

**VILLAGE
ORDINANCE
CODE**

**BALDWIN
MICHIGAN**

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Title I - ADMINISTRATION

Chapter 1 - Adoption, Contents & Interpretation

- 1.1 Publication and Distribution Code. Publication of the within codification of the ordinance of the Village of Baldwin is hereby directed. Twelve (12) copies of the Code shall be published in loose-leaf form and shall be distributed to such Village officers and employees as the Village Council shall direct.

Each loose-leaf copy of said Code shall remain the property of the Village and shall be turned over by each officer having custody thereof upon expiration of his/her term of office to the Village Clerk.

Thirty (30) Copies of the original printing of this Code shall be published and made available to the public at a reasonable charge. In addition, the Clerk shall keep one (1) of the copies of the code assigned to him/her available for public inspection during office hours.

- 1.2. Contents of Code. This code contains all ordinances of a general and permanent nature of the Village. Excluded from the content of this code are special or temporary ordinances such as sewer and other public improvements districts, providing for the construction of particular sewers, streets, or sidewalks, or the public works, ordinances authorizing the borrowing of money or the issuance of bonds and ordinances establishing salaries for Village officers and employees. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the record of ordinances, but shall not be prepared for insertion in this Code, or be deemed a part hereof. The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the Village in effect on the effective date of this Code. All ordinances of the of the general and permanent nature in effect on the effective date of this Code are hereby repealed expressly saving from repeal Village ordinances which are expressly continued in force by the provisions of this Code. All Village ordinances in effect on the adoption of this Code are also to remain effective for the purpose of prosecuting offenses which occurred prior to effective date of this Code.

- 1.3 Short Title. This ordinance shall be known and may be cited as the "Baldwin Village Code."

- 1.4 Definitions. The following words and phrases, when used in the Code and any amendment thereof or addition thereto, shall, for the purpose of this Code, have meanings respectively ascribed to them in this section, except as otherwise specifically provided or where the context clearly indicates a different meaning:

(1) "Village" shall mean the Village of Baldwin, Michigan.

(2) "Person" shall include any individual, partnership, corporation, association, club, joint adventure, estate, trust and any other group or combination acting as a unit, and the individuals constituting such group or unit.

(3) "Public Place" shall mean any place to or upon which the public resorts, or travels, whether such place is owned or controlled by the Village or any agency of the State of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.

(4) "Street" or "Highway" shall mean the entire width subject to any easement for public right-of-way, or owned in fee by the Village, County, or State of every way or place of whatever nature whenever any part thereof is open to the of the public as a matter of right for purposes of public travel. "Alley" shall mean any such way or place providing a secondary means of ingress or egress from a property.

(5) "Sidewalk" shall mean the portion of a street between the curb lines or lateral lines and the right-of- way lines which are intended for the use of pedestrians.

1.5 Amendment Procedure. This Code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

(1) To amend any section:

AN ORDINANCE TO AMEND SECTION _____ (OR SECTIONS _____ AND _____) OF CHAPTER _____ OF THE VILLAGE CODE.

(2) To insert a new section or chapter.:

AN ORDINANCE TO AMEND THE VILLAGE CODE BY ADDING A NEW SECTION (_____ NEW SECTIONS OR A NEW CHAPTER, as the case may be) WHICH NEW SECTIONS (SECTIONS OR CHAPTER) SHALL BE DESIGNATED AS SECTIONS _____ (SECTIONS _____ AND _____ OF CHAPTER _____) (or proper designation if a chapter is added) OF SAID CODE.

(3) To repeal a section or chapter:

AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____ OR CHAPTER _____) (as the case may be) OF THE VILLAGE CODE.

1.6 Publication and Distribution of Amendments. Amendments to the Code shall be published as required, and not less than forty-two (42) copies of each amendment shall be published in form suitable for insertion in this Code. The Clerk shall distribute such copies to the offers of the Village having copies of the Code assigned them. Each officer assigned a copy of the code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received.

1.7 Responsibility. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted there under, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act.

- 1.8 Headings. No provision of this Code shall be held invalid by reason of deficiency in any chapter or section heading.
- 1.9 Title of Officer to Include Deputy or Subordinate. Whenever, by the provision of this Code, any officer of the Village is assigned any duty or empowered to perform any act or duty, the title if said officer shall mean and include such officer or his/her deputy or authorized subordinate.
- 1.10 Except as otherwise specifically provided or indicated by context, all works used in the Code indicating the present tense shall not be limited to the time of adoption of this Code by shall extend to and include the time of the happening of any act, event. Or requirement for which provision is made therein, either as power, immunity, requirement or prohibition.
- 1.11 Notice. Notice regarding sidewalk construction or repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the Village may be assessed against the premises under the provisions of this Code shall, except as otherwise provided by law, be served.
- (1) By delivering the notice to the owner personally or by leaving the same at his/her residence, office or place of business with some person of suitable age and discretion, or
- (2) By mailing said notice by registered or certified mail to such owner at his/her last known address, or
- (3) If owner is unknown, by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is give shall occur.
- No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Village officer or employee, unless permission is given by said officer or employee to remove the notice.
- 1.12 Fiscal Year. The fiscal year for the Village of Baldwin shall commence March 1 and end the last day of February of each year,
- 1.13 Penalty. Unless another penalty is expressly provided in this code for any particular chapter or section, every person convicted of by a fine of not more than five hundred and 00/100 (\$500.00) Dollar's and costs of prosecution or by imprisonment for not more than likely than ninety (90) days, or by both fines, costs and imprisonment. Each act of violation and every day upon which any such act of violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code whether or not such penalty is reenacted in the amendatory ordinance.
- 1.14 Severability. It is the legislative intent of the Village Council, in adopting this Code, that all provisions and sections of this Code be liberally constructed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Village and should any provision or section thereof be declared illegal or unconstitutional, the remaining section shall be valid. The provisions of this section shall apply to the amendment of any section or chapter of this Code and to any Chapter asses hereto, whether or not the wording of this section is set forth in the amendatory ordinance.

Chapter 2 - Compensation of Officers & Employees

- 1.12 Officers and Employees. All Village officers and employees shall receive such compensation as the Council shall from time to time establish by resolution.

Chapter 3- Purchasing, Contracting and Selling Procedure

- 1.31 Purchasing Agent. The Village Clerk shall act as Purchasing Agent of the Village, unless another officer or employee shall be designated to act as Purchasing Agent by the President in writing filed with the Clerk. The Purchasing Agent, with the approval of the President, shall adopt any necessary rules respecting requisitions and purchase orders.
- 1.32 Purchases or Contracts. Purchases of supplies, materials, or equipment, the cost of which is less than One Thousand and 00/100 (\$1,000.00) Dollars, may be made in the open marker, but such purchases in excess of One Thousand and 00/100 (\$1000.00) Dollars shall be based on at least three (3) competitive bids and shall be awarded to the lowest responsible bidder meeting the specifications. The Purchasing Agency may solicit bids verbally or by telephone, or may contact prospective bidders by written communication. A record shall be kept of all open marker orders and the bids submitted thereon, which records shall be available to public inspection. Any and all bids may be rejected by the Village Council.
- 1.33 Exceptions to Competitive Bidding. Subject to prior approval of the Council, competitive bidding shall not be required in the following cases:
- (1) Where the product or material contracted for is not competitive in nature, and the Purchasing Agent so certified to the Council in writing;
 - (2) In the employment of professional services;
 - (3) Where the Council shall determine that the public interest will be best served by joint purchase with, or purchase from, another unit of government.
- 1.34 Sale of Property. Whenever any personal property belonging to the Village is no longer needed for corporate or public purpose, the same may be offered for sale on approval by the Council. Personal property not exceeding One Thousand and 00/100 (\$1000.00) Dollars may be sold after advertising and receiving competitive bids and after approval of the sale has been given by the Council. In the purchase of automotive equipment, bidders may include in their bids, a trade-in allowance for old equipment and such equipment may be disposed of in train without further bidding requirements.
- 1.35 Sale of Real Estate. Real estate may be purchased or sold or leased when not required for corporate purpose, upon the affirmative vote of two-thirds (2/3) of the members elect of the Council. Sales of real estate shall be subject to the provisions of MCL 67.4, MSA 5.1228. The notice inviting bids shall contain a brief description of the property.

Chapter 4- Boards & Commissions

- 1.40 General Provisions. All Boards and Commissions existing at the time of the adoption of this Code shall be continued and the members serving thereon shall remain in office for the duration of the term for which they were appointed.

Chapter 6- Special Assessment Procedure

- 1.61 Definitions.

(A) Cost. The term "cost" as used in this Chapter, when referring to the cost of any local public improvement, shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction and legal fees and all other costs incident to the making of such improvement, the special assessments there for and the financing thereof.

(B) Local Public Improvement. The term "local public improvement" as used in this Chapter shall mean any constriction for improvement upon public property which results in special benefit to the real property in the vicinity of such improvement.

- 1.62 Authority to Assess. The entire cost of any part thereof of any local public improvement may be defrayed by special assessment upon the lands specially benefited by the improvement in the manner hereinafter provided.

- 1.63 To Initiate Special Assessment Projects. Proceeding for the making of local public improvements within the Village may be commenced by resolution of the Council, on its own initiative or by an initiatory petition signed by property owners whose aggregate property in special assessment district was assessed for more than sixty (60%) percent of the total assessed value of the privately owned real property located therein, in accordance with the last preceding general assessment roll; provided, however, that in the case of special assessments for paving or similar improvements which are normally assessed in the frontage basis against abutting property percent of the frontage of property to be assessed.

Such petitions shall contain in addition to the signature of the owners, a brief description of the property owned by the respective signers thereof. Such petitions shall be verified by the affidavit of one or more of the owners or by some person or persons with knowledge that said signers are such owners and that such signatures are genuine.

Petitions shall be addressed to the Council and filed with the Village Clerk. Petitions shall be in no event mandatory upon the Council. All petitions shall be circulated and signed on blank forms furnished by the Village.

All petitions shall be referred to the Village Clerk. The Village Clerk shall check the petitions to determine whether they conform to the foregoing requirements and shall report her/her findings to the Village Council.

- 1.64 Survey and Report. Before the Council shall consider the making of any local public improvement, the same shall be referred by resolution to the Village Street Administrator directing him/her to prepare a report which shall include necessary plans, profiles, specifications

and detailed estimated of cost, an estimate of the life of the improvements, a specifications and detailed estimates of cost, an estimate of the like of the improvements, a description of the assessment district or districts and such other pertinent information as will permit the Council to decide the cost, extend and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the Village at large. The Council shall not finally determine to proceed with the making of any local public improvement until such report of the Village Street Administrator has been filed, nor until after a public hearing has been held by the Council for the purpose of hearing objections to the making of such improvement.

- 1.65 Determination of the Project: Notice. After the Village Street Administrator has presented the report required in Section 1.64 for making any local public improvement as requested in the resolution of the Council, and the Council has reviewed said report, a resolution may be passed determining the necessity of the improvement; setting forth the nature thereof; prescribing what part or proportion of the cost of such improvement shall be paid by special assessment upon the property especially benefited; determining the benefits received by affected; designating the limits of the special assessment district to be affected; designation whether to the assessed according to frontage or other benefits; placing the complete information on file in the office of the Clerk where the same may be found for examination; and directing the Clerk to give notice of public hearing on the proposed improvement at which time and place opportunity will be given interested persons to be heard. Such notice shall be given by one publication in a newspaper published or circulated within the Village and by first class mail addressed to each person having interest in property to be assessed as shown by the last general tax assessment roll of the Village, said publication and mailing to be made at least ten full days prior to the date of said hearing. The hearing required by this section may be held at any regular, adjourned or special meeting of the Council. No such hearing shall be required, or notice thereof given, if a petition for such improvements is signed by all the property owners to be assessed for the improvement.
- 1.66 Objection to Improvement. If, at or prior to the public hearing on necessity as required in section 1.65, and before the adoption by the Village Council of resolution to proceed with the making of the public improvement, as provided in section 1.67, written objections thereto have been filed by the owners of property in the district which, according to the Village Street Administrator, will be required to bear more than fifty (50%) percent of the cost thereof, or by a majority of the owners of the property to be assessed, no resolution determining to proceed with the improvement shall be adopted except by the affirmative unanimous vote of the Council members present.
- 1.67 Hearing on Necessity. At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the Council may modify the scope of the local public improvements in such manner as they shall deem to be in the best interest of the district as a whole; provided that if the amount of work is increased or additions are made to the district, then another hearing shall be held pursuant to notice prescribed in section 1.65 improvements, a resolution shall be passed approving the necessary profiles,

plans, specifications, assessment district, and detailed estimates cost, and directing the Assessor or Village Clerk to prepare a special assessment roll in accordance with the Council's determination and report the same to the Council for confirmation.

- 1.68 Deviation from Plans and Specifications. No deviation from original plans or specifications as adopted shall be permitted by any officer or employee of the Village without authority of the Council by resolution. A copy of the resolution authorizing such changes or shall not exceed those authorized by law, the first installment being due upon confirmation of the roll. On all special assessments confirmed between January 1st and June 30th, of any year, the second installment shall be due July 1st of each succeeding year. Interest shall be charged on all deferred installments at a rate to no exceed the maximum allowed by lay for such indebtedness commencing on confirmation and payable on the due date of each installment; the full amount of all or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due dates thereof. Each property owner shall have thirty (30) days from the date of confirmation to pay the full amount of said assessments. Or the full amount of any installments thereof, without interest or penalty. Following said thirty (30) days period the assessment or first installment thereof shall, if unpaid, be considered as delinquent, and the same penalties shall be collected on such unpaid assessments, first installment thereof, as are provided to be collected on delinquent general Village taxes. After the Council has confirmed the roll, the Village Treasurer to give said notice or of such owner on said roll that said roll has been filed, stating the amount assessed and the terms of payment. Failure on the part of the Village Treasurer to give notice or of such owner to receive said notice, shall not invalidate any special assessment roll of the Village or any assessment thereon nor excuse the payment of interest or penalties.
- 1.77 Creation of Lien. Special assessments and all interest, penalties and charge thereon, from the date of confirmation of the roll shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for County and School taxes, and for Village taxes, until paid, and the lands upon which the same are a lien shall be subject to sale therefore the same which the same are lien shall be subject to sale therefore the same as are lands upon which delinquent Village taxes constitute a lien. If special assessments or installments thereof remain delinquent as of February 28th, they shall be returned delinquent, with interest, penalties and charges added, to the County Treasurer for collection in the same manner as are City, County and School taxes.
- 1.78 Additional Assessments. Refunds. The Village Street Administrator shall, within sixty (60) days after the completion of each local public improvement, compile the actual cost thereof and certify the same to the Council. When any special assessment roll shall prove insufficient to meet the cost of the improvement, compile the actual cost thereof and certify the same to the Council. When any special roll shall prove insufficient to meet the cost of the improvement for which it was made, the Council may make an additional pro rata assessment. No additional assessment for any public improvement which exceeds twenty-five (25%) percent of the original assessment shall be made, unless such additional assessment be reviewed at a meeting of the

Council, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll. Provided, however, that no property shall be assessed in excess of benefits received. Should the entire amount as finally collected on the assessment roll prove larger than necessary by less than (5%) percent of the total cost of the improvement or more, the Council shall make a refund of the entire amount of excess thereof pro rata according to assessments. Should the entire amount as finally collected on the percent of the total cost of improvements, the Council may transfer such excess to the general funds of the Village or make a refund thereof pro rata according to assessments.

- 1.79 Additional Procedures. In any case where the provisions of this Chapter may prove to be insufficient to carry out fully the making of any special assessment, the Council shall provide by ordinance any additional steps or procedures required.
- 1.80 Special Assessments Accounts. Moneys raised by special assessments to pay the cost of any local public improvements shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied only for the improvement project for which the assessment was levied except as otherwise provided in this Chapter.
- 1.81 Contested Assessments. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining collection of any special assessment unless within thirty (30) days after confirmation of the special assessment roll written notice if filed after confirmation of the special assessment unless within thirty (30) days with the Clerk on intention to file such suit or action, stating grounds on which it is claimed such assessment is illegal, and unless such suit on which it is claimed such assessment is illegal, and unless such suit or action shall be commenced within ninety (90) days of confirmation of the roll.
- 1.82 Reassessment for Benefits. Whenever the Council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the Council shall have power to cause a new assessment to be made for the same purpose to cause a new assessment to be made, whether in the improvement or any part, thereof has been completed and whether any part of the assessment has been collected or not. All proceeding on such reassessment and has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the manner as provided for the original assessment except respecting the correction of the proceeding for the purpose of making the proceedings for the purpose of making the proceedings legal. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment to that extent to deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.
- 1.83 Assessment of Abating Hazards and Nuisances. In the event it shall become necessary to abate a hazard or nuisance as provided by law, the Council shall determine what amounts or part of each such expense shall be charged, and the property upon which the same shall be levied as a special assessment. The Council shall require all the several amounts as determined, the

several lots or premises affected, and shall cause the persons chargeable therewith respectively, to be notified by the Village Clerk either by first class mail, or if either the owner or his address is unknown, by posting notice upon the premises affected. Such notice shall state the basis for the assessment, the cost thereof and shall give reasonable time, which shall not be less than thirty (30) days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Council which shall direct the Assessor or Village Clerk to spread such amounts against the descriptions of property chargeable therewith on the next general tax roll for collection of taxes in the Village.

- 1.84 Combination of Projects. The Council may combine several districts into the one project of purpose of effecting a saving in the costs: provided, however, that for each district there shall be established separate funds and accounts to cover the cost of the same.
- 1.91 Declaration of Purpose. The Council of the Village of Baldwin, as its legislative body, hereby declares that unsanitary and unsafe inhabited dwelling accommodations exist in the Village of Baldwin, and that there is a short of safe and sanitary dwelling accommodations in said Village available to persons who lack the amount of income necessary to enable them. Without financial assistance, including also veterans of the United States Armed Forces, to live in decent, safe and sanitary dwelling without overcrowding; and that it is for and in the public interest that the Baldwin Housing Commission is hereby created. The said Commission shall be a body corporate with the powers, duties and authority as hereinafter prescribed.
- 1.92 Members. The Baldwin Housing Commission shall consist of five (5) members to be appointed by the Village President of said Village of Baldwin who is the Chief Administrative Officer thereof, the said appointments to be subject to the approval of the Council of said Village. Each member of the said Housing Commission shall be, at the time of his/her appointment, and shall remain during the term of office of bona fide resident of the Village of Baldwin. The term of office members of said Housing commission shall be five (5) years. Members of the first Commission existing hereunder shall be appointed for the term of one (1) year, two (2) years, three (3) years, four (4) years and five (5) years, respectively, and annually thereafter one (1) member shall be appointed for the term of five (5) years. Members of the Housing Commission shall serve without compensation and may be removed from office by the Village President of said vacancy on the Housing Commission shall be filled to the remainder of the unexpired terms.
- 1.93 Meetings. The Commission shall meet every year, and shall make its determination within forty-five (45) calendar days of its first meeting. A majority of the members of the Commission constitute a quorum for conducting the business of the Commission. The Commission shall take no action or make determinations without a concurrence of a majority of members appointed and serving on the Commission. The Commission shall elect a chairman from among its members. The members of the Commission shall elect a chairman from among its members. The members of the Commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.
- 1.94 Assessor. The Assessor shall be appointed by the Village Council and his/her compensation shall be established by said Council.

Chapter 7 – Municipal Civil Infraction

A) Definitions. As used in this section:

- 1) "Act" means Act 236 of the Public Acts of 1961, as amended.
- 2) "Authorized village official" means an enforcement officer or other personnel of the village authorized to issue municipal civil infraction citations.
- 3) "Bureau" means the village offices, as established by this chapter.
- 4) "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- 5) "Municipal civil infraction citation" or "citation" means a written complaint or notice prepared by an authorized village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

B) Commencement of Municipal Civil Infraction Actions. A municipal civil infraction action may be commenced upon the issuance by an authorized Village official of a municipal civil infraction citation directing the alleged violator to appear in Court.

C) Issuance and Service of Municipal Civil Infraction Citations. Municipal civil infraction citations shall be issued and served by authorized village officials as follows:

- 1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- 2) The place for appearance specified in a citation shall be the district court.
- 3) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by Section 8705 of the Act.
- 4) A citation for a municipal civil infraction, signed by an authorized village official shall be treated as if it were made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- 5) An authorized village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- 6) An authorized village official may issue a citation to a person if:
 - a) Based upon the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction;
 - b) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the

person is responsible for such an infraction and if the prosecuting attorney or village attorney approved in writing the issuance of the citation.

- 7) Municipal civil infraction citations shall be served by an authorized village official as follows:
 - a) Except as provided by paragraph "C) 7) b)", hereof, an authorized village official shall personally serve a copy of the citation upon the alleged violator.
 - b) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

D) Contents of Municipal Civil Infraction Citations.

- 1) A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court and the time at or by which the appearance shall be made.
- 2) Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - a) Admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance.
 - b) Admit responsibility for the municipal civil infraction "with explanation" by mail, by the time specified for appearance, or in person or by representation.
 - c) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (1) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the village.
 - (2) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- 3) The citation shall also inform the alleged violator of all of the following:
 - a) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance, unless a hearing date is specified in the citation.
 - b) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - c) That a hearing shall be an informal hearing unless a formal hearing is requested by the

alleged violator or the village.

- d) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by

TITLE II - UTILITIES AND SERVICES

Chapter I - Garbage & Refuse

- 2.1 Short Title. This Chapter shall be known and may be cited as "The Refuse Collection Ordinance".
- 2.2 Definitions. For the purpose of this Chapter, the following definitions shall apply:
- (1) "Garbage" shall be all manner of same, including but not limited to rejected food waste and to include accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation of cooking, handling or dealing in or with or storing meat, fish, fowl, fruit or vegetables.
 - (2) "Refuse" shall be all manner of same including but not limited to ashes, rags, discarding clothing, tin cans, tin ware, bottles, broken glass, waster paper, scrap metal, motor vehicles or automobiles or trucks which are unlicensed and which are in inoperable condition, or motor vehicles which although licensed are abandoned. The word "refuse" shall further include household appliances such as washing machines, clothes dryers, stoves and refrigerators.
- 2.3 Disposal of Garbage. It shall be unlawful for any person to keep his/her premised or elsewhere any garbage unless the same shall be kept in a water-tight receptacle which shall be kept tightly covered so as to prevent the access of flies and insects thereto, and content of such receptacles shall be removed at least once in seven days.
- 2.4 Disposal of Refuse. It shall be unlawful for the owner of premises and/or the occupant thereof to permit or suffer the accumulation of refuse any premises in the Village of Baldwin. Refuse shall be store in covered receptacles, contents of which shall be removed at least once in seven days. Items of refuse too large to be stored in such containers other than heavy refuse such as household appliances and automobiles, shall be neatly stacked and removed from the premises within seven days.
- 2.5 Disposal of Heavy Refuse. Bulky and heavy refuse such as refrigerators, stoves, washing machines, clothes dryers and motor vehicles or automobiles or trucks which are unlicensed and which are inoperable condition shall be removed from the premises within 30 days. It shall be unlawful for the owner of premises and/or the occupant thereof to permit or suffer the accumulation of such bulky and heavy refuse on any premises in the Village of Baldwin.
- 2.6 Storage of "Antique Automobiles." A motor vehicle, truck or automobile not licenses and in inoperable condition which is in the process of being restored as an "Antique" may be stored outside a permanent building for more than 30 days only after the owner of such motor vehicle, truck or automobile presents a valid title and receives a permit from the Village Clerk of the Village of Baldwin. Such permit to be valid for a period of six (6) months, after such time said motor vehicle, truck or automobile must be licensed by the State of Michigan as an "Antique" or stored inside a permanent building.

- 2.7 Littering of Public Grounds. No person shall throw or deposit any garbage or refuse on any public streets, lanes, alleys, parks, cemetery or other public grounds in the Village of Baldwin at any time, nor shall any person do any dumping or dumping and filling on any property owned by the Village of Baldwin at any time, nor shall any person do any dumping or dumping and filling on any property owned by the Village of Baldwin including its authorized landfill commonly known as the "Dump", without first obtaining the permission of the Village Street Administrator.
- 2.8 Regulation of Collection of Garbage or Refuse. It shall be unlawful for any person to engage in the business of collecting garbage or refuse in the Village of Baldwin without first obtaining a permit therefor. Such permit may only be issued upon the express authority of the Village Council upon terms and conditions as may be imposed by the Village Council. Such services may be provided by the Village contracting to have such removal services performed and the Village may set and collect a fixed amount performed and the Village may set and collect a fixed amount monthly, payable on quarterly water billing dates, such charges and billings to be uniform and applicable to all family units of one or more members residing within the Village of Baldwin regardless of whether or not such service is utilized by such service is utilized by such family unit. Family units utilizing such service but not connected to Village or contractor if the Village water mains till be billed for garbage and refuse collection. Commercial business and industries will enter into contract with the Village or contractor if the Village contracts for removal of garbage and refuses. Charges for such services to be based on the amount of garbage or refuse to be disposed of.
- 2.9 Containers. No owner, tenant or lessee of any public or private premises shall permit to accumulate upon his/her premises any garbage or refuse unless it is place and maintained in containers as follows:
- (1) Containers for Garbage. All containers used for garbage shall be of substantial construction, provided with handles or bails, and a tight fitting cover or an approved garbage bag. They shall have a capacity of not less than ten (10) nor more than thirty (30) gallons and shall not weight more than sixty (60) pounds when filled.
 - (2) Containers for Refuse. Containers for refuse shall be of reasonable substantial construction to permit handling and large enough to prevent scattering of material. They shall not weight more than sixty (60) pounds when full. Fifty (50) gallon barrels will not be used.
 - (3) Broken Containers. Containers that are broken or fail to meet the requirements of this Chapter many be classified as refuse, and, after due notice to the owner, collection as such.
 - (4) On pick-up days containers shall be located at a convenient place for pickup as may be more particularly designated by the Village Street Administrator. Family units living above the first level shall place their garbage and refuse at ground level on pickup days.
- 2.10 Use of Public Litter Barrels. The litter barrels placed in the parks and along the streets of the Village of Baldwin are for the use of those persons using the parks and streets, to prevent littering. It shall be unlawful for anyone to deposit household garbage or refuse in or near these barrels.

Chapter 2 - Water Service

2.51 Active Supervision. The active supervision of the Water Works System shall be under the Superintendent of the Water Works System, who will exercise his supervision under the general direction of the Village Council.

2.52 Duties of Superintendent. It shall be the duty of the Superintendent or one of the village employees to read and repair all meters and to exercise constant watchfulness for water leaks and to see that all meters are properly sealed and that all water used on the premises is properly used as contracted for, that all service lines from the water main up to and including the meter, also the curb cocks, curb boxes and stop cocks, in connection with the meter are kept in good repair by the property owner or consumer.

2.53 Application for Service. No water service will be furnished or service connection made unless upon written application by the owner or his properly authorized agent, on a blank form prepared by the Village and furnished for that purpose.

A new application must be and approved by the Village Water Works Superintendent on any change in ownership or property, as described in the application, and he shall be a liberty to discontinue the water service until new application has been made and approved.

Application may be rejected and the contract cancelled by the Village Water Works Superintendent for proper cause at any time upon giving five (5) days written notice of such cancellation.

2.54 Discontinuation of Service. Service and application and contract may be discontinued for any of the following reasons:

- (1) For misrepresentation in application as to property or fixtures to be supplied or the use to be made of the water supply.
- (2) For adding to said property or fixtures or the use to be made of the water supply without notice to the Village.
- (3) For the use of water for any other property or purpose than that described in the application or contract.
- (4) For any tampering with the meter measuring the water supply as affect its proper operation and the registration of the water supplied or with the seals on the meter.
- (5) For waste of water through improper or imperfect pipes, fixtures, or otherwise.
- (6) For neglecting to make or renew advance payment, or for nonpayment of any account for water supplied or for meter or service maintenance.
- (7) For any tampering with any special service pipes or the seals thereon, or with the curb, stop cock, or any other appliance of the Water Department, controlling or regulating the water

supply.

- (8) In case of the vacancy of the premises.
- (9) For the violation of any rules of the Water Department.
- (10) The Superintendent shall have the right to cut off the water supply without notice in the case of breakdowns or for other unavoidable causes, or for the purpose of making necessary repairs, connection, ect., or on reasonable notice when practicable.
- (11) When two or more buildings are supplied through a single service pipe, or any violation of the rules of the Department with reference to either, or any of said buildings, shall be deemed a violation as to all, and it may take such action as could be taken as to a single building.

2.55 Meters.

- (1) All new commercial services shall be metered. The Village reserves the right to place meters on services now in service as rapidly as possibly without application from the consumer.
- (2) All meters shall be located just within the foundation walls of the building supplied, unless otherwise stipulated by the Village Superintendent, and in a proper place providing protection from theft, freezing, hot water breakage, or other causes over which he/she has no control.
- (3) The consumer shall notify the Village Water Superintendent of any injury to or of the non-working of any meter in his possession. In case of disputed account, involving the accuracy of the registration of the meter, the meter shall be tested by the Village. In case of such over-registration or if the meter under- registers (4%) percent or more, the registration shall be re-adjusted to correspond and the bill corrected accordingly.
- (4) All water supplied to meter premises must pass through the meter.
- (5) No meter shall be taken off by plumbers or others, after it has been set, except under written permit and supervision of a Village employee.
- (6) The Village Water Superintendent shall have the right to determine the size of the meter required for any service.
- (7) It shall be unlawful for any person to attach a water meter to any service pipe of the Water Works System, unless said water meter shall be installed by the Village or under its supervision.
- (8) All connection or tapping of pipes belonging to the Village of Baldwin will be made by the Village or under its supervision, but in no case shall connections be made until a permit stating the size and location of the same is granted by the Village to the party desiring to connect. The size of the service pipes shall be the same as that of the tap, or of equal area. The size of taps and services shall be determined at the time of making the application for a permit, before making application for a water services shall be determined at the time of making the application for a water service parties contemplating the erection of a large building for

business block, factory, ect., must determine the size of services necessary for supplying such blocks or factory upon its completion.

- 2.56 Setting Meter. The meter shall be furnished by the Village and shall be set, removed, or adjusted by employees by the Village of Baldwin, and under supervision of the Village. Only one meter will be furnished for each service connection and it may be located between the main and the building, or with the building, at the option of the Village. The consumer must arrange the plumbing at his own expense so the meter may be installed at the point selected by the Village and so there shall be no fixtures connected between the meter and the main.
- 2.57 Accessibility of Meter. If the Village of Baldwin finds that meter seal has been broken or other positive evidence of tampering with the meter, the bill for the period will be estimated; upon repetition of the offense it shall be optional with the Village of Baldwin to discontinue the water service and collect the amount estimated due.
- 2.60 Testing Meter. If the consumer desires the meter tested, he shall make application in writing accompanied by the deposit of \$50.00 dollars as evidence of good faith. The test will be made according to the usual method of facilities at the disposal of the Village of Baldwin. If the test shows the meter measuring within four (4%) percent either way of accuracy, the deposit will be forfeited to cover cost, and any additional expenses of removing and testing the meter paid to the Village of Baldwin. If the test shows the measurements of the meter favor the Village more than four (4%) percent the deposit will be returned and corresponding rebate made on the consumption for the current period up to the time of the test.
- 2.61 Adjustment of Meter Bills. If a meter fails to register properly, the consumption for the period will be estimated from the consumption of preceding period when the water was supplied under similar conditions and was correctly measured. If a meter reader is unable to gain access to a meter for reading, after two calls, the bill for the period may be estimated and the proper correction made on the bill for the next period. If a metered water bill appears excessive, complaint should be made to the Village Water Superintendent immediately and the meter will be re-read and reasonable assistance given in searching for waste of water.
- 2.62 Cross Connections.
- (1) Village of Baldwin adopts by reference the Water Supply Cross Connection Rules of Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code.
 - (2) It shall be the duty of the Village Water Department to cause inspection to be made all properties served by public water supply where cross connections with the public water supply is deemed possible. The frequency of inspection and inspections based on potential hazards involved shall be established by the Village of Baldwin and as approved by the Michigan Department of Public Health.
 - (3) Representatives of the Village of Baldwin shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Village of

Baldwin to inspect the same for cross connections. On request, the owner, lessees or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access when requested shall be deemed evidence of the presence of cross connections.

- (4) The Village Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of non-compliance with the provisions of this section.
- (5) The portable water supply made available on the properties served by the public water supply system shall be protected from possible contamination as specified by this section and by the State Plumbing Code. Any water outlet which could be used for portable or domestic purposes and which is not supplied by the portable system must be labeled in conspicuous manner as:

WATER UNSAFE FOR DRINKING

- (6) This section does not supersede the State Plumbing Code or other provisions of this Code relating to plumbing.
- (7) Any person or customer found guilty of violating any of the provisions of this section, or any written order of the Village Water Department in pursuance thereof, shall be deemed guilty of a violation of this Code, punishable as prescribed in Chapter 1 hereof.

2.64 Protection of City Wells. It shall be unlawful for any person to erect, maintain or use any outhouse, privy, cesspool, barn where animals are kept, manure pile, or other source of pollution within two hundred (200) feet of any well owned by the Village of Baldwin and used as a source of water supply for the people of the Village of Baldwin. Each day that any such building or source or pollution is used or maintained shall constitute a separate violation of this Code, punishable as prescribed in Chapter 1 hereof.

Chapter 3 - Water Rates

2.91 Definitions. Unless this context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter.

- (1) "Premises" shall mean each lot or parcel of land, building or premises having connection to the Water Distribution System of the Village.
- (2) "Person" shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.

(3) "Department" shall mean the Village Department of Water.

(4) "Superintendent" shall mean the Superintendent of the Department.

2.92 Free Services Prohibited. No free water service shall be furnished to any person.

2.93 Rates. There shall be and there is hereby established rates and charges for the use of and the services supplied by the Village's Water Supply System, as follows:

(1) Quarterly water rates for residential users of the Village's Water Supply System, based upon a flat quarterly rate, as follows:

Residential: \$40.00 per quarter

Residential outside Village: \$60.00 per quarter

(2) Quarterly water rates for commercial users of the Village's Water Supply System, based upon the meter reading of the amount of water consumed per quarter, as follows:

8,000 gallons=
\$40.00

17,000 gallons= \$48.36

9,000 gallons=
\$40.60

18,000 gallons= \$49.20

10,000 gallons=
\$41.59

19,000 gallons= \$50.04

11,000 gallons=
\$42.58

21,000 gallons= \$50.88

12,000 gallons=
\$43.57

22,000 gallons= \$50.88

13,000 gallons=
\$44.56

23,000 gallons= \$53.39

14,000 gallons=
\$45.55

24,000 gallons= \$54.23

*over 24,000 gallons= \$0.91 per 1,000 gallons

15,000 gallons=
\$46.54

16,000 gallons=
\$47.53

(3) Special Rates. For miscellaneous services for which a special rate shall be established such rates shall be fixed by the Village Council.

(4) Turn on Charges. There will be imposed a charge of \$10.00 whenever the Village is requested to turn on or off water services. Provided, however, whenever the Village is required to

provide turn on or off service at the time other than regular business hours of the Village there will be imposed an additional charge of time and material plus 10%.

- (5) Fire Hydrant Rate. For water used through fire hydrant, the Village, or other municipality in which the fire hydrant is located, shall pay a charge of \$ ____ per year, which charge shall be payable in quarterly installments from the current funds of the Village, or from the proceeds of taxes which the Village, within constitutional and statutory limits, is hereby authorized and required by levy in an amount sufficient of for that purpose.
- (6) Enforcement. The charges for water service which are under provisions of Section 21, Act 94 Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien and whenever such charge against any piece of property shall be delinquent for six (6) months the Village official or officials in charge of the collection thereof shall certify annually, on July 1st of each year, to the tax assessing officer of the Village, the fact of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner lien thereof enforced. Provided, however, where notice is given that said in Section 21, no further service shall be rendered such premises until a cash deposit of not less than Forty (\$40.00) Dollars shall be been made as security for payment of such charges and service.

In addition to other remedies provided, the Village shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due. If such charges are not paid within thirty (30) days after the due date thereof, when water services to such premises shall be discontinued and the unpaid balance shall constitute a lien on the premises. Water services so discontinued shall not be restored until all sums then due and owing shall be paid plus a turn on charge of \$10.00

Chapter 4 - Airport

2.111 Unauthorized Training Schools. It shall be unlawful for any person, firm or corporation to offer or provide, or hire at the Baldwin Village Airport any training, instruction or teaching for aircraft flight, ground school or aircraft instruments except in accordance with a written agreement approved by the Baldwin Airport manager. Such agreement, if any, shall be first approved by the Baldwin Village Council.

Chapter 5 – Building Sewer Maintenance

2.255 Building Sewer Maintenance. The costs of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. Such owner shall make application for permit to perform such work to the Village. Such costs include, but are not limited to, the installation of a shutoff valve on the building sewer if the property owner has a history of three or more consecutive months of nonpayment of its sewer bill. The text of this provision is intended to clarify existing law under the prior version of this Section, as adopted under Village of Baldwin Ordinance No. 9110.

TITLE III - PARKS AND PUBLIC GROUNDS.

Chapter 1- Parks

- 3.1 Park Designated. The parks known as Hollister Park and Baldwin Park are hereby designated as Village Parks. They shall be under the management and control of the Village Council. No use shall be made of the said parks which will interfere with the reasonable use thereof by the public for recreational purposes. The Village Council shall have exclusive control and management of all rental and leasing contracts.
- 3.2 Protection of Park Property. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any buildings, tables, benches, fireplace, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the Village Council.
- 3.3 Refuse and Trash Disposal. No person shall dump, deposit, or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, garbage or other trash of any nature in public park, except in proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- 3.4 Traffic Regulations. No person shall fail to comply with all provisions of the State Motor Vehicle Code and all provisions of this person shall drive or park a motor vehicle on any park area except roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Village Council.
- 3.5 Loitering and Disorderly Conduct Prohibited. No person shall sleep or protractedly lounge on seats or benches or other park areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior which involves a breach of the public peace.
- 3.6 Ball Games. No baseball, football or softball throwing or other violent or rough exercise or play shall be engaged in, in any public park or other public place, except in areas designated therefor by the Village Council.
- 3.7 Additional Rules. The Village Council is hereby empowered to make such rules and regulations not in conflict herewith pertaining to conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and safety, health morals and welfare of the public, and no person shall fail to comply with such rules and regulations.

Chapter 2- Trees

- 3.11 Definitions. The following definitions shall apply in the interpretation of this Chapter.

(1) "Street" shall mean all of the land dying between property lines on either side of all streets,

highways and boulevards in the Village.

(2) "Prohibited Species" shall mean the species of poplar, willow and box elder.

(3) "Superintendent" shall mean Street Administrator.

- 3.12 Permits for Tree Planting, Care, Removal. The Superintendent shall have the control over all trees located within the street right-of-way and parks in the Village and the planting, care, removal thereof, subject to the regulations contained in this Chapter. The owner of land abutting on any street may, upon obtaining prior written permission of the Superintendent, prune, spray, plant or remove trees or shrubs in that part of the street abutting his/her land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree or shrub in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject.
- 3.13 Removal of Dead, Diseased and Prohibited Trees. All dead trees and trees affected with any fatal or communicable disease, shall be removed by the Superintendent and he/she may remove any tree of a prohibited species. The superintendent is authorized to remove any tree growing within any street, park or public place when such tree interferes with fire hydrants, sewer and water mains, visibility or street intersections, traffic control devices or construction within streets right-of way.
- 3.14 Tree Planting Regulations. No trees of any prohibited species shall be planted in any street or park, nor shall any tree be planted on any private property within fifteen (15) feet of any street or sidewalk right-of-way or any sewer or sewer extension. Shade trees planted in any street right-of-way shall be spaced not less than forty (40) feet apart. The owner of a signal lot may, in order to provide shade or ornamental tree in front of his lot, secure permission to plant a tree closer than forty (40) feet from an existing tree, but in no case shall such planting be within thirty (30) feet of any existing tree, within the right-of-way.
- 3.15 Private Trees-Diseases and Infestations. When the Superintendent shall discover that any tree growing on private property within the Village is afflicted with any dangerous insect infestation or infectious tree disease, he/she shall forthwith serve a written notice upon the owner or his/her agent, or the occupant of the property, describing the tree, its location and the nature of the infestation or tree disease and ordering the owner, agent or occupant to take such measures as may be reasonably necessary to cure such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. Such order may require the pruning, spraying or destruction of trees as may be reasonably necessary. Every such notice shall be complied with within five (5) days after service thereof, upon the owner, agent or occupant of the property on which afflicted tree is located, or within such additional time as may be stipulated in such notice.
- 3.16 Appeal. In case the owner, agent or occupant of the property shall feel himself/herself aggrieved by an order of the Superintendent requiring the treatment or destruction of any tree, he/she may within forty-eight (48) hours make an appeal to the Village Council by communication filed with the Village Clerk. The Council shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter under such expert advice as may be necessary.

- 3.17 Private Trees- Owners Failure to Comply. In case the owner, agent or occupant of the property refuses to carry out the order of the Superintendent within the time limited, or in cause of an appeal, with five (5) days after the Council shall have affirmed such order, the Superintendent shall carry out the pruning, spraying or destruction of the trees as deemed necessary by him and shall bill the owner, agent or occupant of the property for the cost thereof. In case the owner of such property shall fail to pay such bill within thirty (30) days after the same has been rendered, the Superintendent shall report the same to the Village Council for collection as a single lot assessment against said property shall consent thereto and pay the reasonable cost thereof, cause trees growing on private property shall consent thereto and pay the reasonable cost thereof, cause trees growing on private property to be sprays with he deems the same necessary.
- 3.18 Private Trees-Inspection. The Superintendent and his/her assistants and employees shall have authority to enter upon private premises for the purpose of examining any trees, shrubs, plants or vines for the presence of destructive insects or plant diseases.

TITLE IV - STREETS AND SIDEWALKS

Chapter I - Street Openings & Obstructions

4.1 Definitions. Unless the context specifically indicated otherwise, the following definitions shall apply in the interpretation of this Chapter:

(1) "Street" shall mean all of the land laying between property lines on either side of all streets, alleys and boulevards in the Village, and includes lawn extensions and sidewalks and the area reserved therefore where the same are not constructed.

(2) "Superintendent" shall mean the Street Administrator.

4.2 Damage and Obstruction Prohibited. No person shall make any excavation in, or cause any damage to any street in the Village, except under the conditions and in the manner permitted in this Chapter. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this Chapter, but this provision shall not be deemed to prohibit such temporary obstructions as many incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

4.3 Permits and Bonds. Where permits are authorized in this Chapter, they shall be obtained upon application to the Superintendent, upon such forms as he/she shall prescribe, and there shall be a charge of ten (\$10.00) dollars for each such permit. Such permit shall be revocable by the Superintendent or his/her duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this Chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the Village in connection therewith, repair all damage done to the street surface and installations on, over or within such street including trees, and protect and save harmless the Village from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in less than the following amounts, except as otherwise specified in this Chapter:

(1) On account of injury to, or death of, any person in any one accident: \$300,000.00

(2) On account of any one accident resulting in injury to, or death of, more than one person: \$500,000.00

(3) On account of damage to property in any one accident: \$100,000.00

A duplicate copy of the original insurance policy shall be filed with the Village Clerk.

4.4 Street Openings. No person shall make any excavations or openings in or unfed any street without first obtaining a written permit from the Superintendent. No permit shall be granted until the application shall file a liability insurance policy as required by Section 4.3.

- 4.5 Emergency Openings. The Superintendent may, if the public safety requires immediate action, grant permission to make a necessary street opening in any emergency, provided that a permit shall be obtained on the following business day and the provisions of this Chapter shall be complied.
- 4.6 Backfilling. All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within twelve (12) inches of the surface. On main thoroughfares, this material shall contain one (1) sack of cement per yard of fill. The remaining portion shall be filled with road gravel as specified by the Superintendent.
- 4.7 Utility Poles. Utility poles may be placed in such streets as the Superintendent shall prescribe and shall be located thereon on accordance with the directions of the superintendent. Such poles shall be removed or relocated as the Superintendent shall from time to time direct.
- 4.8 Curb Cuts. No openings in or through any curb of any street shall be made without first obtaining a written permit from the Superintendent. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:
- (1) No single curb cut shall exceed twenty-five (25) feet nor be less than ten (10) feet.
 - (2) The minimum distance between any curb cut and a public crosswalk shall be five (5) feet.
 - (3) The minimum distance between any curb cut, except those serving residential property, shall be twenty-five (25) feet
 - (4) The maximum number of lineal feet of sidewalk driveway crossing permitted for any lot, parcel of land, business or enterprise, shall be forty-five (45%) percent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20%) percent of the lineal feet of street frontage in excess of two hundred (200) feet.
 - (5) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the Village.
 - (6) All construction shall be in accordance with plans and specifications approved by the Superintendent.
- 4.9 Sidewalk Obstructions. No person shall occupy any street with any materials or machinery incidental to the constructions demolition or repair any building adjacent to said street, or for any other purpose, without first obtaining a permit from the Superintendent. No permit shall be granted until the applicant shall file a liability insurance policy as required by Section 4.3.
- 4.10 Pedestrian Passage. At least five (5) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that such free passageway is impractical, a temporary plank sidewalk with substantial railing or sidewalk shelter shall be provided around such obstruction.
- 4.11 Safeguards. All openings, evacuations and obstructions shall be properly and substantially

barricaded and railed off, and at night shall be provided with red or amber warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three (3) feet apart, and parallel to the flow of traffic not over fifteen (15) feet apart.

- 4.12 Shoring Excavating. All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workers and to prevent cave-ins or washouts which would tend to injure any thoroughfare or sub-surface structure of the streets.
- 4.13 Housemoving. No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than fourteen (14) feet, into, across or along any street, alley or other public place in the Village without first obtaining a permit from the Superintendent. Such permit shall specify the route to be used in such movement and no person shall engage in such movement and no person shall engage in such movement along a route other than that specified in the permit. Not housemoving permit shall be granted until the applicant shall be granted until the applicant post a cash deposit in the amount of one Hundred and 00/100 (\$100.00) dollars and file liability insurance policy as required by Section 4.3.
- 4.14 Removal of Encroachment. Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting land owner when made or permitting by him/her or suffered to remain by him/her, otherwise in accordance with the terms and conditions of this Chapter.
- 4.15 Temporary Street Closings. The Superintendent shall have authority to temporarily close and street, or portion thereof, when he/she shall deem such street to be unsafe or temporality unsuitable for use for any reason. He/she shall cause suitable barriers and signs to be erected on said street, indicated that the same closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over said street except as the same may be necessary to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this Section without authority from the Superintendent.

Chapter 2- Sidewalks

- 4.41 Definitions. The following definitions shall apply in the interpretation of this Chapter.
- (1) "Sidewalk" shall mean the portion of the street right of way designed for pedestrian travel.
 - (2) "Superintendent" shall mean the Street Administrator.
- 4.42 Specifications and Permits. No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established for such sidewalk, nor without first obtaining a written permit from the Superintendent except that sidewalk repairs of less than fifty (50) of square feet of sidewalk may be made without a permit.
- 4.43 Sidewalk Specifications. Sidewalks shall not be less than four (4) inches in thickness and expansion paper shall be place in joints. All concrete used in sidewalk construction shall, twenty-eight (28) days after placement, be capable of resisting a pressure of twenty-five (2,500) pounds

per square inch without failure.

- 4.44 Permit Revocation. The Superintendent may issue a stop order to any permittee holding a permit issued under the terms of this Chapter for failure to comply with this chapter or the rules, regulations, plans and specifications established for the construction rebuilding or repair of any sidewalk, and the issuance of such stop order shall be deemed a suspension of such permit. Such stop order shall be effective until the next regular meeting of the Village Council, and if confirmed by the Council, and its next regular meeting, such stop order shall be permanent, shall constitute a revocation of the permit.
- 4.45 Approval of Specifications. The line, grade, slope, and width of sidewalks not in conflict with this Chapter shall be established by the Superintendent.
- 4.46 Sidewalk Maintenance. No person shall permit by sidewalk within the Village which adjoins property owned by him/her to fall into a state of disrepair or to be unsafe.
- 4.47 Sidewalk Repair. Whenever the Superintendent shall determine that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon said sidewalk to such determination which notice shall be given in accordance with Chapter 1 of this Code. Thereafter, it shall be in the duty of the owners place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven (7) days, within which such work shall be commenced and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the time limited therefor, or in a manner otherwise than in accordance repaired. The cost of repairs hereunder shall be charged against the premises with said sidewalk adjoins.
- 4.48 Sidewalks to be Cleared. The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall be cleared all ice and snow from required. When any snow shall fall or drift upon any sidewalks during the nighttime, such snow shall be cleared from the sidewalks by 12:00 noon. Snow falling or accumulating during the day shall be cleared from sidewalks by 12:00 noon of the following day.
- 4.49 Failure to Clear. If any occupant or owner shall neglect or fail to clear ice or snow from sidewalk adjoining his/her premises with the time limited, shall otherwise ice or snow to accumulate on such sidewalk, he/she shall be guilty of a violation of this Chapter and in addition, the superintendent may cause the same to be cleared and the expense of the removal shall be collectable from said occupant or owner.

TITLE V - HEALTH REGULATIONS.

Chapter 1 - Nuisances

- 5.1 Nuisance Defined and Prohibited. Whatever annoys, injured or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous and street, highway, navigable lake or stream or in any way renders the public insecure in life or property in hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to; whatever is forbidden by any provisions of this Chapter. No person shall commit, create or maintain any nuisance.
- 5.7 Nuisances Per Se. The following acts services, apparatus and structures are hereby declared to be public nuisances.
- (1) The maintenance of any pond, pool of water or vessel holding stagnant water.
 - (2) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private place or premises where such throwing, placing, depositing or leaving in in the option of the Street Administrator dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin, by any persona or any animal or vegetable substance, dead animal, fish, shall, tin cans, bottles, glass or other rubbish, dirt, excrement, filth, unclean or nauseous water, or fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap grease or tallow, offal or any other offensive article or substance whatever.
 - (3) The pollution of any stream, lake or body of water by depositing or permitting to be deposited any refuse, or tallow, offal or any other offensive article or substance whatever.
 - (3) The pollution of any stream, lake or body of water by depositing or permitting to be deposited any refuse, foul, or nauseous liquids or water, creamery or industrial water, or forcing or discharging into any public or private sewer or drain any stream, vapor or gas.
 - (4) Any vehicle used for any immoral or illegal purpose.
 - (5) All absence pictures, books, pamphlets, magazines and newspapers.
 - (6) Betting, bookmarking and all apparatus used in such occupations.
 - (7) All gambling devices.
 - (8) All house kept for the purpose or prosecution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
 - (9) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of this Code, or statute of the State of Michigan.
 - (10) Any use if this public streets and/or sidewalks which causes.....

Large crowds to gather, obstructing the free use of the streets and/or sidewalks except by a

period issued by the Village Council.

- (11) All buildings, walls and other structures which have been damaged by fire, decay or otherwise and all excavations remaining unfilled or uncovered for a period ninety (90) days or longer, and which are so situated so as to endanger the safety of the public.
- (12) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract the public.
- (13) The owning, driving or moving upon any public street and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of their load or contents to blow, fall or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from it wheels, tires or other parts onto the street, alley, sidewalk or other public or private place, dirt, grease, sticky substances or foreign matter of any kind. Provided, however, that under circumstances determined by the Street Administrator to be in the public interest, he may grant persons temporary exemption from the provisions of this substance conditioned upon cleaning and correcting the violation condition at least once daily and execution of an agreement by such person to reimburse the Village for any extraordinary maintenance expenses incurred by the Village in connection with such violation.

Chapter 2 - NOISE CONTROL

- 5.17. General Prohibition. It shall be unlawful for any person to make, continue or cause to be made any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Village.
- 5.18. Specific Offences. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Chapter, but said enumeration shall not be deemed to be exclusive, namely:
 - (1) Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Village, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound.
 - (2) Radios, Phonographs, etc. The using, operating or permitting to be played, used or operated any radio, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock p.m. and seven o'clock a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- (3) Loudspeakers, Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio, television set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11 p.m. and 7 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (5) Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) Defect in Vehicle or Load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (7) Construction or Repairing of Buildings. On erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7 a.m. and 9 p.m. on weekdays, except in case of urgent necessity with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 p.m. and 7 a.m., upon application being made at time the permit for the work is awarded or during the progress of the work.
- (8) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

5.19. Exceptions. None of the terms or prohibitions of 5.17 and 5.18 shall apply to or be enforced against.

- (1) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) Highway Maintenance and Construction. Excavations or repairs of bridges, streets, or highways by or on behalf of the Village, County or the State of Michigan, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

5.21 Fireworks for the purpose of regulating the hours and days for igniting, discharging or using consumer fireworks and to provide penalties for violations as follows:

(a) AUTHORITY.

This Ordinance is hereby adopted pursuant to authority conferred upon local units of government by MCL 28.457.

(b) DEFINITIONS.

- 1) "Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.1, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.
- 2) "Low-impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

(c) IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS.

Consumer fireworks shall not be ignited, discharged or used in the Village of Baldwin except on the following dates and times:

- 1) December 31 from 11:00 a.m. until January 1 until 1:00 a.m.
- 2) The Saturday and Sunday immediately preceding Memorial Day (allowed only from 11:00 a.m. to 11:45 p.m. on both days).
- 3) From June 29 through July 4 (allowed only from 11:00 a.m. to 11:45 p.m. on each day).
- 4) July 5 from 11:00 a.m. to 11:45 p.m. if July 5 falls on a Friday or Saturday.
- 5) The Saturday and Sunday immediately preceding Labor Day (allowed only from 11:00 a.m. to 11:45 p.m. on both days).

A person who violates this subsection shall be responsible for a municipal civil infraction, punishable by a fine of \$1,000. Five hundred dollars of the fine collected under this section of the ordinance shall be remitted to the Lake County Sheriff Department.

(d) OTHER VIOLATIONS.

- 1) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. "Property of another person" includes hotel and motel property, apartment property, and condominium property, where an owner, management company, or association has or retains authority and control over the use of the property or common areas. A person who violates this subsection is responsible for a municipal civil infraction, punishable by a fine of up to \$1,000, as provided by the Act.
- 2) A person who ignites, discharges, or uses consumer fireworks or low- impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and controlled substance, is guilty of a state civil infraction, punishable by a fine of up to \$1,000; or if the violation caused damage to the property of another person, guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000, or both.

- 3) A person who owns or is in charge of property who knowingly allows consumer fireworks to be ignited, discharged or used in violation of this subsection shall be responsible for a municipal civil infraction, punishable by a fine of \$1,000.
- 4) Notwithstanding the provisions of subparagraph (c) of this section, if the environmental concerns based on the Department of Natural Resources Fire Division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Department of Natural Resources Fire Division criteria are elevated to very high for 72 consecutive hours, the Fire Chief of the Webber Township Fire Department, in consultation with the Department of Natural Resources, has the authority to enforce a no burning restriction that includes a ban on the ignition, discharge and use of consumer fireworks within the Village. If a no burning restriction is instituted under this subsection, the Fire Chief shall ensure that adequate notice of the restriction is provided to the public. Not more than 24 hours after the fire condition is downgraded from extreme or very high fire conditions, the Fire Chief shall lift the restriction and inform the public that the restriction has been lifted in the same manner that the restriction was announced or made known to the public. A person who violates such a ban shall be responsible for a municipal civil instruction, punishable by a fine of \$1,000.

Chapter 3 - Weed Control

- 5.51. Weed Growth Prohibited. No person occupying any premises and no person owning any unoccupied premises shall permit or maintain on any such premises any growth on noxious weeds; not any growth of grass or other rank vegetation to a greater height than sixteen (16) inches of the average; nor any accumulation of dead weed, grass or brush. "Noxious weeds" shall include Canada thistle (circium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard and Indian mustard), species of Brassica or Sinapiso, wild carrot (Daucus carota), bindweed (Convolvutus arvensis), perennial sowthistle (Sonchus arvensis), horary alyssum (Berteroa incana), ragweed (ambrosia elatior 1.) poison ivy (rhus toxicodendron), and poison sumac (toxicodendron vernix).
- 5.52. Duty of Occupant or Owner. It shall be the duty of the occupant of every premises and the owner of the unoccupied premises within the Village, to cut and remove or destroy by lawful means all such noxious weeds and grass, as often as may be necessary to comply with the provisions of section 5.51.
- 5.53. When Village to do Work. If the provisions of section 5.51 and 5.52 are not complied with, the Village Council shall notify the occupant, or owner of unoccupied premises, to comply with the provisions of said sections within a time to be specified in said notice which notice shall be given in accordance with Chapter 1 of the Code. Said notice shall require compliance with this Chapter within five (5) days after service of such notice, and if such notice is not complied with within the time limited, the Council shall cause such weeds, grass or other vegetation to be removed or destroyed and the actual cost of such cutting, removal or destruction including supervision and overhead costs shall be inline against the premises and collected in the manner prescribed in Act 359 of the Public Acts of 1941, as amended. The Street Administrator shall be Commissioner of noxious weeds of the Village and shall serve as such without additional compensation.
- 5.54. Exemption. Exempted from the provisions of this Chapter are flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exception under the term of this section cannot be

claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.

Chapter 4 - Open Storage of Junked Auto

5.71. Short Title. This ordinance shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance".

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

(1) "Village" is the Village of Baldwin.

(2) "Motor Vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include but not be limited to automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and snowmobiles.

(3) "Junked Motor Vehicles" is any motor vehicles, as defined by subsection 2 of Section 5.72, the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

(4) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(5) "Private Property" shall mean any real property within the Village which is privately owned and which is not public property, as defined in this Section.

(6) "Public Property" shall mean any street or highway which shall include the entire width between the boundary lines and shall also mean any other publicly owned property or facility.

5.73. Storing, Parking or Leaving Dismantled or Other Such Motor Vehicle Prohibited: and Declared Nuisance: Exceptions. No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in a dismantled condition whether attended or not, upon any public or private property within the Village for a period of time in excess of seventy-two (72) hours. The presence of any abandoned, wrecked, dismantled vehicle or parts thereof, on private or public property is hereby declared a public nuisance. This section shall not apply to any vehicle enclosed within a building on private property, or any vehicle retained by the owner for antique collection purposes.

5.74. Notice to Remove. Whenever it comes to the attention of the Village Police that any nuisance as defined in Section 5.73 of this ordinance exists in the Village of Baldwin, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requiring its removal in the time specified in this Ordinance.

- 5.75. Responsibility of Removal. Upon property notice, the owner of the abandoned, wrecked, dismantled or inoperative vehicle and the owner or occupant of the private property of which the same is located, either or all of them, shall be responsible for its removal.
- 5.76. Notice Procedure. The Village Marshall of the Village shall give notice of removal to the owner or occupant of the private property where it is located, at least seven (7) days before the time of compliance. It shall constitute sufficient notice, when a copy of the same is posted in a conspicuous place upon the property on which the vehicle is located and duplicate copies are sent by registered mail to the owner or occupant of the private property at his/her last known address.
- 5.77. Content of Notice. A violation of any of the provisions of this ordinance is a municipal civil infraction enforceable pursuant to the Municipal Civil Infraction Ordinance of the Village of Baldwin.
- 5.78. Request for Hearing. The persons to whom the notices are directed, or their duly authorized agents may file a written request for hearing before the Village Council of the Village of Baldwin within the seven (7) day period of compliance prescribed in Section 5.6 for the purpose of the defending the charges by the Village.
- 5.79. Procedure for Hearing. The hearing shall be held as soon as possible after the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least seven (7) days in advance thereof. At any such hearing the Village and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.
- 5.80. Removal of Motor Vehicle from Property. If the violation described in the notice has not been remedied within the seven (7) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Village Council or its designee, the Village Marshall or his designee shall have the right to take possession of the junked motor vehicle and remove it from the premises. It shall be unlawful for any person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this ordinance.
- 5.81. Notice of Removal. Within forty-eight (48) hours of the removal of such vehicle, the Village Marshall shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles have been impounded and stored for violation of this ordinance. The notice shall give the location of where the vehicle or vehicles are stored and the costs incurred by the Village for removal.
- 5.82. Disposition of Vehicles. Upon removing a vehicle under the provisions of Section 5.10, the Village shall after ten (10) days cause it to be appraised. If the vehicle is appraised a \$75.00 or less, the Village Marshall shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. The Village Marshall, after complying with the above, may summarily dispose of the vehicle and

execute a certificate of sale. If the vehicle is appraised at over \$75.00, the Village Marshall shall give a notice of public sale not less than thirty (30) days before the date of the proposed sale.

5.83. Content of Public Sale Notice. The notice of sale shall state:

- (1) The Sale is of abandoned property in the possession of the Village.
- (2) A description of the vehicle, including make, model, license numbers and any other information which will accurately identify the vehicle.
- (3) The terms of the sale.
- (4) The date, time and place of the sale.

5.84. Public Sale. The vehicle shall be sold to the highest bidder and the best bidder. At the time of payment of the purchase price, the Village Marshall shall execute a certificate of sale in duplicate, the original of which is to be given to the purchaser and the copy thereof to be filed with the Clerk of the Village. Should the sale for any reason be invalid, the Village's liability shall be limited to the return of the purchase price.

5.85. Redemption of the Impounded Vehicles. The owner of any vehicle seized under the provisions of this ordinance may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Village Clerk of such sum as he or she may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, along with any storage fees plus attorney fees.

5.86. Liability of Owner or Occupant. Upon the impounding the owner or occupant of property on which the abandoned vehicles have been removed by the Village in order to pay the unrecovered expenses incurred by the Village in such removal, a lien shall be placed upon the property for the amount of each expense.

5.87. Penalty. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine or not more than \$100.00. Each act in violation of any of the provisions hereof shall be deemed separate offenses.

Chapter 5 - Eating & Drinking Establishments

5.91. Definitions. The following definitions shall apply in the interpretation of this Chapter.

- (1) "Restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens and other places in which food or drink is prepared for sale on the premises or elsewhere.
- (2) "Employees" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils or who is employed in a room in which food or drink is prepared or served.

- (3) "Utensils" shall include all kitchenware, tableware, glassware, cutlery, containers or other equipment with which food or drink comes in contact with during storage, preparation or serving.
- (4) "Health Officer" shall mean the person designated to act as Village Health Officer.
- (5) "Clerk" shall mean the Village Clerk.

5.93. Sanitation Requirements for Restaurants. All restaurants shall comply with all of the following items of sanitation:

- (1) Floors. The floors 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.
- (2) Walls and Ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All Walls and ceilings of rooms in which food or drink is prepared shall be finished in a light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth and washable surface.
- (3) Doors and Windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent the entrance of flies.
- (4) Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.
- (5) Ventilations. All rooms in which food or drink is stored or prepared or served or in which utensils are washed shall be well ventilated.
- (6) Toilet Facilities.
 - (a) Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees. Toilet rooms shall not open directly into any food processing room. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, well lighted and ventilated. Hand washing signs shall be posted in each toilet room used by employees.
 - (b) All toilet rooms shall be properly ventilated by exterior windows or mechanical means to the outside air.
 - (c) All toilet rooms and passageways leading to the same room shall be well lighted.
 - (d) All toilet rooms shall be kept clean. Sanitary toilet paper shall be provided.
 - (e) All establishments shall provide proper and adequate toilet facilities for patrons.
- (7) Lavatory facilities. Adequate and convenient had washing facilities shall be provided,

including hot and cold running water, soap and dispenser, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his/her hands.

- (8) Water Supply. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be from the Village Water System.
- (9) Construction of Utensils and Equipment. All multi-use utensils and all show and display cases or windows, counter, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair.
- (10) Cleaning and Bacterial Treatment of Utensils and Equipment. All equipment, including display cases or windows, counter, shelves, tables refrigerators, stoves, hoods and sinks shall be kept clean and free from dust, dirt, insects and other contaminating material. All cloths used by waiter, chefs and other employees shall be clean. Single-service containers shall be used only once. All multi-service eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloth, if used, shall be clean and shall be used for no other purpose. No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.
- (11) Storage and Handling of Utensils and Equipment. After bacterial treatment, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.
- (12) Disposal of Wastes. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.
- (13) Refrigeration. All readily perishable food and drink shall be kept at or below the level of refrigeration required by the Department of Health. Waste water from refrigeration equipment shall be properly disposed of.
- (14) Wholesomeness of Food and Drink. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream and other frozen desserts served shall be from approved sources. Milk and fluid products shall be served in the individual, original container in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service.

- (15) **Storage, Display and Serving Food.** All food and drink shall be stored, displayed and served as to be protected from dust, flies, vermin and pollution by rodent, unnecessary handling, droplet infection, overhead leakage and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used.
- (16) **Cleanliness of Employees.** All employees shall wear clean garments and shall keep their hands clean at all times while engaged in handling food, drink utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.
- (17) **Miscellaneous.** The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats and aprons shall be kept in containers provided for this purpose.
- 5.93. **Examination and Condemnation of Food.** Samples of food, drink, and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn and forbid the sale of, or cause to be removed or destroyed and food or drink which is unwholesome or adulterated.
- 5.94. **Licenses.** No person shall operate a restaurant in the Village who does not possess an unrevoked license of current issue. No such license shall be granted except upon certification of the Health Officer. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such license. This fee for such license shall be Twenty-five (\$25.00) dollars per year.
- 5.95. **Enforcement.** The Health Officer shall have the authority and duty to enforce this Chapter.
- 5.96. **Inspection.** At least once every six (6) months, or as often as necessary, the Health Officer shall inspect every restaurant located within the Village. The Health Officer shall have authority to enter any building or part thereof which is used, or which he/she has reason to believe is used for storage, preparation, sale, serving or distribution of food or drink for human consumption and to inspect the premises, furniture, equipment, dishes or utensils used therein, to determine whether or not the sanitary requirements of this Chapter are complied with.
- 5.97. **Violations.** If, on inspection, the Health Officer finds any violation of the requirements of this Chapter, he/she shall issue an order to the licensee or person in charge of the restaurant directing the correction of such violation within such reasonable time as he/she shall deem proper.
- 5.98. **Failure to Correct Violations.** If the Health Officer finds a continuation of the violations upon a second inspection after such reasonable time, he/she shall suspend the license of the restaurant until such violations have been corrected.
- 5.99. **Immediate Suspensions.** If the Health Officer finds unsanitary conditions in any restaurant such that it would be immediately dangerous to the health of the general public, he/she shall then give

a written notice to the licensee or the responsible representative in charge stating his/her reasons for closing the restaurant. Continuing to operate after receipt of such written notice shall constitute a violation of this Code.

5.100. Disease Control. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he/she shall notify the Health Officer immediately.

5.101. Procedure When Infection Suspected. When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the Health Officer is authorized to require any or all of the following measures:

- (1) The immediate exclusion of the employee from all restaurants;
- (2) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Health Officer;
- (3) Adequate medical examination of the employee and his/her associates, with such laboratory examination as may be indicated.

Chapter 6 - Dangerous Structures

6.1. Unlawful Conduct. It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in Section 6.2. A violation of this Chapter is a Municipal Civil Infraction.

6.2. Definition. As used in this Chapter, "dangerous building" means any building or structure which has any of the following defects or is in any of the following conditions:

- (1) Whenever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the Village.
- (2) Whenever any portion has been damaged by fire, wind, and flood or by any other cause in such a manner that the structural strength or stability is appreciable less than it was before such catastrophe and is less than the minimum requirements of the building code of the Village for a new building or similar structure, purpose or location.
- (3) Whenever any portion or member or appurtenance is likely to fall or become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (4) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by the building code of the Village.
- (5) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground

necessary for the support of such building or portion thereof, or for other reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fail or give way.

- (6) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it used.
- (7) Whenever the building or structure has been so damaged by fire, wind or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- (8) Whenever, a building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Village official or is likely to work injury to the health, safety or general welfare to those living within.
- (9) Whenever any building becomes vacant and/or dilapidated, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

6.3 Notice: Contents: Municipal Civil Infraction.

- (1) When the whole or part of any building or structure is found to be in a dangerous or unsafe condition, the authorized Village official shall issue a notice of the dangerous and unsafe condition.
- (2) Such notice shall be directed to each owner of, or party in interest in the building in whose name the property appears on the last local tax assessment records.
- (3) The notice shall specify the actions necessary to cure the defect and the time to take corrective action.
- (4) Failure to restore the structure to a safe condition within the specified time period, constitutes a violation of this ordinance enforceable pursuant to the Municipal Civil Infraction Ordinance of the Village of Baldwin.

6.4. Penalties.

- (1) In addition to the penalties provided pursuant to the Municipal Civil Infraction Ordinance, if the owner, agent, or lessee fails to comply with a court order to demolish or otherwise make safe a building or structure, the Village may take the necessary corrective action.
- (2) If it is necessary for the Village to demolish or make the building safe, the cost of doing so shall be a lien against the real property and shall be reported to the Village assessor who shall assess the cost against the property on which the building or structure is located.

- (3) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such costs by first class mail at the address shown on the records. If he/she fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village.

TITLE VI.

Chapter 1 - Licenses

- 7.1. License Required. 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 provision of this Code without first obtaining a license from the Village in the manner provided for in this Chapter. Any person duly licensed on the effective date of this Code shall be deemed licensed hereunder for the balance of the current license year.
- 7.2. State License Businesses. The fact that a license or permit has been granted to any person by the State of Michigan to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the Village if such license or permit is required by this Code.
- 7.3. License Applications. Unless otherwise provided in this Code, every person required to obtain a license from the Village to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for said license to the Village Clerk upon forms provided by the Clerk and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such license.
- 7.4. License Year. The license year shall begin on January 1st of each year and shall terminate at midnight on December 31st of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License applications for license renewals shall be accepted and licenses issued for a period of fifteen (15) days prior to the annual expiration date. In all cases where the provisions of this Code permit the issuance of licenses for a period of less than one (1) year, the effective date of such license shall commence with the date of issuance thereof.
- 7.5. Where Certification Required. No license shall be granted where the certification of any officer of the Village is required prior to the issuance thereof until such certification is made.
- 7.7. Village Marshal's Certificate. In all cases where the certification of the Village Marshal is required prior to the issuance of any license by the Village Clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.
- 7.8. Late Renewals. All fees for the renewal of any license which are not paid at the time said fees shall be due, shall be paid as "late fees" with an additional twenty-five (25%) percent of the license fee required for such license for the first fifteen (15) days that such license fee remains unpaid, and thereafter the license fee shall be that required for such license, plus fifty (50%) percent of such fee.
- 7.9. Rights to Issuance. If the application for any license is approved by the proper officers of the Village, as provided in this Code, said license shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.
- 7.10. Suspension or Revocation. Any license issued by the Village may be suspended by the Village President for cause, and any permit issued by the Village may be suspended or revoked by the

issuing authority for cause. The Licensee shall have the right to a hearing before the Village Council on any such action of the Village President, provided a written request therefor is filed with the Village Clerk within five (5) days after receipt of said notice of such suspension. The Council may confirm such suspension or revoke or reinstate any such license. The action taken by the Council shall be final except for review by any court having jurisdiction. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

- 7.11. "Cause" Defined. The term "cause" as used in this Chapter shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the provisions of the Code, or upon any premises or facilities used in connection therewith, which act, omission or condition is:
- (1) Contrary to the health, morals, safety or welfare of the public;
 - (2) Unlawful, irregular or fraudulent in nature;
 - (3) Unauthorized or beyond the scope of the license or permit granted, or
 - (4) Forbidden by the provisions of the Code or any duly established rule or regulation of the Village applicable to the trade, profession, business or privilege for which the license or permit has been granted.
- 7.12. License Renewal. Unless otherwise provided in this Code, an application for renewal of a license shall be considered in the same manner as an original application.
- 7.13. Exhibition of License. No licensee shall fail to carry any license issued in accordance with the provisions of the Chapter upon his/her person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted; except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, said license shall be exhibited at all times in some conspicuous place in such a place of business. Every licensee shall produce his/her license for examination when applying for a renewal thereof or when requested to do so by the Village Marshall or by any person representing the issuing authority.
- 7.14. Exhibition of Vehicle and Machine. No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this Code such tags or stickers as are furnished by the Village Clerk.
- 7.15. Displaying of Invalid License. No person shall display any expired license or any license for which a duplicate has been issued.
- 7.16. Transferability: Misuse. No license or permit issued under the provisions of this Code shall be transferable unless specifically authorized by the provisions of this Code. No licensee or permittee shall, unless specifically authorized by the provisions of this Code, transfer or attempt to transfer his/her license or permit to another nor shall he/she make any improper use of the same.
- 7.17. Misuse - Automatic Revocation. In addition to the general penalty provision for violation thereof,

any attempt by a licensee or permittee to transfer his/her license or permit to another, unless specifically authorized by the provisions of the Code, or to use the same improperly shall be void and result in the automatic revocation of such license or permit.

Chapter 2- Fees & Bond Required

7.18. Schedule Established. The fee required to be paid and the amount of any bond required to be posted to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of the Code shall be as hereinafter provided in this Chapter. No license shall be issued to any applicant unless he/she first pays to the Village Clerk the fee and posts a bond in the amount required for the type of license desired.

7.19. Fees for Licenses. Fees for licenses shall be as prescribed in the following section of this Chapter under the business, trade, occupation or privilege to be licensed. Bonds, where required, shall be in the amount listed beneath the license fee prescribed for such business.

7.20. License for:

Peddler

Per Year \$500.00

Per Day \$50.00

Solicitor

Per Year \$500.00

Per Day \$50.00

Traveling Show or Amusement \$50.00

7.30 Uninvited Entry Prohibited. The practice of going in and upon the premises of private residences in the Village of Baldwin, Michigan, by canvassers, solicitors, so-called agents, peddlers, hawkers, itinerant merchants and transient vendors, not having been requested or invited so to do by the owner or owners, occupant or occupants, of said private residences, for the purposes of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or pedaling or hawking the same, and/or for the purpose of displaying such goods, wares and merchandise and for the purpose of soliciting or procuring contributions or donations in exchange for or in connection with the distribution of goods, wares, merchandise or other things, having become persistent, frequent and common, being a great annoyance to such owners or occupants and to the public at large, as well as in many instances resulting in the defrauding of such owner or occupants and in some instances, various violations of the laws while upon such premises, and being in general injurious to the public welfare, is hereby declared to be a public nuisance, and is prohibited and punishable, as such public nuisance, as a violation of the Code.

- 7.31. Peddler Defined. The word "peddler" as used in this Chapter shall include any person traveling by foot, wagon, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person, who solicits orders and as a separate transaction makes deliveries to purchasers as part of scheme or design to evade the provision of this Chapter, shall be deemed a peddler. The word "peddler" shall include the words "hawker" and "huckster".
- 7.32. License Required. No person shall engage in the business of peddler without first obtaining a license therefor. No such license shall be granted except upon the certification of the Village Marshall.
- 7.33. Fixed Stand Prohibited. No peddler shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy. Any peddler using a vehicle parallel to and within twelve (12) inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present.
- 7.34. Prohibited Areas. No peddler, in the sale of goods, wares and merchandise, shall obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a sale nor remain, barter, sell, offer or expose for sale any goods, wares or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of such property. No peddler shall engage in peddling on any street, alley or public place after having been requested to desist by any officer of the Village or the Village Marshall because of congested or dangerous traffic conditions.
- 7.35. Curb Service Prohibited. No person shall operate or maintain any stand, vehicle, store or place of business on or near any highway in such a manner that the customers of or traders with such person occupy or congregate within the limits of any street, lane, highway or public place within the Village. No person shall be permitted to use the streets, alleys, lanes or public places of the Village for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting business, to stand with the limits of the streets, highways, alleys or public places of the Village.
- 7.36. Practices Prohibited. No peddler shall shout or cry out his goods or merchandise, not blow any horn, ring any bell or use any other similar device to attract the attention of the public.
- 7.37. Exempt Persons. The following shall be exempt from the licensing requirements of this Article but shall be subject to the other provisions hereof: Any person when engaged in peddling on foot under the direct supervision of any school or recognized charitable organization or religious organization.
- 7.38. Solicitor Defined. The word "solicitor" as used in this chapter shall include any individual, whether a resident of the Village or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street,

taking or attempting to take orders for sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future deliver, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he/she is collecting advance payment on such sales or not, and such definition shall include any person who, for himself/herself, or for another person, hires, leases, uses or occupies any place in the Village for the sole purpose of exhibiting samples and taking orders for future deliver. The work "solicitor" shall include the work "canvasser".

- 7.39. License Required. No person shall engage in the business of solicitor within the Village without first obtaining a license therefor. No such license shall be granted except upon certification of the Village Marshall.
- 7.40. License Application. The license application filed under the provisions of this Code shall furnish the following information:
- (1) Name and Description of the applicant.
 - (2) Permanent home address and full local address of the applicant.
 - (3) A brief description of the nature of the business and the goods to be sold.
 - (4) If employed, the name and address of the employer, together with the credentials establishing the exact relationship.
 - (5) The length of time for which the right to do business is desired.
 - (6) The place where the goods or property proposed to be sold, or orders taken from the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.
 - (7) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches (2" by 2") showing the head and shoulders of the applicant in a clear and distinguishing manner.
 - (8) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Lake, State of Michigan who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as well enable an investigator to properly evaluate such character and business relationship.
 - (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- 7.44. License Fees. The fees for a solicitor's license shall be as specified in this Code. No fee for a solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce. In

any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he/she may apply to the Village Council for an adjustment of the fees so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit, and supporting testimony, set forth his/her method of business and gross volume or estimated gross volume of business and such other information as the Village Council may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Village Council shall conduct an investigation, comparing applicant's business with other businesses of the like nature and shall make findings of fact from which it shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and non-discriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Village Council shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed by this Code. Should the Village Council determine the gross sales measure of the fee to be the fair basis, it may require the applicant to submit, either at the time of termination of applicant's business in the Village or at the end of each three month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in this Code.

- 7.45. Exempt Persons. Persons engaged in soliciting on foot in the neighborhood under the direct supervision of any school or recognized charitable or religious organization shall be exempt from the requirements of this Article.

Chapter 4 - Transient Merchants

- 7.50. License Required. No person shall engage in a temporary business of selling goods, wares or merchandise at retail within the Village from any lot, premises, building, room or structure, including railroad cars, without first obtaining a license therefor. No such license shall be granted except upon certification of the Village Marshall and Village Treasurer.
- 7.51. Temporary Business Defined. Every person engaged in the retail sale and delivery of goods, wares or merchandise shall be deemed to be engaged in carrying on a temporary business unless his/her goods, wares or merchandise shall have been assessed for taxation in the Village during the current year.
- 7.52. Indebtedness to the Village. No license shall be granted to any person owing any personal property taxes or other indebtedness to the Village, or who contemplates using any personal property on which personal property taxes are owing in the operation of such business.
- 7.53. Benefit Sales. Any person selling or offering for sale any goods, wares or merchandise on behalf of and solely for the benefit of any recognized charitable or religious purpose shall, not be required

to have a license.

- 7.54. Exemption. Persons conducting a business licensed under another provision of this Code shall be exempt from the requirements of this Chapter.

Chapter 5 - Second Hand Junk Dealers

- 7.60. License Required. No person shall engage in the business of dealer in second hand goods or junk dealer without first obtaining a license therefor. Such license shall be issued by the Village President in accordance with the provisions of Act 350 of the Public Acts of 1917, as amended (MCL, Sec. 445.401 et seq.). The fee for such licenses shall be as specified in this Code.

- 7.61. Statutes Applicable. Except as otherwise provided in this Chapter, the provisions of Act 350 of the Public Acts of 1918, the amended, and the provisions of Act 231 of the Public Acts of 1945, as amended (MCL, Sec. 445.471 et seq.) shall apply to licensees under this Chapter. Any licensee who shall violate any provision of said statutes shall be guilty of a violation of this Code and punished as prescribed in Chapter 1 hereof.

- 7.62. Fence. Every licensee hereunder who stores any junk other than in a completely enclosed building shall construct and maintain a fence completely enclosing the yard or area where such junk, waster material, second hand goods or automobiles are stored. Such fence shall be a minimum of eight (8) feet in height; shall be constructed of wood or metal; posts shall be a maximum of ten (10) feet in centers and bottom and top stringer equivalent to at least a two by four (2" by 4") shall be utilized. Posts shall be of wood or metal and wooden posts shall be treated with wood preservatives where they come in contact with the ground. Sheeting shall be of sufficient strength to provide a strong, durable surface to the fence and shall be completely solid so as to allow no view of the contents inside.

The fence shall be completely painted to provide a neat, sanitary appearance after erection. No signs or lettering shall be allowed on the fence, except by the approval of the Building Inspector. No sign shall be posted on the fence.

A sketch of the fence showing the size and type of material to be used and details of construction shall be submitted for the Building Inspector prior to the construction.

Chapter 6 - Gasoline Stations

- 7.71. Permit Required. No gasoline station shall be constructed in the Village unless and until an application for a permit to do so shall be filed with the Village Clerk and the Village Council authorizes the issuance of a permit therefor. The fee for such permit shall be as specified in this Code.

- 7.72. Applications. Applications for the construction of a gasoline station shall contain the following: An estimate of the cost of the building to be erected; an estimate of the cost of the equipment, tank, pumps and other incidental equipment to be installed upon the premises; a legal description of the lands upon which the same is to be constructed; the nature of the materials to be used in the

construction of the building; the shortest distance from the lot line upon which said station is to be constructed to the nearest lot line of each church, hospital, public or private school, public park or auditorium if there be any within five hundred (500) feet of the same. A blue print containing the specification, lot lines, dimensions of the building and lot, and the character of the adjoining properties shall be attached to such application and be considered a part thereof.

- 7.73. Standards for Permit Grant. No permit shall be granted for the construction of a gasoline station in any location where, by reason of traffic conditions, public use of adjoining property, or fire or explosion hazard, a filling station would imperil the public safety, public health or general welfare of the inhabitants of the Village.
- 7.74. Presentation to Council. The Village Clerk shall present such application to the Village Council at the next regular or special meeting after the same shall have been presented the her/him, and the council shall have a reasonable time thereafter within which to investigate the conditions under which such gasoline station is proposed to be constructed and to fully consider the same.
- 7.73. Existing Stations. This chapter shall not apply to gasoline stations in existence on the effective date of this Code unless structural alterations are thereafter made.

TITLE VII. - BUILDING REGULATIONS.

Chapter 1 - General Building Regulations

8.1 State Code Enforcement. The BOCA Codes shall be enforced within the Village of Baldwin.

TITLE VIII. - POLICE REGULATIONS.

Chapter 1 - Animals

- 9.1. Cruelty to Animals. No person shall cruelly treat or abuse any animal or bird.
- 9.2. Poisoning Animals. No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers or is likely to endanger any animal or bird.
- 9.3. Birds and Birds' Nests. No person, except a police officer acting in his/her official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest of the contents thereof.
- 9.4. Goats, Cattle, Horses and Swine Prohibited. It shall be unlawful for any person to keep live goats, cattle, horses or swine on any premises within the Village except in slaughterhouses or yards adjacent thereto.
- 9.5. Registration. Whenever any person claims the right to keep animals or fowl other than household pets, or has three (3) or more dogs and/or three (3) or more cats, he/she shall prior thereto secure a kennel license from Lake County Animal Control.

DOGS

- 9.11. Presumption of Ownership. Any person who shall permit any dog to remain about any premises owned or occupied by him/her for a period of five (5) days shall be deemed the owner of such dog for the purpose of this Chapter.
- 9.12. Restrictions. No person owning, possessing or having charge of any dog, four (4) months of age or older, shall permit such dog:
 - (1) To be at large unless in the custody of some person.
 - (2) If vicious, to be at large any time unless securely muzzled and led by a leash, and any dog shall be deemed vicious which has bitten a person or domestic animal without molestation, or which, by its actions, gives indication that it is liable to bite any person or domestic animal.
 - (3) To be at large at any time unless vaccinated against rabies within the past year and unless such dog shall have a tag on its collar showing such current vaccination: provided, this subsection shall apply only to dogs six (6) months of age or older.
 - (4) If a female dog, to be at large when said dog is in heat.
 - (5) To be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping or howling, or by reason of damaging or trespassing on the property of others.
- 9.13. Seizure and Impounding of Dogs. Any dog found at large in the Village which is doing any of the acts enumerated in, or at large under circumstances prohibited by section 9.12, or which is suspected of

having rabies or of having bitten any person or animal, may be seized and impounded by the Village Marshall.

- 9.14. Dogs - Rabies Prevention. Any person who shall have in his/her possession a dog which has contracted rabies or which has been subjected to the same or which is suspected of having rabies or which has bitten any person, shall upon demand of any police officer or Health Officer, produce and surrender up such dog to be held for observation as hereinafter provided.
- 9.15. Exposure to Rabies- Notice. It shall be the duty of the person owning or harboring a dog which has been attacked or bitten by another dog or another animal showing the symptoms of rabies, immediately to notify the Police Department of his/her possession of such dog.
- 9.16. Impounding and Release. Any dog impounded for observation for rabies shall be held until released by the Village Marshall or for rabies shall be held until released by the Village Marshall or otherwise disposed of. Any dog impounded for having bitten any person shall be held for not less than five (5) days and in case any complaint shall have been made before any court having jurisdiction of such cases shall be filed, whereby an order that said dog be killed or confined is sought, then such further time until such case is finally disposed of. All other dogs which may be held for not less than five (5) days and shall be released to their respective owners upon payment of such reasonable fee as the Village Council shall establish.
- 9.17. Notice to Owner. It shall be the duty of the Police Department to notify the owner of every dog which shall be impounded, if the owner of such dog can be ascertained, as soon as possible after said dog has been impounded.
- 9.18. Disposition of Dogs. After a dog has been kept for five (5) full days and has not been redeemed by his/her owner, any dog may be destroyed in a humane manner or any such dog may, in the discretion of the Village Marshall, be sold or given away to any person whom the Village Marshall believes will keep and care for said dog in a proper and humane manner.

Chapter 2 - Alcoholic Liquor

- 9.71. Consumption in Public. No alcoholic liquor shall be consumed on the public streets, parks or in any other public places, including any store or establishment doing business with the public not licensed to sell alcoholic liquor for consumption on the premises; nor shall anyone who owns, operates or controls any such public establishment or store permit the consumption of alcoholic liquor therein.
- 9.72. Liquor Sales. No licensee, by himself/herself, or another, shall sell, furnish, give or deliver any alcoholic liquor to any person:
- (1) Who is so intoxicated as not to be in reasonable control of all his/her faculties.
 - (2) On any day during the hours not permitted by State Law or the Liquor Control Commission of the State of Michigan.

9.73. Bars - Rules of Conduct. No licensee shall permit on licensed premises:

- (1) Spirits to be consumed if licensed to sell only beer or wine or both.
- (2) Any disorderly conduct or action which disturbs the peace and good order of the neighborhood.
- (3) Any resorting of thieves, prostitutes or other disorderly persons.
- (4) Any gambling, or the placing or using of any gambling apparatus or paraphernalia therein.
- (5) Any lewd, obscene or immoral exhibition or entertainment or other conduct likely to corrupt the public morals.

9.74. Sales to Minors. No person, either directly or indirectly, by himself/herself, clerk, agent, servant or employee, shall at any time sell, furnish, give or deliver any alcoholic liquor to any person unless such person shall have attained the age of twenty-one (21) years; provided, however, that nothing herein contained shall prohibit the sale of alcoholic liquor to a minor upon authority of and pursuant to a prescription of a duly licensed physician.

9.76. Purchase of Minors. No person under the age of twenty-one (21) years shall at any time purchase, offer or attempt to purchase, obtain, consume or bring into any premises within the Village for which a license has been issued to sell intoxicating liquor on the premises, any alcoholic liquor. Nor shall any person in order to procure the sale and furnishing of alcoholic liquor to any person under the age of twenty-one (21) years, make false representation as to the age of the person for who said alcoholic liquor is desired. Nor shall any person under the age of twenty-one (21) years furnish any false information regarding his or her age or make any false representations as to his or her age to any law enforcement officer or to any person in charge of or employed in a place of business where alcoholic liquor is sold, for the purpose of obtaining a sale of any alcoholic liquor to himself or herself; provided, however, that nothing herein contained shall prohibit the purchase of alcoholic liquor by a minor under the authority of and pursuant to a prescription of a duly licensed physician.

9.76. Possession by a Minor. No person under the age of twenty-one (21) years shall knowingly possess or transport any alcoholic liquor or knowingly possess, transport to have under his/her control any alcoholic liquor, unless said person is employed by a licensee of the Michigan Liquor Control Commission and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his/her control during regular working hours and in the course of his/her employment. This section shall not apply to alcoholic liquor possessed by a minor under the authority of and pursuant to a prescription of a duly licensed physician.

Chapter 3 - FIRE DEPARTMENT

9.91. The Fire Department shall be known as the Baldwin Fire Department.

9.92. The Fire Department shall consist of a Fire Chief; two Assistant Chiefs (known as First Assistant Chief and Second Assistant Chief); Captain; Secretary; Treasurer and 19 regular members, for a total force of 25 members.

- 9.93. The Chief and Secretary shall be appointed by the Village Council on or before the 1st day of May of each year. They shall hold office for the term of one year or until their successors are appointed.
- 9.94. The First and Second Assistant Chiefs and the Captain, Secretary and Treasurer shall be annually appointed by the Chief, and the Secretary shall furnish the Village Clerk with a roster of the full membership before the 1st day of May of each and every year.
- 9.95. Application for membership in the Fire Department shall be made to a Board of Review comprised of the Captain and three regular members of the Department. New members may be selected only by the Chief upon the recommendation of the Board of Review. Discipline or dismissal of a member will be upon recommendation of a Disciplinary Board consisting of the two Assistant Chiefs, Captain, Secretary and two regular members. Upon a full hearing, the Chief will be advised of the findings of the Disciplinary Board and will thereupon ordain the nature and extend of the reprimand, suspension or dismissal.
- 9.96. All members of the Fire Department must be certified by the Department of State Police Fire Fighter Training Council and will be expected to engage in recurrent training as determined by the Chief.
- 9.97. The Chief of the Fire Department shall have the supervision and direction of the Department, including but not limited to the following duties, to-wit:
- (a) The selection of the First Assistant Chief, Second Assistant Chief, Captain, Secretary and Treasurer. These five (5) shall, each in the order presented, represent a chain of command and shall assume command of the Department in the absence of the Chief and those above him.
 - (b) To examine and see to the care and maintenance of all engines, trucks and all other apparatus belonging to and used by the Department, and to advise the Village Council of the need for repairs, replacement or the acquisition of new equipment.
 - (c) To assure that all members of the Department are certified and are exposed to recurrent training and are kept abreast of the new techniques of firefighting and emergency live saving.
 - (d) To investigate the cause, origin and circumstances of fire and to work with state and local agencies regarding the implementation of fire safety, fire prevention and fire alarm systems. Also, to work cooperatively with all the governmental agencies regarding enforcement of pertinent laws and ordinances as they relate to fire safety.
 - (e) To see that an inventory be made of all the equipment of the Fire Department and file the same with the Village Clerk immediately after the passage of this Ordinance, and to file on each year on or before the 1st day of May of that year.
- 9.98. No tools or equipment of the Fire Department shall be taken from the building housing the Fire Department except in the authorized training exercises, for repairs, or in the case of a fire call.

9.99. Only authorized members of the Department may operate a fire truck, and the person who drives the truck is also to act as engineer for the operation of the pump engine and the truck apparatus.

9.100. All members of the Department shall be advised of the boundaries of the fire protection districts and the circumstances under which the Department will respond to calls in adjoining districts. Under no circumstances may all trucks and equipment be removed from the Baldwin vicinity so as not to be available for emergency use within the Village. Each member of the Department shall acquaint himself/herself with the road system and the prescribed routes to the various adjoining districts where fire protection may be offered.

TITLE IX - TRAFFIC.

Chapter 1 - Traffic

- 10.1. Code Adopted. The Uniform Traffic Code for Cities, Townships and Villages promulgated by the Commissioner of State Police together with the amendments thereto published respectively in accordance with the Public Act 62 of 1956, said Code and Amendments are hereby adopted by reference by the Village of Baldwin in Chapter IX of the Baldwin Village Code, as herein modified.
- 10.2. References in Code. Reference in the Uniform Traffic Code for Michigan Cities, Township and Villages to "governmental unit" shall mean the Village of Baldwin.
- 10.3. Copies to be Available. The Village Clerk having published the ordinance adopting said Uniform Traffic Code in the manner required by law and having published a supplementary notice setting forth the purpose of said Uniform Traffic Code and of the fact that complete copies of the Code are available at the Office of the Clerk for inspection by and distribution to the public at all times, shall maintain copies in accordance with such supplementary notice.
- 10.4. Changes in Code. The following sections and sub-sections of the Uniform Traffic Code for Cities, Townships and Villages are hereby amended or deleted as set forth and additional sections and sub-sections are added as indicated. Subsequent section numbers used in this Chapter shall refer to the like numbered section of the Uniform Traffic Code.
- 10.5. Current Regulations. All intersection stops and yield right-of-way requirements, regulation on stopping, standing or parking; one-way streets, roadways and alleys; crosswalks, restricted turns; through streets; play streets; public carrier stands; parking meter zones and spaces; weight restriction; no passing zones; speed limits and traffic control devices heretofore established and effective on the effective date of the Code shall be deemed established hereunder and shall remain effective until rescinded or modified ad herein provided.
- 10.6 Exhibition Driving. Exhibition driving shall be the driving of a motor vehicle in such an unusual manner or out of the usual flow of traffic, whether or not traffic is present, so as it is likely to attract the attention of the public, whether or not there is anyone present, or it shall consist of any two (2) or more of the following acts:
- (1) Rapid acceleration.
 - (2) Squealing, peeling or burning of tires.
 - (3) The swaying of the motor vehicle from side to side commonly referred to as "fishtailing".
 - (4) Racing or running the engine of the motor vehicle at high revolutions per minute combined with the engaging of gears causing excessive or unusual noise.
 - (5) Unnecessary and excessive changing of lanes.
 - (6) The emission of any unreasonable loud or raucous or disturbing and unnecessary noise from the

engine or exhaust system of any motor vehicle. No person shall engage in exhibition driving, as herein defined, within the Village.

Chapter 2 - Parking

10.2.2.1 Violation Notices. The Ordinance Enforcement Officer is authorized to issue citations for parking violations.

10.2.2 All Night Parking Prohibited. It shall be unlawful for the owner or operator of any motor vehicle to park such motor vehicle upon any of the streets within the Village between the hours of 12 midnight and 6:00 a.m., between the dates of November 15th and April 1st of each year hereafter.

10.2.3 Park Within Lines. Whenever parking stalls are indicated by appropriate lines, vehicles shall be parked within the lines, one vehicle in each stall.

10.2.4 Public Parking Lots. It shall be unlawful to park any vehicle or allow any vehicle to stand, in any place of travel area in any parking lot open to the general public where no parking is indicated. Further, in these same areas, the direction of vehicle travel shall be in accordance with directional arrows.

10.2.5 Parking Certain Vehicles.

- (1) It shall be unlawful for any firm, person or corporation to park on any street in the Village of Baldwin (excepting while loading or unloading in the normal course of business) any vehicle which:
 - (a) Exceeds eighty-five (85) inches in width overall according to manufacturer's specifications or in fact,
 - (b) Is carrying or is designed to or capable of carrying any gas, oil or petroleum products or other highly volatile substances in commercial quantities.
- (2) Vehicle, as used herein, shall include any truck, as such, or any trailer or device intended to be attached to or drawn by a truck or tractor.
- (3) Commercial quantities shall mean any quantity obviously in excess of normal private requirements

10.2.6 Parking in Sidewalk Right-of-Way Prohibited. It shall be unlawful to park any vehicle in such a way as to block the sidewalk and inhibit pedestrian traffic.

10.2.7 Penalty. A violation of this chapter is a municipal civil infraction punishable by a civil fine in the amount as provided in the Code or in a fee schedule adopted by Village Council.

TITLE X- MISCELLANEOUS.

Chapter 1 - Bicycles & Skateboards

11.1 Bicyclists Riding on Sidewalks.

- (1) When signs are erected on any sidewalk or street which prohibits the riding of bicycles and skateboards thereon by any person, no person shall disobey such signs.
- (2) Whenever any person is riding a bicycle or skateboard upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

11.2. Lights, Bells and Brakes.

- (1) Every bicycle when it is used at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.
- (2) No person shall operate a bicycle unless it is equipped with a bell or other signal device capable of giving a signal audible for a distance of at least on hundred (100) feet, except that such vehicle shall not be equipped with nor shall any person use upon such vehicle any siren or whistle.
- (3) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Chapter 2- PEDESTRAINS

12.1. Pedestrians Subject to Traffic-Control Signals.

- (1) Pedestrians shall be subject to traffic-control signals at intersections as provide for in Section 2 of this Chapter.
- (2) Pedestrians' right-of-way at crosswalks. Where traffic-control signals are not in place or operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

12.2. Crossing at Other Than Crosswalks. Every pedestrian crossing a roadway at any pint other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of- way to all vehicles upon the roadway.

12.3. Walk on Left Side of Roadway. Where sidewalks are provided, it shall be unlawful for pedestrians to walk upon the main traveled portion of the street or roadway. Where sidewalks are not

provided, pedestrians shall, when practicable, walk on the left side of the street or highway facing traffic which passes nearest.

- 12.4. Pedestrians Soliciting Rides or Business. No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.
- 12.5. White Canes. Any driver of a vehicle who approaches within ten (10) feet of a person wholly or partially blind, carrying a cane or walking stick which is white or white tipped with red, or being led by a guide dog wearing a harness and walking on either side of or slightly in front of said blind person, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person wholly or partially blind.

Chapter 3- SNOWMOBILES AND ORV

- 13.1. Compliance with State Law. No person may own or operate a snowmobile or ORV within the limits of the Village, except in compliance with Act No. 74 of the public acts of 1968, State of Michigan, as amended.
- 13.2. Operations Restricted. No person under sixteen years of age shall operate a snowmobile or ORV on any public street. It shall be lawful for any person sixteen years of age or older to operate a snowmobile or ORV on Village streets that are not designated herein as restricted against the operation of snowmobiles or ORVs for the purpose of gaining access to areas outside of the Village limits from his/her residence or returning to his/her residence provided the most direct route going to or from is used.
- 13.4. Rules of Operation.
- (1) Persons operating snowmobiles or ORVs on Village streets will obey all traffic control signs and traffic control devices.
 - (2) Snowmobiles or ORVs shall not be parked on the street at any time.
 - (3) No person shall operate a snowmobile or ORV:
 - (a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
 - (b) While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
 - (c) During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and a lighted tail light.
 - (d) Within the Village limits between the hours of 12:00 midnight to 7:00 a.m.
 - (e) On property other than his/her own without permission of the property owner or resident.
 - (f) Unless it is equipped with a muffler in good working order and in constant operation to

prevent excessive or unusual noise or annoying smoke.

(g) Other than as far to the right side of the roadway as possible.

(h) So as to pass or overtake a moving motor vehicle traveling the same direction.

13.5. Report Accidents. The operator of a snowmobile or ORV in or connected with an accident resulting in injuries to, or death of, any person, or property damage in an estimated amount of One Hundred (\$100.00) Dollars or more, or some person acting for him/her, or the owner of the snowmobile or ORV having knowledge of the accident shall immediately, by the quickest means of communications, notify the Police Department.

13.6. Definitions. In the interpretation of this Chapter, the following definitions shall apply:

- (1) "Operator" means any person who operates or is in actual physical control of a snowmobile or ORV.
- (2) "Operate" means to ride in or on, and to control the operation of a snowmobile or ORV.
- (3) "Snowmobile" or "ORV" means any motorized vehicle designed for travel primarily on snow or ice steered by wheel, skis or runners or "off road".