so as to insert “September 1” as the first specified date and “June 15” as the second specified date therein.

(6) Section 602.4 is hereby amended so as to insert “September 1” as the first specified date and “June 15” as the second specified date therein.

Section 3. Pending Proceedings.

No provision of this Ordinance or in the Property Maintenance Code shall be construed to affect any suit or proceeding pending in any court as of the effective date of this Ordinance.

Section 4. Severability.

The terms and provisions of this Ordinance shall be deemed to be severable, and should any section, clause or provision hereof be declared to be invalid, the same shall not affect the validity of any other section, clause or provision of the Ordinance, if the same may be given effect without the provision thus declared to be invalid.

Section 5. Effective Date.

This Ordinance shall become effective on the 20th day after its adoption.

CHAPTER 19
CONSTRUCTION BOARD OF APPEALS

Section 1.

The Village Council establishes a Construction Board of Appeals as authorized by the Construction Code Act, Public Act 230 of 1972, as amended.

Section 2.

The Construction Board of Appeals shall have 3 members, each of whom shall have background in construction and a working knowledge of the current Michigan State Codes; Building, Electrical, Plumbing, and Mechanical, being enforced by the Inspectors for the Village of Caledonia.

Section 3.

Each member of the Construction Board of Appeals shall be appointed by the Village President, and approved by majority vote of the members off the Village Council.

Section 4.

The term of office of each Construction Board of Appeals member shall be three years, commencing May 22, 2000 and on July 1 in years thereafter. The term of a Construction Board of Appeals member shall continue until a successor is appointed.

Section 5.

The terms of office on the Construction Board of Appeals that commence July 1, 2000 shall be staggered in their duration, so as to end in different years. One Construction Board of Appeals member shall be appointed for a three-year term, commencing July 1, 2000; one Construction Board of Appeals member shall be appointed for a two-year term, commencing July 1, 2000; and one Construction Board of Appeals member shall be appointed for a one-year term, commencing July 1, 2000.

Section 6.

A vacancy on the Construction Board of Appeals shall be filled for the unexpired term by appointment by the Village President and approval by the Village Council, by majority vote of its members.

Section 7.

The Construction Board of Appeals shall elect a chairperson for a term of one year, commencing July 1. Each chairperson shall serve until a successor is elected.

Section 8.

The Construction Board of Appeals shall adopt rules for the transaction of its business and shall keep minutes and other records of its proceedings. Under terms of such rules, the Construction Board of appeals may elect a vice-chairperson, a secretary, and any other such officers, as it deems appropriate.

Section 9.

This Ordinance is adopted for the purpose of establishing the Construction Board of Appeals and clarifying terms of office thereon and other matters with respect to the Construction Board of Appeals. This Ordinance shall be in addition to previous ordinances and resolutions pertaining to the Construction Board of Appeals, but as to provisions covering the same subject matter, or as to any conflicting provisions, this Ordinance shall control.

Section 10.

This Ordinance shall become effective May 22, 2000, except that appointments to the Construction Board of Appeals can be made at any time.