

**VILLAGE  
ORDINANCE  
CODE**

**BALDWIN  
MICHIGAN**

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## Title I - ADMINISTRATION

### Chapter 1 - Adoption, Contents & Interpretation (Amended 6/8/2015)

I 1.01 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.

I 1.02 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, guidelines 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 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 All ordinances of the of the general and permanent nature in effect on the effective date of this Code are hereby repealed expressly saving from repeal Village ordinances which are expressly continued in force by the provisions of this Code.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 the effective date of this Code.

I 1.03 Short Title. This ordinance shall be known and may be cited as the "Baldwin Village Code."

I 1.04 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:

"Village" shall mean the Village of Baldwin, Michigan.

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

"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.

"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.

"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.

I 1.05 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.

I 1.06 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 a form suitable for insertion in this Code. The Clerk shall distribute such copies to the officers 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.

I 1.07 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.

I 1.08 Headings. No provision of this Code shall be held invalid by reason of deficiency in any chapter or section heading.

I 1.09 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 of said officer shall mean and include such officer or his/her deputy or authorized subordinate.

I 1.10 Except as otherwise specifically provided or indicated by context, all words used in the Code indicating the present tense shall not be limited to the time of adoption of this Code but 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.

I 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.

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

By mailing said notice by registered or certified mail to such owner at his/her last known address, or

If the 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 given 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.

I 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.

I 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 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.

I 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

I 2.01 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

I 3.01 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.

I 3.02 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 market, 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 market orders and the bids submitted thereon, which records shall be available for public inspection. Any and all bids may be rejected by the Village Council.

I 3.03 Exceptions to Competitive Bidding. Subject to prior approval of the Council, competitive bidding shall not be required in the following cases:

Where the product or material contracted for is not competitive in nature, and the Purchasing Agent so certified to the Council in writing;

In the employment of professional services;

Where the Council shall determine that the public interest will be best served by joint purchase with, or purchase from, another unit of government.

I 3.04 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 trade without further bidding requirements.

I 3.05 Sale of Real Estate. Real estate may be purchased, 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- Special Assessment Procedure

(Amended 7/14/2025)

### I 4.01 Definitions.

(1) 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.

(2) Local Public Improvement. The term "local public improvement" as used in this Chapter shall mean any construction for improvement upon public property



which results in special benefit to the real property in the vicinity of such improvement.

I 4.02 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.

I 4.03 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.

- (1) 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.
- (2) 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.
- (3) 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.

I 4.04 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 estimates of cost, an estimate of the life 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, extent 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.

I 4.05 Determination of the Project: Notice. After the Village Street Administrator has presented the report required in Section 4.03 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 be 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.

I 4.06 Objection to Improvement. If, at or prior to the public hearing on necessity as required in Section 4.05, and before the adoption by the Village Council of resolution to proceed with the making of the public improvement, as provided in section 4, 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.

I 4.07 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 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 4.05. Improvements, a resolution shall be passed approving the necessary profiles, plans, specifications, assessment district, and detailed estimated 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.

I 4.08 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 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 not exceed the maximum allowed by law 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 shall give said notice to 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.

I 4.09 Creation of Lien. Special assessments and all interest, penalties and charges 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 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.

I 4.10 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 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 assessment role prove larger than necessary for more than (5%) 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.

I 4.11 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.

I 4.12 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 except as otherwise provided in this Chapter.

I 4.13 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 is 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.

I 4.14 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, whether in the improvement or any part, thereof has been completed and whether any part of the assessment 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 legal. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment to the extent to be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.

I 4.15 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.

I 4.16 Combination of Projects. The Council may combine several districts into one project for 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.

I 4.17 Assessor. The Assessor shall be appointed by the Village Council and his/her compensation shall be established by said Council.

## Chapter 5- Boards & Commissions

(Amended 7/14/2025)

I 5.01 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.

I 5.02 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.

I 5.03 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 a 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. Vacancies on the Housing Commission shall be filled to the remainder of the unexpired terms.

I 5.04 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 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.

## Chapter 6 – Municipal Civil Infraction

(Amended March 14, 2022)

### I 6.01 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.

I 6.02 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.

I 6.03 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.

#### I 6.04 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:

- (i) 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.
- (ii) 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 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 an attorney.
- (e) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (f) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

(4) Civil Penalties

- (a) The village shall establish a schedule of civil fines for admissions of responsibility by persons served with municipal civil infraction citation notices.
- (b) A copy of the schedule, as amended from time to time, shall be posted at the Village Offices.
- (c) A separate offense shall be deemed committed each day or on which a violation or noncompliance occurs or continues, unless otherwise provided.
- (d) In addition to the civil fines, a person found responsible for a municipal civil



infraction may be ordered to pay costs, damages, and expenses including for abatement of a nuisance as provided in the Act.

## TITLE II - UTILITIES AND SERVICES

(Amended 4/13/2015)

### Chapter I - Garbage & Refuse

II 1.01 Short Title. This Chapter shall be known and may be cited as “The Refuse Collection Ordinance”.

II 1.02 Definitions. For the purpose of this Chapter, the following definitions shall apply:

“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.

“Refuse” shall be all manner of same including but not limited to ashes, rags, discarding clothing, tin cans, tin ware, bottles, broken glass, waste 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.

II 1.03 Disposal of Garbage. It shall be unlawful for any person to keep on his/her premises 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.

II 1.04 Disposal of Refuse. It shall be unlawful for the owner of the premises and/or the occupant thereof to permit or suffer the accumulation of refuse any premises in the Village of Baldwin. Refuse shall be stored 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.

II 1.05 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 the 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.

Il 1.06 Storage of "Antique Automobiles." A motor vehicle, truck or automobile not licensed 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.

Il 1.07 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 including its authorized landfill commonly known as the "Dump", without first obtaining the permission of the Village Street Administrator.

Il 1.08 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 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 family unit. Family units utilizing such service but not connected to Village or contractor of the Village water mains will be billed for garbage and refuse collection. Commercial business and industries will enter into a 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.

Il 1.09 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 placed and maintained in containers as follows:

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 weigh more than sixty (60) pounds when filled.

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.

Broken Containers. Containers that are broken or fail to meet the requirements of this Chapter may be classified as refuse, and, after due notice to the owner, collected as such.

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.

II 1.10 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

II 2.01 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.

II 2.02 Duties of Superintendent. It shall be the duty of the Superintendent or one of the village employees to read and repair all meters, exercise constant watchfulness for water leaks, 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, burb boxes and stop cocks, in connection with the meter are kept in good repair by the property owner or consumer.

II 2.03 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 approved by the Village Water Works Superintendent on any change in ownership of property, as described in the application, and he shall be at 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.

II 2.04 Discontinuation of Service. Service, 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 to 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 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, etc., 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, it shall be deemed a violation as to all, and it may take such action as could be taken as to a single building.

## II 2.05 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 possible 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 connections or tapping of pipes belonging to the Village of Baldwin will be made by the Village or under its supervision. 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. Parties contemplating the erection of a large building for business block, factory, etc., must determine the size of services necessary for supplying such blocks or factory upon its completion.
- (9) Meters are to be repaired and maintained by the Village or a designated contractor. Repair costs are to be billed to the user.

II 2.06 Setting Meter. The meter shall be furnished by the Village and shall be set, removed, or adjusted by employees of 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 within 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.

II 2.07 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.

II 2.08 Testing Meter. If the consumer desires the meter to be 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.

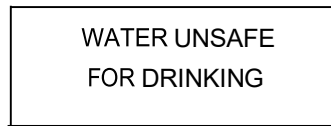
II 2.09 Adjustment of Meter Bills. If a meter fails to register properly, the consumption for the period will be estimated from the consumption of preceding period when the water was supplied under similar conditions and was correctly measured. If a meter reader is unable to gain access to a meter for 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.

II 2.10 Cross Connections.

- (1) The 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 potable 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 potable or domestic purposes and which is not supplied by the potable system must be labeled in conspicuous manner as:



This section does not supersede the State Plumbing Code or other provisions of this Code relating to plumbing.

- (6) 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 Title 1, Chapter 1 hereof.

II 2.11 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 Title 1, Chapter 1 hereof.

### Chapter 3 - Water Rates

II 3.01 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.
- (5) "Connection" shall mean that when any dwelling on the property is physically connected to the Village Water System the property has a connection to the Village Distribution System.
- (6) "Turn on" shall mean the "Curb Stop Valve" is placed in the "On" position.
- (7) "Turn off" shall mean the "Curb Stop Valve" is placed in the "Off" position.
- (8) "User" shall mean any person whose property is connected to the water system regardless of whether or not the water system is turned off or on.

II 3.02 Free Services Prohibited. No free water service shall be furnished to any person.

II 3.03 Rates. (Amended 2/9/2015)

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) Ready-To-Serve Fee- Users of the Villages Water Supply System shall pay a monthly "Ready-To-Serve Fee/" which is based on a percentage of the Village's Water Supply System's fixed costs. The Village may periodically adjust the percentage of fixed cost that determines the Ready-To-Serve Fee. Direct changes to fixed costs may also be used to determine changes to the Ready to Serve Fee.
- (2) Operational Fee- Meters are to be read monthly. A residential user is to be charged for the actual gallons of water used. A rate per 1000 gallons will be determined based on the Village's current Operational Costs and any remaining fixed costs not included in calculating the Ready to Serve Fee. The Village may periodically adjust the Operational Fee based on current operational costs.
- (3) The Village Council will determine the above described "Ready-To-Serve Fee") and "Operational Fee") and maintain a "Fee Schedule"). The Fee Schedule shall be periodically reviewed to ensure alignment with all current costs. The Fee Schedule shall be made available to the public.
- (4) At times the Village Council may issue "Mandatory Run Water Advisories". Should this occur, User's bills will be adjusted to reflect normal usage during affected period(s).
- (5) Special Rates. For miscellaneous services for which a special rate shall be established such rates shall be fixed by the Village Council.
- (6) Turn On/Turn Off Fee. There will be imposed a "Turn On/Turn Off Fee/" whenever the

Village is requested to turn on or turn off water services. 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 also be imposed an additional charge of time and material plus 10%. The Turn-On/Turn-Off charge shall be determined by the Village Council. This charge shall be stated on the Village Fee schedule and may be periodically reviewed to ensure it reflects current related costs. If a turn-off is ordered due to late bill payment, the fee shall be imposed 1 day before the said turn-off is ordered. Even if the bill is subsequently paid before the actual turn off, the fee is still imposed because of the unscheduled nature and related previously encountered administrative costs.

(7) Late Payment Fees. There will be imposed a "Late Payment Fee" for late bill payments. The Late Payment Fee shall be determined by the Village Council. This Fee shall be stated on the Village Fee Schedule and may be periodically reviewed to ensure it reflects current related costs. A Late Payment Fee shall be imposed if a bill is paid after the due date. Additional Late Payment Fees may be added if the bill remains unpaid into the next billing cycle (e.g. 30 days, 60 days, etc.)

(8) Water distributed through the Fire Hydrants to users shall be metered. The Village shall determine an applicable rate based on two times the current Operational Fee plus any related expenses.

(9) Users with exceptional circumstances may address any desired relief from this ordinance directly with the Village Council. Village Staff does not have the authority to vary from any of the requirements of this ordinance.

(10) Property Owners shall be responsible for Billing Accounts. All accounts will be billed monthly. If a property owner wishes to make lump payments, this can only be done such that accounts are paid in advance.

(11) 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, 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 are paid, plus a Turn-On Fee.

(12) Once a Turn-Off Notice for overdue bill payment is given, no further service shall be rendered to such premises until the total current balance owed to the Village for said service is paid in full, including any overdue payments, all Late Fees, all Turn-On/Turn-Off Fees and any other related costs are paid.

(13) The charges for water service which are delinquent for 6 months shall constitute a lien on the premises and all dwellings. The Village official 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 entered upon the next tax roll as a charge against such premises and shall be collected and the lien enforced.



#### II 4.01 Connection Required

- (1) As a matter of public health, the owners of all improved premises in the Village that are used for human occupancy, employment, recreation or other purposes, which require or need the use of potable water and which abut any right-of-way, easement, highway, street, alley or public way in which there is located, or in the future may be located, an available water main or local distribution line of the System, are hereby required, at the owner's sole expense, to directly connect all buildings and structures on the premises used for said purpose(s) to the water distribution system, provided that said water main or local distribution line is within 300 feet from the nearest point of a building or structure using or requiring potable which is located on the premises.
- (2) The Village Council, by majority vote, may exempt from the above requirement any premises that were actively using a private well that was otherwise in compliance with state law and District Health Department No. 10 regulations before February 9, 2015. If, at any time, that well fails or otherwise does not comply with state law and District Health Department No. 10 regulations, the Council may revoke this exemption and require connection under Section 2.00(1).

II 4.02 Connection Deadline. When connection to an available water main or local distribution line is declared a necessity by the Village for the public health and welfare, all such connections required under this Chapter shall be completed no later than 180 days after the last to occur of (a) the date the water main or local distribution line becomes available to the premises, or (b) the modification or a building so as to become a building using or requiring potable water. Newly constructed structures required to connect shall be connected prior to occupancy. Notwithstanding the preceding, if the Village Board or Health Department requires completion of a connection within a shorter period of time for reasons of public health, such connection shall so be completed. Persons who fail to complete a required connection when required shall be liable for a penalty equal in amount to the turn on charge and the applicable commodity charge that, based upon similarly situated customers, the system would have accrued and been payable, effective upon the expiration of the connection period, had the connection been made as required.

#### II 4.03 Enforcement in the event of failure to connect.

- (1) If a required connection is not made within the time provided by Section 2.00-Connection Deadline, the Village shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available water main or local distribution line and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Village ordinance.
- (2) If the required connection is not made within 90 days after the date of mailing or posting of the written notice, the Village may bring an action in court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property.
- (3) If a property is disconnected from the System in violation of this ordinance, the property owner shall be liable for all costs associated with the property's wrongful disconnection from the System. These costs shall include, by way of illustration, repairs and maintenance necessitated by the disconnection, the costs of installing shut-off valves or other components necessary to respond to the disconnection, any costs unique to the disconnected property that the Village incurred as part of its initial connection to the System (such as the installation of larger service lines to accommodate the

property's anticipated usage needs and the cost of Village employee and contractor time associated with responding to the disconnection. Any of the above costs shall be collectible under Title II, Chapter 3 of the Code of Ordinances.

II 4.04 Private Wells Prohibited. Except as otherwise provided in Section 4.05 - Exceptions, private water wells are prohibited on premises connected to the System. Pre-existing private water wells located on premises that are to be subsequently connected to the System shall be abandoned prior to or upon physical connection of the premises to the System. Wells shall be abandoned in accordance with applicable state law and the District Health Department No. 10's regulations.

II 4.05 Exceptions. Notwithstanding Section 4.04 – Private Wells Prohibited, private water wells may be maintained on premises that are connected to the System where (a) the premises maintains a closed geothermal heating system and the private well is an integral part of said system, or (b) the premises is required by applicable federal or state law, regulation or order to monitor ground water on the premises, and the well is used for groundwater monitoring purposes only. Any such private well must be physically and completely separated from all plumbing used for potable water. All piping for a private water well is subject to the cross-connection provisions of the Code of Ordinances.

II 4.06 Definitions. For the purposes of this Chapter, the following definitions apply:

- (1) "Potable water" means water intended for human consumption or prolonged bodily contact which is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the applicable requirements of the Federal Drinking Water Standards and to the regulations of the District Health Department No. 10 and the Michigan Department of Environmental Quality.
- (2) "Premises" means the lot, parcel or tract of land occupied, owned, leased or rented by a person, and further shall include any adjacent or contiguous tree lawn area or other public or private right-of-way historically maintained by the occupant or owner; the area between the street and any sidewalk that adjoins the premises; any area used by the occupant or owner for such purposes as ingress and egress to the premises, parking or other activities; or, area considered to be associated with the premises due to its use, location, physical configuration, physical character or linkage via a sidewalk or public path.

## Chapter 5 – Sewer Service and Rates

(Amended 2/22/1996)

### II 5.01 Definitions.

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

- (1) Available Public Sanitary Sewer. A public sanitary sewer line located in a right-of-way, easement, highway, street, or public way which crosses, adjoins, or abuts upon the property or easement to the property and passing not more than 300 feet

at the nearest point from a structure in which sanitary sewage originates.

- (2) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).
- (3) Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside of walls of the building and conveys to the Building Sewer, beginning 5 feet outside inner face of the building wall.
- (4) Building Sewer. The extension from the building drain to the public sewer or other place of disposal.
- (5) Combined Sewer. A sewer receiving both stormwater and sewage.
- (6) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (7) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Michigan.
- (8) Domestic Waste. The waste originating mainly from residential sources.
- (9) Garbage. Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- (10) Ground Water. The water beneath the surface of the ground, whether or not flowing through known or definite channels.
- (11) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (12) Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source, into the Public Sanitary Sewer System (including holding tank waste discharged into the system).
- (13) Industrial User. A source of Industrial Waste.
- (14) Industrial Waste. Liquid waste, solids, or semi-solids from industrial processes as distinct from domestic waste.
- (15) Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the System, its treatment processes or operations, including without limitation, the use or disposal of treated water or the use or disposal of sludge, or (ii) which causes any violation of any requirement of the ground water discharge permit issued pursuant to the Michigan Water Resources Commission Act, 1929 P.A 245, as amended ("Act 245"), and the administrative rules promulgated pursuant thereto.
- (16) MDEQ. The Michigan Department of Environmental Quality or its successor.
- (17) MDPH. The Michigan Department of Public Health or its successor.
- (18) Medical Waste. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory

wastes and dialysis wastes.

- (19) Natural Outlet. Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (20) Operation and Maintenance. The satisfactory provision for assuring proper and efficient functioning of the treatment works.
- (21) Person. Any individual, firm, municipality, company, association, society, corporation, partnership, or group, including their officers and employees.
- (22) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (23) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and. agricultural waste discharged into water.
- (24) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (25) Properly Shredded Garbage. Shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
- (26) Public Sanitary Sewer System or System. The Village of Baldwin sanitary sewage treatment system, including all collection lines, trunk sewers, interceptors, pump stations, lift stations, manholes, the Wastewater Treatment Facility and all appurtenances thereto.
- (27) Public Sewer. Shall mean a sewer owned and controlled by the Village.
- (28) Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.
- (29) Sanitary Sewer. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (30) Shall is mandatory; May is permissive.
- (31) Storm Sewer or Storm Drain, A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (32) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (33) Suspended Solids. The total· suspended matter that floats on the surface or, is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (34) Treatment Facility. The portion of the Public Sanitary Sewer System designed to provide treatment to wastewater.
- (35) System. Shall mean the Public Sanitary Sewer System.

- (36) User. Any person, who contributes, causes or permits the contribution of wastewater into the Village's Public Sanitary Sewer System.
- (37) User Charge. A charge levied on Users of treatment works for the cost of operation and maintenance of such works.
- (38) Village. The Village of Baldwin, Lake County, Michigan, or where appropriate, Village Council or other duly authorized official representative of the Village.
- (39) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater or surface water that may be present, whether treated or untreated, which is contributed into or permitted to enter the System.
- (40) Watercourse. Shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (41) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (42) Minimum User Charge. Shall mean that charge equal to the minimum charge that a property's owner pays for being connected to the system or would pay for being connected to the system. This charge is based on the fixed cost of having the system infrastructure in place whether the User is connected or not. This charge is determined by the Village and stated on the Fee Schedule. The Minimum User Charge is to be periodically reviewed and adjusted to reflect current system fixed costs.

## II 5.02 Abbreviations.

The following abbreviations shall have the designated meaning.

- (1) BOD -Biochemical Oxygen Demand.
- (2) SWDA -Solid Waste Disposal Act. 42 U.S.C. 6901, et. seq.
- (3) USC -United States Code.
- (4) TSS -Total Suspended Solids.

## II 5.03 USE OF PUBLIC SEWERS REQUIRED (Amended 2/9/2015, 4/13/2015)

### (1) Water Pollution.

It shall be unlawful to discharge or cause to be discharged into any storm sewer, natural watercourse, or artificial watercourse, any sewage or other polluted waters other than

storm water or uncontaminated industrial waters as defined in this chapter or to increase an approved use except upon special agreement or arrangement with the Village in accordance with rules and procedures of appropriate agencies of the State of Michigan.

(2) Privies and Septic Tanks.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in any area of the Village served by the Public Sanitary Sewer System.

(3) Sewer Connection Required.

- (a) The owners of all dwellings, buildings, structures, or properties used for human occupancy, employment, recreation or other purpose (where liquid wastes are produced), situated within the Village and abutting on any street, alley or other public right-of-way in which there is now located or may in the future be located an Available Public Sanitary Sewer of the Village are hereby required, at their expense to install suitable facilities and connect such facilities directly to the proper Public Sanitary Sewer. Said connection shall be preceded by proper application for and receipt of a sanitary sewer connection permit as required by Section 5.06(2). The Village may require any such owner, pursuant to the authority conferred upon it by law or ordinance, to make such installations and connections. Said connections shall be completed and inspected prior to occupancy.
- (b) The connection to an Available Public Sanitary Sewer shall be completed promptly, but in no case later than ninety (90) days from the date of occurrence of the last of the following events:
  - (i) Publication of a notice by the Village Clerk of the availability of the Public Sanitary Sewer System in a newspaper of general circulation in the Village.
  - (ii) Modification of a structure so as to become a structure in which sanitary sewage originates.
- (c) Upon the failure to complete connection where the structure in which sanitary sewer originates has not been connected to an Available Public Sanitary Sewer within the 90-day period provided in Subsection (b) above, the Village shall require the connection to be made forthwith after notice by first class mail or certified mail or posting on the property to the owners, occupants, and persons having control of the property on which the structure is located. The notice shall give the approximate location of the Available Public Sanitary Sewer for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this ordinance.
- (d) If any structure in which sanitary sewage originates is not connected to an Available Public Sanitary Sewer within ninety (90) days after the date of mailing

or posting of the written notice, the Village, in addition to the remedies otherwise provided by this chapter, may bring an action for a mandatory injunction or order in the district, municipal, or circuit court in the county in which the structure is situated, to compel the owner to immediately connect to the Available Public Sanitary Sewer. The Village in one or more of such actions may join any number of owners of structures to compel each owner to connect to the Available Public Sanitary Sewer.

- (e) If the owner or occupant of property with a private sewage disposal system fails to connect to an Available Public Sanitary Sewer as provided by this Section, then the Village may take any action necessary to do so, charging all costs of compliance to the property owner or to the occupant of the property, and the charges shall become (and shall be collectible as) a lien on the property.

#### (4) Water Meter Required.

All dwellings, buildings, structures or properties connected to the Public Sanitary Sewer System shall have a water meter to determine water and sewer use charges.

## II 5.04 PRIVATE SEWAGE DISPOSAL

### (1) Private Sewage Systems.

When a public sanitary sewer is not available under the provision of Section 4.03(3) the Building Sewer shall be connected to a private sewage disposal system constructed in compliance with all applicable laws, rules and regulations including, but not limited to, those of the appropriate agencies of the State of Michigan and the Village.

### (2) Location of System.

All installations of private sewage disposal systems shall comply with the existing County and State Laws and Regulations.

### (3) Discontinuance of System.

- (a) If an Available Public Sanitary Sewer exists (as defined in Section 4.01), a property served by a private sewage disposal system and unless established to the contrary, all buildings as described in Section 4.03 shall be required to make proper installation and connection to the Available Public Sanitary Sewer in compliance with this chapter.
- (b) All connections shall be preceded by a proper application and receipt of a sanitary sewer connection permit as required by Section 4.06(2).

- (c) All component parts of any private sewage disposal system shall be abandoned and filled with suitable material at the owner's expense, in accordance with Village regulations. All filling and demolition of abandoned private sewage disposal systems shall be inspected and approved by designated Village officials.

#### (4) Maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

#### (5) Additional Requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Village or other authorities with respect to private sewage disposal.

### II 5.05 OPERATION AND MAINTENANCE OF THE SYSTEM.

#### (1) Management and Control.

The construction, operation, maintenance, alteration, repair, and management of the System shall be under the supervision and control of the Village. The Village may employ or appoint such person or persons in such capacity or capacities as it deems advisable to carry out the efficient operations and management of the System and may make such rules and regulations as it deems necessary.

#### (2) Continuous Service.

The Village will endeavor to furnish continuous wastewater service to the users of the System, but does not guarantee uninterrupted service and will not be liable for any damage which the users may sustain by reason of the failure of the service, whether caused by accident, acts of God, repairs or otherwise, nor will the Village be liable for damages which the consumer may sustain by reason of failure of the System or for damages to persons or property arising, accruing or resulting from a failure of the System.

### II 5.06 BUILDING SEWERS AND CONNECTIONS

#### (1) Connection to Sewer.



No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Village or from such official as it may designate.

(2) Permit Required.

All connections with any public sewer shall be made only on written authorization and permits issued by the Village and on such forms and on payment of such fees as shall be established from time to time by the Village.

(3) Cost of Building Sewer.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the Village from all loss or damage that may directly be occasioned by the installation of the Building Sewer.

(4) Application - Plans.

- (a) All applicants for sewer connection permits shall first submit plans and specifications of all plumbing construction within such building or premises and such plans and specifications shall meet the requirements of the plumbing code commonly enforced in the Village and the Village's standards for public sewer construction, and all orders, rules and regulations of the MDPH. The approval of each connection permit shall also be contingent upon the availability of capacity in all downstream sewers, lift stations, force mains, and sewage treatment plant. When such plans and specifications have been approved by the Village, a sewer or plumbing permit shall be issued, subject to final inspection and approval when construction is completed and ready for connection to the public sewer.
- (b) Final approval will be subject to compliance with all applicable laws, rules, regulations, orders and directives.

(5) Inspection.

- (a) The applicant for a sanitary sewer connection permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The Village shall then inspect the building sewer and its connection to the public sewer and if such connection meets the previous requirements as so approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of this chapter.

- (b) Upon final approval of any sewer connection, all sewer supports, testing of sewer, back filling of sewer, including material and other elements contingent on completion of installation shall comply with all applicable laws, rules, regulations, orders and directives, including the Village's building codes.

#### (6) Building Sewer Maintenance.

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.

#### (7) Connections; How Made.

All connections to existing or new sewers will, at the option of the Village, be made or inspected by the Village. The connection of the building sewer into the Public Sewer shall be made at the "Y" branch, if such branch is available at a suitable location.

#### (8) Excavation Precautions.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

#### (9) Separate Connections Required.

Each building connected to any public sewer shall be connected by means of a separate building sewer. The use of multiple building sewers is prohibited.

#### (10) Backfill Requirements.

When connections are to be made with any sewer in any street the trench shall be backfilled with sand or gravel in layers not to exceed eight inches in thickness. Each layer shall be thoroughly and solidly tamped in place; the backfill shall be finished to the same

grade as the original surface and shall be maintained in that condition for a period of one year from the date after which they were installed. Where the existing roadway is cindered or graveled, the final eight inches of the backfill shall be made with gravel. In case of failure to maintain trenches and backfill in such condition, the Village is authorized by this article to make the necessary repairs and charge the total cost against the person responsible for the same. No backfill shall be placed until the Building Sewer and connection has been inspected and approved by the Village.

(11) Time Limit on Open Trench.

The person or owner causing any excavation or trench to be made in any public street or thoroughfare in the Village shall be required to backfill and replace the trench as herein provided within a period of three days after work of excavating has been started unless written permission is granted by the Village to allow the trench to be open for a longer period of time. In case of the failure to promptly refill any trenches within a period of three (3) days, the Village shall have the right to cause the same to be refilled and the expense shall be charged against the person, or owner responsible therefor.

(12) Barricade Requirements.

Every person excavating or causing to be excavated any trench in any public street or thoroughfare, for the purpose of making connections with sewer mains shall place or cause to be placed and maintained at and along such trench, proper signals, colored lights and barricades to give warning and prevent accidents, but in no case shall a trench be excavated so as to entirely block any street for travel without the prior written consent of the Village. In case of the failure to properly barricade or light such excavations or trenches, the Village is authorized to cause the same to be lighted or barricaded and the expense thereof shall be charged against the persons responsible for the opening.

(13) Sewer Connection Requirements.

(a) All sewer connections shall be made with the following approved sewer pipe:

- (i) PVC SDR-35, ASTM D-3034
- (ii) PVC Sch. 80 or 120, ASTM D-1785
- (iii) ABS, Sch. ASTM D-1527
- (iv) Clay pipe, C700 extra strength ASTM pipe, joint C-425

(b) Sewer pipe shall not be less than six inches in diameter and at such locations in the public sewers where branches or wyes were placed for that purpose, if any. Where there are no wyes, the sewer may, for the purpose of making connections, be tapped under the direction and supervision of the Village; the

connection shall be made by saddle device approved by the Village. All work for the purpose of making sewer connections shall be done in compliance with the rules, regulations, and codes governing plumbing in the Village.

(14) Sewer Elevation.

Whenever possible the sewer connection shall be brought to the building at an elevation below the basement floor. No sewer connection shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth to invert shall be sufficient to afford protection from frost. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sewer shall be lifted by approved artificial means and discharged to the sewer connection.

## II 5.07 USE OF THE PUBLIC SEWERS

(1) Unpolluted Water.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(2) Storm Drainage.

Storm Water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village, and in compliance with rules and procedures of various agencies of the State of Michigan. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Village to a storm sewer, or natural outlet. The Village has the right to exclude industrial or commercial waste in whole or in part, for any reason from storm sewers.

(3) Prohibited Discharges

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause Interference with the operation or performance of the System as defined in Section 4.01(15). A User may not contribute the following substances to the System:
  - (i) Any wastewater having a temperature which will inhibit biological activity in the treatment facility resulting in Interference, but in no case Wastewater with a temperature which exceeds 60°C (140° F).

- (ii) Any waste which may contain any concentration of any substance beyond the average daily concentration of the following:

| Parameter Substance    | Parameter Limit (mg/l) |
|------------------------|------------------------|
| BOD                    | 250                    |
| Chemical Oxygen Demand | 600                    |
| Chlorine Requirement   | 15                     |
| Total Suspended Solids | 250                    |
| Fats, Grease, and Oil  | 50                     |
| Cadmium                | 0.20                   |
| Chromium (total)       | 2.50                   |
| Copper                 | 0.30                   |
| Cyanide                | 0.10                   |
| Nickel                 | 1                      |
| Phenol                 | 0.03                   |
| Phosphorus             | 13                     |
| Zinc                   | 2                      |
| Arsenic                | 2                      |
| Lead                   | 1                      |
| Nitrogen               | 40                     |
| Silver                 | 1                      |

Parameters are expressed and shall be reported as the actual element, radical, or ion by atomic or molecular weight.

- (iii) Discharges of the following may be permitted only after written application by the person discharging and a determination by the Village that the limits of the discharge comply with the standards established by the state and federal governments: aluminum, manganese, antimony, mercury, barium, PCBs, beryllium, selenium, boron, thallium, and tin.
- (iv) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, gas or pollutant which can create a fire or explosion hazard defined as being greater than 20% of the lower explosive limit (LEL) for the substance.
- (v) Any garbage that has not been properly shredded.
- (vi) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rugs, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substance causing obstruction to the flow in sewers or other

Interference with the proper operation of the System.

- (vii) Any wastes having any other corrosive properties capable of causing damage or hazard to structures, equipment, personnel or the System.
  - (viii) Any waters, or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, fish or aquatic life, or create any hazard in the receiving waters or in the treatment facility.
  - (ix) Any waters or wastes containing Suspended Solids of such character and quantity that unusual attention or expense is required to handle such materials at the treatment facility.
  - (x) Any noxious or malodorous gas or substance capable of creating a public nuisance.
  - (xi) Any waters or wastes having pH less than 5.0 and greater than 11.0.
  - (xii) Any substance which may cause the System's effluent or any other product of the System such as residues, sludges, or scums, to be unsuitable for reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, of State criteria applicable to the sludge management method being used.
  - (xiii) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
  - (xiv) Any Pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.
  - (xv) Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal Regulations.
  - (xvi) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or pass through.
  - (xvii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment facility in a quantity that may cause acute worker health and safety problems.
  - (xviii) Any trucked or hauled pollutants.
  - (xix) Any medical waste.
- (b) When the Village determines that a user(s) is contributing to the System, any

of the above enumerated substances in such amounts as to interfere with the operation of the System, the Village shall:

- (i) advise the user(s) of the impact of the contribution on the System;
- (ii) develop effluent limitation(s) for such user to correct the Interference with the System; and
- (iii) set a time limit for compliance with (1) and (2) above.

#### (4) Interceptors.

- (a) Grease, oil, sand interceptors, and conventional grease traps shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.
- (b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

#### (5) Interceptor Maintenance.

Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times and shall be accessible for inspection by Village employees at all reasonable times.

#### (6) Preliminary Treatment Facilities.

The admission into the public sewers of any waters or waste containing any quantity of substances having the characteristics described in Section 4.07(3), or having a daily average flow greater than five percent (5%) of the average daily wastewater flow of the Village, shall be subject to the review and approval of the Village. Where necessary in the opinion of the Village, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 4.07(3) or control the quantities and rates of discharge of such waters or waste. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the Village and/or the MDEQ, and no construction of such facility shall be commenced until said approvals are obtained in writing.

(7) Maintenance of Preliminary Facilities.

Where preliminary treatment facilities are provided for any waters or waste, they shall be maintained in satisfactory and effective operation by the owner at his expense.

(8) Control Manholes.

The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of waste. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(9) Measurements and Test.

All measurements, tests and analysis of the characteristics of waters and waste to which reference is made in Sections 4.07(3) and 4.07(4), shall be determined in accordance with the "Standard Methods for the Examination of Water and Sewage," latest edition, and shall be determined at the control manhole provided for in Section 4.07(8) or upon suitable samples taken at said control manhole. In the event that no special manhole is available, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(10) Agreements.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor by the industrial concern, provided that payments under such agreements shall at all times be adequate to avoid impairing the rights of the holders of any sewer revenue bonds of the Village which may then be outstanding and unredeemed.

## II 5.08 USER RATES AND CHARGES FOR WASTEWATER DISPOSAL SERVICES

Rates and charges for sanitary sewer collection and treatment shall be in such amounts as shall be established from time to time by resolution of the Village Council.



## II 5.09 ANNUAL REVIEW OF RATES AND CHARGES

Annually, prior to the adoption of the Village's next fiscal year budget, there shall be a review by the Village of all rates and charges, including user and connection charges. Upon completion, a report shall be prepared and presented at a meeting of the Village Council summarizing the review and recommending rates and charges which will assure that the costs of service will be recovered from Users classed proportionately to the cost of providing service to them.

## II 5.10 POWERS AND AUTHORITY OF INSPECTORS

### (1) Inspectors.

The Village and duly authorized officials or employees of the Village, and agents of the MDEQ or MDPH bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing such entry shall be guilty of a violation of this chapter.

### (2) Record Copying.

Inspectors shall have the right to have access to and make copies of any discharge related records of any non-domestic user.

### (3) Collecting Non-Domestic User Information.

The Village shall have the right to request and receive certain specific information from all non-domestic users. This information may include specific additional information which may be used to identify potential hazardous waste sources.

## II 5.11 APPLICATION FOR SEWER SERVICE AND BILLING PROCEDURES

### (1) Application for Service.

A user desiring to obtain sewer service shall sign the required application form which is available at the Village Hall. A signed application must be received before new service will be commenced. In the event sewer service at the premises is to be continuous through a change of ownership in the premises, an application from the new user (owner) must be received prior to the change in ownership. Failure to complete an application

may result in discontinuance of service.

## (2) Responsibility for Sewer Service Bills.

The owner of a premises receiving sewer service shall be responsible for the timely payment of the charges for that service, and any unpaid charges shall become a lien on the property in accordance with applicable Michigan law. However, when a tenant is to be responsible for the payment of sewer charges, the Village must be so notified in a writing signed by both the landlord and tenant and including a true copy of the lease of the affected premises, if one exists. In the event of filing of the notice, no further service to the premises will be provided, unless and until a cash deposit in an amount to be determined by resolution of the Village Council, but not less than the estimated bill for three (3) months of sewer service, has been deposited with the Village as security for the payment of the charges. In any other case where, in the discretion of the Village, the collection of charges for water or sewer disposal service may be difficult or uncertain, the Village may require a deposit. Such deposits may be applied against any delinquent sewer service charges of the depositor and the application thereof shall not affect the right of the Village to turn off the water or sewer service to any premises thereby satisfied.

## (3) Return of Security Deposits.

The Village shall refund a deposit upon satisfactory payment by the user of all proper charges for sewer service for a period of twelve (12) successive billing quarters. Payment will be considered satisfactory if made prior to the issuance of any notice of discontinuation of service for nonpayment. Users who have established credit by the satisfactory payment of sewer charges at one premises shall not be required to make deposits at a subsequent premises. A user who has been refunded a deposit shall be required to remake a security deposit in the event that user's service is discontinued for nonpayment before service will be reinstated. Upon termination of service, the deposit shall be credited to the final bill, and the balance, if any, shall be promptly returned to the User. The user shall not be entitled to receive any interest on the deposit.

## (4) Sewer Service Bills.

All meters shall be read at least quarterly. Bills for sewer service shall be rendered quarterly. The total amount of the sewer charges shall be the "net" amount of the bill. The Village shall keep a record of all meter readings and shall keep accounts of the charges for sewer services furnished to all premises.

## (5) Payment of Bills.

Bills shall be due and payable on the date specified on the bill. There shall be no discount

for early payment. All sewer service charges shall be collected by the Village and credited to the proper accounts.

(6) Late Payment Penalty.

In the event the bill is not paid by the due date, a ten percent (10%) penalty will be added to the net amount of the bill, and both shall become immediately due and payable. All payments by mail must be postmarked on or before the due date to prevent imposition of the ten percent (10%) penalty. When the due date falls on a legal holiday, Saturday, or Sunday, the net amount will be accepted on the first (1st) business day following. Failure to receive the bill shall not excuse a late payment penalty unless it can be shown from the billing record that the bill was not sent.

(7) Change of Address.

It shall be the responsibility of the owner and/or User to notify the Village of any change in ownership or billing address.

(8) Termination of Sewer Service for Nonpayment.

If payment is not received or satisfactory arrangements have not been made within thirty (30) days of the due date on the bill, a termination of service notice will be sent by first class mail to inform the User that failure to pay the past due amount, including any penalties, within seven (7) days will result in termination of service. This notice will also inform the User that the User may request a hearing before the Village Council prior to any termination of service. At the hearing the User will be given an opportunity to show why service should not be terminated. If payment is not received or satisfactory arrangements have not been made or a hearing has not been requested within seven (7) days after the notice is mailed to the User, the sewer service will be discontinued. No sewer service that has been discontinued for nonpayment of charges shall be restored until all past due bills and penalties are paid or satisfactory arrangements for such payment are made.

(9) Water Shut-Off.

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 non-payment of sewer rates when due. If such charges are not paid within thirty (30) days after the due date thereof, then water services to such premises shall be discontinued. Water services so discontinued shall not be restored until such time as all charges and penalties are paid. Water shut-off shall be preceded by adequate notification and an opportunity to request a hearing as provided for in Section 4.08(8) Notices and hearings under Section 4.08(8) and 4.08(9)

may be combined.

(10) Collection of Rates.

The charges and rates for sewer services provided herein which are made a lien on all premises served thereby, unless notice is given as provided by state statute that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months or more, they shall be certified annually on September 1 of each year to the tax-assessing officer of the Village, whereupon such charge shall be entered by him upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Village taxes against such premises as collected, and the lien thereof enforced.

(11) No Free Service.

No free service shall be rendered by the system to any person, firm or corporation, public or private, or any public agency or instrumentality. The Village shall pay for all sewage disposal service furnished to it or to any of its departments at the rates determined by the Village Council from time to time.

## II 5.12 PENALTIES

(1) Civil Penalties.

Any user who violates any order of the Village, or who willfully or negligently fails to comply with any provisions of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be responsible for a municipal civil infraction and fined a sum not less than \$100 or more than \$25,000 per day per violation. In addition to this fine, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation of not less than \$9.00 or more \$500.00. In addition, should it be determined that the Public Sanitary Sewer System or any of the connecting sewer lines or lift stations have incurred damage as a result of any violation of this chapter, the Village shall have the right to recover any and all damages from those parties in violation.

(2) Falsifying Information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be

punished by a fine of not more than \$500 or by imprisonment for not more than ninety (90) days, or by both.

### (3) Criminal Penalty.

Any person determined responsible for a municipal civil infraction under Title II Chapter 4.12(1) and who violates, disobeys, omits, neglects or refuses to comply with any provision of this chapter after such determination shall, upon conviction, be punished for each offense by a fine of not more than \$500.00 and costs of prosecution, or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment. Each day that a violation continues shall constitute a separate offense.

## II 5.13 SEVERABILITY

If any provision, paragraph, work, section, subsection or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, works, sections, subsections or article shall not be affected and shall continue in full force and effect.

## II 5.14 CONFLICT

In the event of a conflict between this ordinance and any other ordinance except for an ordinance authorizing the issuance of bonds secured by the revenues of the System, this ordinance shall control.

## Chapter 6-AIRPORT

II 6.01 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 an agreement, if any, shall be first approved by the Baldwin Village Council.

## TITLE III. PARKS AND PUBLIC GROUNDS. (Amended 6/8/2015)

### Chapter 1-Parks

III 1.01 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.

III 1.02        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.

III 1.03        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.

III 1.04        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 many on occasion by specifically designated as temporary parking areas by the Village Council.

III 1.05        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.

III 1.06        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.

III 1.07        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

III 2.01        Definitions. The following definitions shall apply in the interpretation of this Chapter.

(1) "Street" shall mean all the land lying 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.

III 2.02        Permits for Tree Planting, Care, Removal. The Superintendent shall have 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.

III 2.03        Removal of Dead, Diseased and Prohibited Trees. All dead trees and tress affected by 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.

III 2.04        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 single lot may, 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.

III 2.05        Private Trees-Diseases and Infestations. When the Superintendent intendent 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 server 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 an 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.

III 2.06        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 of 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 an 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.

III 2.07        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 case of an appeal, within 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.

III 2.08        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                      (Amended 6/8/2015)

##### Chapter I- Street Openings & Obstructions

IV 1.01        Definitions. Unless the context specifically indicated otherwise, the following definitions shall apply in the interpretation of this Chapter:

(1) "Street" shall mean all 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.

IV 1.02        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 may be 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.

IV 1.03        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.

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

IV 1.04        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.

IV 1.05        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.

IV 1.06        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.

IV 1.07      Utility Poles. Utility poles may be placed in such streets as the Superintendent shall prescribe and shall be located thereon in accordance with the directions of the Superintendent. Such poles shall be removed or relocated as the Superintendent shall from time to time direct.

IV 1.08      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.

IV 1.09      Sidewalk Obstructions. No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of 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 1.03.

IV 1.10      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.

IV 1.11        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.

IV 1.12        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.

IV 1.13        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. No housemoving permit shall be granted until the applicant posts a cash deposit in the amount of One-Hundred and 00/100 (\$100.00) dollars and files liability insurance policy as required by Title IV Section 1.03.

IV 1.14        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.

IV 1.15        Temporary Street Closings. The Superintendent shall have authority to temporarily close a street, or portion thereof, when he/she shall deem such a 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, indicating that the same is 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

IV 2.01        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.

IV 2.02        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.

IV 2.03        Sidewalk Specifications. Sidewalks shall not be less than four (4) inches in thickness and expansion paper shall be placed 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.

IV 2.04        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, at its next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.

IV 2.05        Approval of Specifications. The line, grade, slope, and width of sidewalks not in conflict with this Chapter shall be established by the Superintendent.

IV 2.06        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.

IV 2.07        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 Title I, Section 1.11 of this Code. Thereafter, it shall be in the duty of the owner to 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 with this chapter the cost of repairs hereunder shall be charged against the premises which said sidewalk adjoins.

IV 2.08 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 of all ice and snow 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.

IV 2.09 Failure to Clear. If any occupant or owner shall neglect or fail to clear ice or snow from sidewalks adjoining his/her premises within the time limited, or shall otherwise allow 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.

(Amended 6/8/2015)

### Chapter 1- Nuisances

V 1.01 Nuisance Defined and Prohibited. Whatever annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs, or renders dangerous a street, highway, navigable lake or stream, or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. 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.

V 1.02 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 the opinion 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 person or any animal or vegetable substance, dead animal, fish, shell, 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.

- (4) 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.
- (5) Any vehicle used for any immoral or illegal purpose.
- (6) All obscene pictures, books, pamphlets, magazines, and newspapers.
- (7) Betting, bookmaking and all apparatus used in such occupations.
- (8) All gambling devices.
- (9) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
- (10) All explosives, flammable 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.
- (11) Any use of the public streets and/or sidewalks which causes.....  
Large crowds to gather, obstructing the free use of the streets and/or sidewalks except by a permit issued by the Village Council.
- (12) 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 to endanger the safety of the public.
- (13) All dangerous, unguarded excavations or machinery in any public place, or so situated, left, or operated on private property as to attract the public.
- (14) 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

V 2.01 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.

V 2.02 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 a 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 of 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.

V 2.03 Exceptions. None of the terms or prohibitions of Title V 2.01 and Title V 2.02 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.

V 2.04 Fireworks. (Adopted 1/11/2022)

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:

(1) AUTHORITY.

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

(2) DEFINITIONS.

- (a) "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.
- (b) "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.

(3) 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:

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

(4) OTHER VIOLATIONS.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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

V 3.01 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 (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard, and Indian mustard), species of Brassica or Sinapiso, wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), horary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* 1.) poison ivy (*Rhus toxicodendron*), and poison sumac (*Toxicodendron vernix*).

V 3.02 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 V 3.01.

V 3.03 When Village to do Work. If the provisions of section V 3.01 and V 3.02 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.

V 3.04 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

(Amended 3/14/2022)

V 4.01 Short Title. This ordinance shall be known and may be cited as the "Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicle Ordinance."

V 4.02 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" are any motor vehicles, as defined by Title V Section 4.02(2), 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.

V 4.03 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.

V 4.04 Notice to Remove. Whenever it comes to the attention of the Village that any nuisance as defined in Section 4.03 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.

V 4.05 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.

V 4.06 Notice Procedure. The enforcement officer 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.

V 4.07 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.

## Chapter 5 - Eating & Drinking Establishments

V 5.01 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.

V 5.02 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 lit.
- (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-lit 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 lit.
- (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 hand 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 waste 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.

V 5.03 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.

V 5.04 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.

V 5.05 Enforcement. The Health Officer shall have the authority and duty to enforce this Chapter.

V 5.06 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.



V 5.07 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.

V 5.08 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.

V 5.09 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.

V 5.10 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.

V 5.11 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

(Amended 4/8/2022)

### V 6.01 Unlawful Conduct.

(Amended 3/14/2022)

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 6.02. A violation of this Chapter is a Municipal Civil Infraction.

V 6.02 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 collapse partially or completely, 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 is 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.

V 6.03 Notice: Contents: Municipal Civil Infraction.

(Amended 3/14/2022)

- (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 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.

V 6.04 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 of 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.

## V 7.01 Prohibited Conduct. The following conduct is prohibited:

- (1) No accessory structures or occupancy are allowed on a parcel without a principal structure.
- (2) No accessory structure shall be used for dwelling purposes.
- (3) No person shall park overnight or permit the parking overnight of any motor home or travel trailer upon any public highway, street, alley, or park within the Village.
- (4) No person shall park or permit the parking of any unoccupied motor home or travel trailer outside a duly licensed recreational vehicle park, except in an accessory building, or rear yard, provided no living quarters shall be maintained or business practiced in said vehicle.
- (5) No motor home or travel trailer shall be stored on any parcel where there is no principal dwelling.
- (6) Except as may be allowed by other Village ordinances, no travel trailer or motor home may be used for dwelling purposes.

## V 7.02 - Definitions

- (1) Accessory structure: a building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Accessory structure includes tents.
- (2) Travel Trailer: an unmotorized recreational vehicle designed to be used for temporary residence or camping purposes.
- (3) RV or Motor Home: a motorized recreational vehicle designed to be used for temporary residence or camping purposes.

## V 7.03 – Notice

- (1) When it comes to the attention of the authorized Village official that a condition on the property is found to exist in violation of this Ordinance, the authorized Village official shall issue a notice of the violation.
- (2) Such notice shall be directed to each owner of, or party of interest in, or occupant of the property.
- (3) Notice procedure. The enforcement officer shall give notice of removal to the owner or occupant of property which is in violation of this ordinance at least seven 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 and copies sent by first class mail to the owner or occupant of the property at his/her last known address.

- (4) Failure to remove the violation within the specified time period, constitutes a violation of this Ordinance enforceable pursuant to the Municipal Civil Infraction Ordinance of the Village of Baldwin.

#### V 7.04 – Penalties

- (1) In addition to the penalties provided pursuant to the Municipal Civil Infraction Ordinance, if the owner, agent, or occupant fails to comply with the court order regarding the violation, the Village may take the necessary corrective action.
- (2) If it is necessary for the Village to remove any structures, travel trailers, RVs, motor homes or other violations, 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 violation is located.
- (3) The owner or occupant in whose name the party 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 or she fails to pay the same within thirty 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 aspects as provided for by law for collection of taxes by the Village.

#### TITLE VI. (Amended 7/13/2015)

##### Chapter 1 - Licenses

VI 1.01 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.

VI 1.02 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.

VI 1.03 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.

VI 1.04        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.

VI 1.05        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.

VI 1.06        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.

VI 1.07        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.

VI 1.08        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.

VI 1.09        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 therefore shall not be refunded.

VI 1.10        "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.

VI 1.11 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.

VI 1.12 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 Marshal or by any person representing the issuing authority.

VI 1.13 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.

VI 1.14 Displaying of Invalid License. No person shall display any expired license or any license for which a duplicate has been issued.

VI 1.15 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.

VI 1.16 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

(Amended 4/22/2010)

VI 2.01        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.

VI 2.02        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.

VI 2.03        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

VI 2.04            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.

VI 2.05            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 a 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".

VI 2.06            License Required. No person shall engage in the business of peddler without first obtaining a license therefore. No such license shall be granted except upon the certification of the Village Marshall.

VI 2.07            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 shall depart from such place as soon as he has completed sales with customers actually present.

VI 2.08            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 Marshal because of congested or dangerous traffic conditions.

VI 2.09        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 within the limits of the streets, highways, alleys or public places of the Village.

VI 2.10        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.

VI 2.11        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.

VI 2.12        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 word "solicitor" shall include the work "canvasser".

VI 2.13        License Required. No person shall engage in the business of solicitor within the Village without first obtaining a license therefore. No such license shall be granted, except upon certification of the Village Marshal.

VI 2.14        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 therefore.

VI 2.15 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 is 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, so 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 on amount equal to the annual license fee as prescribed in this Code.

VI 2.16        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 3 – Transient Merchants

VI 3.01        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 therefore. No such license shall be granted except upon certification of the Village Marshal and Village Treasurer.

VI 3.02        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.

VI 3.03        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.

VI 3.04        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.

VI 3.05       Exemption. Persons conducting a business licensed under another provision of this Code shall be exempt from the requirements of this Chapter.

#### Chapter 4 – Secondhand Junk Dealers

VI 4.01       License Required. No person shall engage in the business of dealer in secondhand goods or junk dealer without first obtaining a license therefore. 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.

VI 4.02       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.

VI 4.03       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, waste material, secondhand 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 to the Building Inspector prior to the construction.

#### Chapter 5 – Gasoline Stations

VI 5.01       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 therefore. The fee for such permit shall be as specified in this Code.

VI 5.02        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 specifications, 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.

VI 5.03        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.

VI 5.04        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 to 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.

VI 5.05        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. (Amended 7/13/2015)

### Chapter 1 - General Building Regulations

VII 1.01        State Code Enforcement. The BOCA Codes shall be enforced within the Village of Baldwin.

## TITLE VIII. - POLICE REGULATIONS.

### Chapter 1 - Animals

VIII 1.01      Cruelty to Animals. No person shall cruelly treat or abuse any animal or bird.

VIII 1.02      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.

VIII 1.03      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.

VIII 1.04      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.

VIII 1.05      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

VIII 1.06      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.

VIII 1.07      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 sub-section 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.

VIII 1.08      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 1.07, or which is suspected of having rabies or of having bitten any person or animal, may be seized and impounded by the Village Marshal.

VIII 1.09      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.

VIII 1.10      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.

VIII 1.11      Impounding and Release. Any dog impounded for observation for rabies shall be held until released by the Village Marshal 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 shall be released to their respective owners upon payment of such reasonable fee as the Village Council shall establish.

VIII 1.12      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.

VIII 1.13      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 Marshal, be sold or given away to any person whom the Village Marshal believes will keep and care for said dog in a proper and humane manner.

VIII 1.14      Poultry and Livestock Restrictions.                      (Adopted 10/14/2024)

No fowl, poultry or livestock other than customary household pets, are permitted within



the Village except as provided in this ordinance.

Only the following animals are permitted:

Hens

Cornish hens

Ducks

Pheasants

Pigeons

Quail

Rabbits

Turkeys

Any person wishing to keep any animals governed by this Chapter within the Village must adhere to the following:

- 1) Complete an application for a Permit to Keep Poultry or Rabbits showing location of the proposed structure to house the animals relative to the applicant's residence and property lines.
- 2) Allow inspection by the Ordinance Enforcement official prior to receiving approval of the permit.

No person shall keep more than a total of 20 designated animals at any time on any Village parcel of contiguous parcels owned or leased by the applicant.

- a) No person shall keep Roosters within the Village.
- b) A permit granted under this ordinance is effective for one year.
- c) Enclosures for permitted animals shall meet the following requirements:
  - i. Be located in the backyard of the applicant's property.
  - ii. Be located a minimum of 10 feet from any property line.
  - iii. Be located a minimum of forty feet from any adjacent residential structures unless permission has been obtained or if separated by a public street or alley.
- d) All enclosures for the keeping of permitted animals shall be so constructed as to prevent rats, mice, or other rodents from being harbored underneath, within or within the walls of the enclosure.
- e) Any person keeping permitted animals in accordance with this ordinance is responsible for:
  - i. Cleaning the enclosure on a regular basis.
  - ii. Promptly attending to injured or sick animals.
  - iii. Dead animals must be disposed of in accordance with the Michigan Bodies of Dead Animals Act, Act 239 of 1982, Amended Act No. 311, Public Acts of 2008.

- f) Any animals permitted in accordance with this Ordinance are restricted to single family residences.
- g) Violations of this Ordinance shall be enforced as a municipal civil infraction.

## Chapter 2 – Alcoholic Liquor

VIII 2.01      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.

VIII 2.02      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.

VIII 2.03      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.

VIII 2.04      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.

VIII 2.05      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.

VIII 2.06      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-REPEALED

## TITLE IX - TRAFFIC. (Amended 5/10/2021)

### Chapter 1 – Traffic

IX 1.01      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.

IX 1.02      References in Code. Reference in the Uniform Traffic Code for Michigan Cities, Township and Villages to “governmental unit” shall mean the Village of Baldwin.

IX 1.03      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.

IX 1.04        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.

IX 1.05        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 and herein provided.

IX 1.06        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

IX 2.01 Violation Notices. The Ordinance Enforcement Officer is authorized to issue citations for parking violations.

IX 2.02 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.

IX 2.03 Park Within Lines. Whenever parking stalls are indicated by appropriate lines, vehicles shall be parked within the lines, one vehicle in each stall.

IX 2.04 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.

IX 2.05 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.

IX 2.06 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.

IX 2.07 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 the Village Council.

## TITLE X- MISCELLANEOUS.

### Chapter 1 - Bicycles & Skateboards

#### X 1.01 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.

#### X 1.02 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 one 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 - PEDESTRIANS

#### X 2.01 Pedestrians Subject to Traffic-Control Signals.

- (1) Pedestrians shall be subject to traffic-control signals at intersections as provided

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.

X 2.02 Crossing at Other Than Crosswalks. Every pedestrian crossing a roadway at any point 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.

X 2.03 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.

X 2.04 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.

X 2.05 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

X 3.01 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.

X 3.02 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.

X 3.03 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 taillight.

(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.

X 3.04 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.

X 3.05 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."