

VILLAGE OF FORESTVILLE

ORDINANCE

2019

VILLAGE OF FORESTVILLE ORDINANCE

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Article I-AIR POLLUTION

Section 1-SMOKE

All requirements of the Delaware Township Fire Department must be complied with and a permit must be obtained from the Delaware Township Fire Chief before burning commences.

Section 2-DUST, DIRT, AND FLYASH

The quantity of gas-born or airborne solids of fumes emitted into the open air shall not exceed .20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit. The foregoing conditions shall prevail when the percentage of excess air in the stack does not exceed 50 percent of a full load. All other forms of dust, dirt, and fly ash shall be completely eliminated in such a way as to prevent emission into the open air.

Article III-ANIMALS

Section 1-Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) Animal

Any living reptile or mammal and shall include, but not be limited to: pigs, cows, cats, dogs, sheep, goats, ponies, horses, snakes, livestock, birds, fowl, or poultry.

(B) Owner

Every person in possession of any animal who shall suffer such animal to remain on or about his premises for a period of five days or more.

(C) A vicious animal

Any animal that has bitten or attacked two or more times.

Section 2-Cruelty to Animals

(A) No person shall cruelly treat, beat, torment, overload, overwork, or otherwise abuse any animal. No owner of an animal shall neglect or fail to provide such animal with adequate shelter or care.

(B) Inhumane treatment. No person shall cause an animal to be subjected to cruel or inhumane treatment, including, but not limited to:

(1) The unnecessary separation of a female animal from its offspring before such time as the offspring can survive such separation;

(2) Painting, dyeing, or otherwise coloring any animal as a novelty or for the purposes of sale, exchange, or adoption;

(3) Promoting, inciting, or conducting animal fights for the intentional killing of animals for wagering or entertainment;

(4) Keeping an animal in any container or other enclosed area without sufficient food, water, light, ventilation, and care for an unreasonable length of time so as to cause undue discomfort or suffering;

- (5) The transporting of any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage, or enclosure is provided so as to protect such animal from falling, being thrown, or otherwise injured there from.

State Law Reference- Cruelty to animals, MCL 752.21 et seq., MSA 28.161 et seq.

Section 3-Poisoning Animals

No person shall throw or deposit any poisonous substance on any exposed public or private place wherein it endangers, or is likely to endanger, any animal or bird.

Section 4-Birds and birds' nests

No person shall molest, injure, kill, or capture any wild bird, or molest or disturb any wild birds nest or the contents thereof.

Section 5-Harboring of domestic animals and fowl

It shall be unlawful to harbor or have charge of any domestic animal when one or more of the following facts exist:

- (A) The animal has a vicious disposition, shows vicious habits, and/or has molested any person or animal lawfully in or upon any public or private street or place;
- (B) The domestic animal has attacked or bitten any person who was peaceably conducting themselves in any place they may lawfully be or has destroyed any property or other domestic animal;
- (C) The domestic animal appears to be suffering from rabies, mange, or other infectious or dangerous disease;
- (D) The domestic animal, by destruction of property or trespassing upon the property of others, has become a nuisance in the vicinity where kept as witnessed by a police officer, animal control officer, video or photographic proof, or any two persons from two separate households in the vicinity where the domestic animal is kept;
- (E) The domestic animal, by loud barking, howling, yelping, whining, meowing, or other sound has become a nuisance in the vicinity where kept, as witnessed by a police officer, animal control officer, video or audiotape, or any two persons from two separate households in the vicinity where the domestic animal is kept.

Section 6-Animals running at large

- (A) It shall be unlawful for any person to permit or allow any animal in his charge or keeping, whether licensed or unlicensed, to run at large or stray beyond the premises of such owner unless such animal is under reasonable control of some person and is accompanied by its owner or custodian. It shall be unlawful to permit any animal to run at large on the property of another without the permission of the owner of that property.
- (B) All persons walking any animal on any public roadway or public property in the Village of Forestville shall have control of said animal.

Section 7-Keeping of Dangerous Animals

No person shall permit any dangerous, fierce, savage, or vicious animal, or any animal that has been bitten by any animal known to be afflicted with rabies or other infectious disease to be on any private or public property. Any person who shall have in his possession an animal which has contracted, been exposed to, or is suspected of having rabies, or which has bitten a person, shall upon demand surrender such animal to Sanilac County Animal Control to be held for observation.

Section 8-Animal Waste

The owner of every animal shall be responsible for the immediate removal of any fecal matter deposited by his animal on public property, public roads or easements, or private property before leaving the immediate area.

Section 9-Keeping of Wild or Exotic Animals

No person shall keep or permit to be kept on his premises any wild or exotic animal such as but not limited to bear, deer, poisonous or venomous snakes, large reptiles, large members of the cat family, alligators, crocodiles, caimans or other similar animal, or any animal specifically prohibited from domestic housing by the state as a pet or for display or exhibition purposes. Person(s) found violating this section must immediately surrender such animal to the proper animal control officer or agency as authorized by the state or federal government to house such wildlife.

Section 10-Diseased Animals

It shall be unlawful for an owner to permit a domesticated animal afflicted with a contagious disease to run at large or to be exposed in any public place whereby the health of any other animal or person may be affected.

Section 11-Abandoned or Unwanted Animals

It shall be unlawful to abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless the premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking, or hunting shall not be regarded as abandoned under this section when the owner or custodian has made or is making a reasonable effort to locate the animal.

Section 12-License

- (A) All dogs within the village shall be licensed in conformity with the provisions of the state dog law and this article shall in no way be construed to affect the provisions of the state law within the village. In the event of a conflict between the provisions of this article and the state dog law, the provisions of the state dog law shall govern.
- (B) It shall be unlawful for any person to keep, possess, harbor, or have the care or charge of any dog, male or female, of the age of four months or over, within the village unless such dog shall wear a collar or harness to which is attached the license tag provided for by Act No. 339 of the Public Acts of Michigan of 1919 (MCL 287.261 et seq., MSA 12.511 et seq.), as amended, more commonly known as the Dog Law of 1919.

Section 13-Ponds may only be stocked with species currently living in Michigan's natural waterways or koi as permitted by the Michigan Department of Natural Resources.

Section 14-Areas Zoned as Residential or Commercial

- (A) It shall be unlawful for any person to keep or house any domesticated animal(s), whether licensed or unlicensed, that is not considered a standard pet, with the exception of six (6) female fowl or poultry provided the proper permit is filed and approved.

- (B) Standard pets include domesticated dogs, domesticated cats, domesticated rabbits, domesticated snakes whose species is not venomous and are not expected to grow beyond five feet, reptiles with a, typically, docile nature, that are non-venomous, and that are not expected to grow beyond five feet including the tail, domesticated turtles as legally sold at a pet store as provided by law, exotic birds such as parrots, domesticated birds such as parakeets, finches, etc. that are typically kept in the home, and fish that are typically kept in an aquarium.
- (C) Six (6) female fowl or poultry may be housed on a property with an occupied dwelling after permit approval by the Planning Commission. Permits are available at the Forestville Village Hall at no cost. Roosters are prohibited.

Section 15-Areas Zoned as Agricultural/Residential

- (A) It shall be unlawful for any person to keep or house any domesticated animal, whether licensed or unlicensed, that is not considered a standard pet or standard livestock.
- (B) Standard pets include domesticated dogs, domesticated cats, domesticated rabbits, domesticated snakes whose species is not venomous and are not expected to grow beyond five feet, reptiles with a, typically, docile nature, that are non-venomous, and that are not expected to grow beyond five feet including the tail, domesticated turtles as legally sold at a pet store as provided by law, exotic birds such as parrots, domesticated birds such as parakeets, finches, etc. that are typically kept in the home, and fish that are typically kept in an aquarium.
- (C) Standard livestock include domesticated horses, domesticated mules, domesticated donkeys, domesticated cattle, domesticated goats, domesticated sheep, domesticated llamas, domesticated alpacas, and domesticated pig.

Article IV-BUILDINGS AND BUILDING REGULATIONS-UNSAFE STRUCTURES

Section 1-Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (A) Unsafe structure means a structure which has any of the following conditions:
 - (1) A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
 - (2) A structure that has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
 - (3) A structure that has inadequate means of egress as required by this code;
 - (4) A structure , or part thereof, which is likely to partially or entirely collapse, or some part of the foundation or underpinning is likely to fall or give way so as to injure persons or damage property;
 - (5) A structure that is in such a condition so as to constitute a nuisance, as defined by this code;
 - (6) A structure that is hazardous to the safety, health, or general welfare of the people in the Village by reason of inadequate maintenance, dilapidation, or abandonment;
 - (7) A structure that is vacant, dilapidated, and open at the door or window, leaving the interior of the structure exposed to the elements or accessible to entrance by trespassers or animals or open to casual entry;

- (8) A structure that has settled to such an extent that walls or other structural portions have less resistance to winds than is required in the case of new construction;
- (9) A structure that is damaged by fire, wind, flood, or by other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the Village;
- (10) A structure that has become damaged to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds 50 percent of the assessed valuation of the structure at the time when repairs are to be made.

Section 2-UNLAWFUL TO OCCUPY OR MAINTAIN

It shall be unlawful for an owner or agent to maintain or occupy an unsafe structure.

Section 3-OWNER AND OCCUPANTS RESPONSIBLE FOR STRUCTURE

All persons or entities, who own, manage, lease, rent, or occupy any structure in a clean and habitable condition and shall take all necessary precautions to prevent any nuisance or other conditions detrimental to public health, safety, or general welfare from arising thereon.

Section 4-NOTICE

- (A) The Zoning Administrator, or his designee, shall issue a notice of unsafe structure when it is determined that the structure is unsafe.
- (B) Service of the notice shall be made upon the owner or agent registered with the Village and if not registered as indicated by the township assessor by:
 - (1) Personally delivering a copy to the owner or agent;
 - (2) Mailing a copy by certified mail, postage prepaid, return receipt requested to the owner as indicated by the records of the Village Treasurer and posting a copy of the notice on a conspicuous part of the structure; or
 - (3) When service cannot be made by either of the above methods, by publishing the notice in a local newspaper of general circulation once a week for three consecutive weeks and by posting a copy of the notice on a conspicuous part of the structure.
- (C) The notice shall:
 - (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Specify the repairs and improvements required to be made to render the structure safe or if the Village Zoning Administrator, or his designee, has determined the structure cannot be made safe, indicate that the structure is to be demolished;
 - (4) Specify a reasonable time within which the repairs and improvements must be made or the structure must be demolished;
 - (5) Include an explanation of the right to appeal the decision to the Village Council within ten calendar days of the receipt of the notice;
 - (6) Include a statement that the recipient of the notice must notify the Zoning Administrator within ten calendar days of the receipt of the notice with his intent to accept or reject the terms of the notice.

Section 5-PLACARDING OF STRUCTURE

If the owner or agent refuses to comply with the requirements set forth in the notice, the Zoning Administrator shall cause to be posted at each entrance of the structure a placard bearing the words:

Do not enter. This structure is unsafe and its use or occupancy has been prohibited by the Village of Forestville.

Section 6-PROHIBITED USE

It shall be unlawful for any person to occupy a placarded structure or part thereof, or for any owner or any person responsible for the structure to allow anyone to occupy the placarded structure.

Section 7-EMERGENCY MEASURES

When in the opinion of the Zoning Administrator, or his designee, there is an actual and immediate danger of failure or collapse of a structure or any part of a structure which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure the Zoning Administrator, or his designee, is hereby authorized and empowered to order and require the occupants to vacate the structure immediately and the provisions of this article relating to notice are not applicable. The Zoning Administrator, or his designee, shall cause to be posted at each entrance to the structure a notice reading as follows:

Do not enter. This structure is unsafe and its use or occupancy is prohibited by the village of Forestville.

Section 8-TEMPORARY SAFEGUARDS

When in the opinion of the Zoning Administrator, or his designee, there is an actual and immediate danger of collapse or failure of a structure or any part of a structure which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, the Zoning Administrator, or his designee, shall cause the necessary work to be done without notice to make the structure or part of the structure temporarily safe, whether or not the legal proceedings herein described have been instituted. The cost of making the structure or any part of the structure temporarily safe shall be a lien against the real property and shall be reported to the Village Treasurer, who shall assess the costs against the property on which the structure is located

Section 9-NOTICE AND ORDER TO SHOW CAUSE

(A) If an owner or agent fails to comply with the requirements set forth in the notice issued in accordance with this chapter, the Zoning Administrator, or his designee, shall serve a notice to show cause upon the owner or agent of the structure that is registered with the village and if not registered as indicated by the records of the Village Treasurer. The notice and order to show cause shall be served in the same manner as provided in this chapter and shall be served not less than seven (7) calendar days prior to the show cause hearing. The notice shall:

- (1) Specify the conditions making the structure unsafe;
- (2) Specify the action necessary to alleviate the unsafe condition;
- (3) Specify the time and place of the show cause hearing; and
- (4) Advise the owner or agent that he shall have the opportunity at the public hearing to present testimony and evidence to show cause as to why the structure should not be demolished or otherwise made safe as recommended by the Zoning Administrator, or his designee.

(B) The show cause hearing shall be conducted by the Village Council and shall be at a regularly scheduled meeting of the Village Council.

Section 10-UNREASONABLE REPAIRS

Whenever the Zoning Administrator, or his designee, has determined that a structure is unsafe and has determined that the cost of the repairs would exceed 100 percent of the true cash value of the structure as reflected by village assessment rolls in effect prior to the building becoming an unsafe structure, such repairs shall be presumed unreasonable and it shall be presumed, for the purpose of this article, that such structure is a public nuisance which may be ordered demolished without option on the part of the owner to repair. This section is meant to apply to those situations where a structure is unsafe as a result of an event beyond the control of the owner, such as fire, windstorm, tornado, flood, or other Act of God. If a structure has become unsafe because of an event beyond control of the owner, the owner shall be given by the Zoning Administrator, or his designee, reasonable time within which to make repairs and the structure shall not be ordered demolished without option on the part of the owner to repair. If the owner does not make repairs within the designated time period, then the structure may be ordered demolished without option on the part of the owner to repair. The cost of demolishing the structure shall be a lien against the real property on which the structure is located.

Section 11-RESTORATION

A structure deemed to be unsafe may be restored to a safe condition provided a change of use or occupancy is not contemplated or compelled by reason of such reconstruction or restoration. If the damage or cost of reconstruction or restoration is in excess of 50 percent of the structures assessed value, exclusive of foundations, such structure shall be made to comply with the requirements for materials and methods of construction of structures hereafter erected.

Section 12-APPEAL TO VILLAGE COUNCIL

An owner of a structure determined to be unsafe may appeal the decision to the Village Council. The appeal shall be in writing and shall state the basis for the appeal. The appeal must be filed within ten (10) calendar days from the receipt of the notice of the notice of unsafe structure if the notice is served personally or by mail and ten (10) calendar days from the date of the last publication if served by publication. The owner or his agent shall have the opportunity to be heard by the Village Council at the regularly scheduled council meeting. The Village Council may affirm, modify, or reverse all or part of the determination of the Zoning Administrator, or his designee.

Section 13-COMMENCEMENT OF LEGAL PROCEEDINGS

If the owner or agent refuses to abide by the requirements set forth in the notice of unsafe structure or the notice and order to show cause or refuses to abide by the decision of the Village Council rendered at the show cause hearing, or on appeal, the Village Council may, by resolution, authorize the village attorney's office to initiate appropriate legal proceedings.

Section 14-APPEAL TO CIRCUIT COURT

An owner aggrieved by any final decision of the Village Council may appeal the decision to the county circuit court by filing a complaint within 20 calendar days from the date of the decision.

Section 15-PENALTIES AND REMEDIES

(A) A violation of any provision of this ordinance shall be a civil infraction.

- (B) Any person guilty of violation of this article shall also be subject to civil proceedings for damages and/or injunctive relief by the village or any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies.
- (C) Each day that a violation continues to exist shall constitute a separate offense.

Article V-COMPRESSION BRAKING

Section 1-Operation of Engine Brakes Declared a Nuisance.

The Village of Forestville finds as a fact that the operation of an engine brake on a gasoline powered or diesel powered motor vehicle not equipped with exhaust mufflers, or equipped with defective or modified mufflers, so as to create excessive noise through the use of said engine brake, adversely affects the public health, safety, and welfare of the residents of the Village of Forestville, and therefore is a nuisance.

Section 2-Prohibition

No gasoline powered or diesel powered motor vehicle shall be operated on the streets, roads, alleys, or highways within the Village of Forestville utilizing, in said operation, an engine brake, permitting excessive noise to be created by said motor vehicle.

Section 3-Use Permitted in Emergency Situations

This ordinance shall not apply to emergency driving situations requiring the utilization of an engine brake to protect the safety and property of the residents of the Village of Forestville, other motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

Section 4-Penalties

Any driver and/or the firm or corporation for whom the driver is employed who shall violate any provision of this ordinance shall pay the penalty for a village civil infraction of not less than \$25 and not more than \$500. Costs may also include all expenses, direct and indirect, to which the village has been put in connection with the village civil infraction/citation up to the entry of judgement. The village may seek or employ all other remedies and sanctions available under state law for municipal civil infractions.

Chapter VI-DISCHARGE OF FIREARMS WITHIN THE VILLAGE

Section 1- No person shall discharge any firearm within the Village of Forestville except in areas meeting the requirements and in accordance with the provisions of the Michigan Department of Natural Resources hunting laws and all other State and Federal laws applicable to the use of firearms or in the performance of an official duty authorized by the Village Council

Section 2- No person shall discharge any B.B. gun, pellet gun, air gun, CO2 or pneumatic gun or device, or bow or crossbow or other device capable of propelling any projectile with sufficient force to shatter glass or kill or injure birds or small animals beyond a distance of 20 feet except in areas meeting the requirements and in accordance with provisions of the Michigan Department of Natural Resources hunting laws and all other State and Federal laws applicable to the use of firearms.

Article VII-JUNK

Section 1- General

The Village Council determines that the public peace, health, safety, and welfare of the citizens of Forestville is threatened by the accumulation, storage, abandonment, or discarding of garbage, rubbish, demolition and construction debris, junk, junk vehicles and parts of such vehicles, which can result in adverse soil and water pollution, fire hazard, injury to persons and public health by disease and pests, blight or potential blight where conditions are exposed to public access in Forestville.

The purpose of this Ordinance is to regulate and control the storage and disposal of junk within the Village of Forestville; to promote the public health, safety, and welfare; to protect land and water resources; to provide for the safety of residents in the area; and, to regulate matters of legitimate Village concern, by;

- (A) Defining certain terms used herein.
- (B) Regulating the volume and conditions under which a person may store junk on one's own land.
- (C) Providing for enforcement and a system of due process for removal of junk from one's land, and
- (D) Providing for miscellaneous provisions necessary for regulation of Village affairs.

Section 2-General Provisions

(A) Validity and Severability

If the clause, sentence, sub-sentence, paragraph, section, or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part directly involved in the controversy in which said judgement shall have been rendered.

(B) Provisions not Affected by Heading

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of any section hereof.

(C) Amended Michigan Statutes

Whenever any provision of this Ordinance refers to or cites a section of the Michigan Statutes and that Michigan Statute is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended Michigan Statute section or the section thereof that most nearly corresponds to the superseded section.

(D) Interpretations

In the interpretation of this Ordinance the following rules apply:

- (1) Words in any gender shall be deemed to include the masculine, feminine, and neuter.
- (2) Words used in the present tense shall include future; and words used in the singular number shall include the plural and the plural singular, unless the context clearly indicates the contrary.
- (3) The word "shall" is always mandatory and is not discretionary. The word "may" is permissive.

Section 3-Definitions

(A) Classic or Antique Car

A car over 25 years of age.

(B) Construction and Demolition Debris

Any type of solid waste consisting of waste building materials and rubble resulting from the construction, remodeling, repair, and/or demolition of houses, commercial and industrial buildings, and other structures which includes but is not limited to metal, concrete, glass, brick, asphalt, and roofing materials.

(C) Garbage

Rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for use as food, or that attends to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetable not in an appropriately maintained composting operation, or not using generally accepted agricultural practices.

(D) Junk

Any manufactured goods, appliance, fixture, tires, furniture, machinery, boat, or personal property, or any part of the preceding things or anything, whether of value or valueless, that is demolished or discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked, or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state, and shall include scrap ferrous or nonferrous material, rubber, cloth, paper, rubbish, refuse, litter, materials from demolition, waste building materials, refuse from industrial and manufacturing operations, junked, abandoned, scrapped, dismantled, or wrecked (including parts of or items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile homes, appliances, and all other machines.

(E) Junk Motor Vehicle

Any motor vehicle which is (a) distressed, (b) missing a major component part, (c) used as a storage container, and is distressed or missing a major component part, or (d) is not capable of operation because of missing or broken parts and cannot be made operational by simple mechanical or electrical repairs or simple replacement of any part(s) in order to qualify for use under the Michigan Motor Vehicle Code, 1939 PA 300, as amended, and includes wreckage or any part(s) of a motor vehicle except for the following:

- (1) Articles used to farm or conduct farm operations in accordance with generally accepted agricultural and management practices, under the Right to Farm Act, being 1981 PA 93, as amended.
- (2) A motor vehicle in operating condition eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, 1939 PA No. 300, as amended.
- (3) A motor vehicle in operating condition held as stock in trade by a lawful and properly licensed dealer of new and used motor vehicles or equipment held as stock and trade.
- (4) A motor vehicle temporarily inoperable due to minor mechanical or electrical failure but which is not a junk vehicle. Outdoor storage of temporarily inoperable vehicles shall not exceed thirty (30) days.

(F) Major Component Part

Means one or more of the following parts of a motor vehicle:

- (1) The engine.
- (2) The transmission.
- (3) The hood.

- (4) The door allowing ingress or egress from the vehicle's passenger compartment.
- (5) The deck lid or hatchback.
- (6) The trunk floor pan.
- (7) The frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame.
- (8) The cab of the truck.
- (9) The body of a passenger vehicle.
- (10)The right or left rear quarter panel.
- (11)The window glass.
- (12)Tires.
- (G) Motor Vehicle
Any vehicle which, by design, is or is intended to be self-propelled, and which by any person or property is to be carried or transported, except devices exclusively moved by human power or a mobile home.
- (H) Person
Means any individual, sole proprietorship, partnership, association, firm, trust, company, or corporation, public or private.
- (I) Public View or Access
Means the ability of any person lawfully present or traveling upon public or private property to have a view of another premise upon which junk, junk vehicle(s), garbage, rubbish, or construction or demolition debris is stored or accumulated.
- (J) Premises
Means any lot or parcel of land owned or occupied by any person, vacant or improved, with any dwelling, building, or other structure; or public lands, or public right of way or easement.
- (K) Rubbish
Means any miscellaneous waste materials resulting from housekeeping and ordinary commercial enterprises, including but not limited to, ashes, cartons, cans, bottles, metal, boxes, wasted papers, glass, bedding, crockery, wood, used lumber, paper, rags, tires, or machinery parts.
- (L) Ruined
Means formless, useless, or valueless.
- (M) Scrapped
Means having no value except as scrap metal.
- (N) Wrecked
Means the outward appearance of the specific item or vehicle is deformed, damaged, or defaced.
- (O) Yard Waste
Means leaves, grass clippings, vegetable or garden debris, shrubbery, brush, or tree trimmings that can be converted to compost humus. The term does not include stumps, agricultural wastes, animal waste, roots, sewage, sludge, or garbage.
- (P) Undefined words
Any word not defined herein shall be interpreted within its common and approved usage or as defined in a standard dictionary.

Section 4-Prohibited Acts

- (A) No person shall cause, allow, or permit the accumulation, storage, abandonment, or discarding of rubbish, junk, construction or demolition debris, or garbage, not including yard waste, in or upon any premises.
- (B) No person shall cause, allow, or permit the accumulation, storage, parking, abandonment, or discarding any junk vehicle in or upon any premises, unless the junk vehicle(s), or any part thereof, shall be contained within a fully enclosed building or behind an enclosed privacy fence, so that the junk vehicle(s) are not exposed to public access or view and not contributing to the pollution of water or soils.
- (C) Not more than one (1) modified vehicle in fully operating condition, such as a stock modified, redesigned, or reconstructed vehicle for the purpose other than that for which it was manufactured (such as a demolition derby car or monster truck), may be permitted on a premises in public view or access for more than ninety (90) days within a calendar year. Additional modified vehicles may be stored on a premise if the additional modified vehicles are parked or stored out of public view in a building, garage, or other type of fully enclosed structure.
- (D) Not more than one (1) classic or antique car may be permitted within public view or access on a premises; provided, however, that the vehicle shall be in operating condition and eligible for use in accordance with the requirements of the Motor Vehicle Code. Additional classic or antique cars may be stored on a premise if the additional classic or antique cars are parked or stored out of public view in a building, garage, or other type is fully enclosed structure.
- (E) Temporarily inoperable vehicles shall not be stored outdoors for more than thirty (30) days.
- (F) No person shall cause, permit, or allow junk, rubbish, garbage, junk vehicles, or construction or demolition debris, any of which is stored or accumulated on a premises in violation of this Ordinance, to be transferred to another premises for storage or accumulation in a manner that would also violate this Ordinance.

Section 5-Procedure

(A) Complaint

Any person may file a complaint for an alleged violation of this Ordinance by providing written notification of the alleged violation to the Village Office or the Zoning Administrator.

(B) The resident whose premises have come into question shall be informed in writing delivered by return receipt mail of the allegations and given thirty days to remedy the situation.

(C) Issuance of Citations

A citation for an alleged violation of this Ordinance may be issued by an authorized local official, including, but not limited to a deputy of the Sanilac County Sheriff's office or a Village of Forestville Zoning Enforcement Official. Such persons may issue a citation if he or she has a reasonable cause to believe an infraction has occurred, based on either personal observation or upon the report of a person, who provided photographic proof, who has allegedly witnessed said infraction. Citations shall be served in accordance with the requirements of the state law.

Section 6-Penalties

(A) Municipal Civil Infraction

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not more \$100.00 for the first offense and not more than \$200.00 for a subsequent offense, in the discretion of the Court, and in the addition to all other costs, damages, expenses, and actual attorney's fees incurred by the Village of Forestville, or by its designated enforcing authority, in enforcing the ordinance. For purposes of this section, "Subsequent Offense" means a violation of this ordinance committed with respect to a separate incident by the same person within twelve (12) months after a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

(B) Lien to Enforce Fines, Costs, and Penalties

The civil fines, costs, assessments, damages, and/or expenses imposed against a person found responsible for violating this ordinance shall be paid the Village of Forestville, or its designated enforcing authority, immediately upon entry of the court order. If the civil fines, costs, assessments, damages, and/or expenses are not paid within thirty (30) days, the Village, or its designated enforcing authority, may obtain a lien against the land, building, or structure involved in the violation. The lien may be enforced and discharged in the manner prescribed by the General Property Tax Act.

(C) Injunctive Relief

A violation of this ordinance is hereby declared to be a nuisance per se. The issuance of a municipal infraction citation and the imposition of the foregoing municipal civil infraction penalties against the violator shall not prohibit the Village, or its designated enforcing authority, from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

Section 7-Inapplicability

The following shall not be considered a violation of this Ordinance

- (A) The outdoor storage, for not more than eight (8) days, of waste destined for garbage collection.

Article IX-NOISE

Section 1-Definitions

Decibel is the unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of $2 \times 10^{-5} \text{N/m}^2$ (Newton's per meter squared). As an example of the effect of this formula, a three decibel change in the sound pressure level corresponds to doubling or halving of the sound intensity and a ten decibel change corresponds to a ten-fold increase or to a decrease to 1/10 of the former intensity.

DB (A) means the sound pressure in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

Section 2-No person, firm, corporation, or other legal entity shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to health, peace, or quiet of the residents and property owners of the village.

Specific violations: the following noises and disturbances are hereby declared to be a violation of this ordinance; provided however that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:

- (A) The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to reasonably upset or disturb the quiet, comfort, or repose of other persons.
- (B) Yelling, shouting, hooting, whistling, or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place as to unreasonably upset or disturb the quiet, comfort, or repose of any persons in the vicinity.
- (C) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, or hospital.
- (D) The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort, or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- (E) The construction, excavation, alteration, or repair of any building or premises in any part of the village, and including streets and highways, in such a manner as to create noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and 9:00 p.m. on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Zoning Administrator, which permit shall limit the periods that the activity may continue.
- (F) The creation of loud or excessive noise unreasonably disturbing to other person in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, or other carrier or in connection with the repairing of such vehicle in or near residential areas.
- (G) The use of any drum, loudspeaker, or other amplifying device upon any vehicle on the streets of the village with the purpose of attracting attention to any performance, show, sale, display, or other commercial purpose which, by creation of such noise shall be unreasonably disturbing to other person in the vicinity.
- (H) The operation of any loudspeaker or other amplifying device upon any vehicle on the streets of the village with the purpose of advertising, where such vehicle, speaker, or amplifying device emits loud and raucous noises easily heard from nearby residential property.
- (I) The operation of any machinery, equipment, or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort, or repose of any person.

Section 3-Decibel Level Prohibitions

No person shall conduct or permit any activity, including those specific prohibitions listed previously, that produces an OBA at or beyond the property line of the property on which it is conducted which exceeds the level specified in Table 1. Such noise levels

shall be measured on the property line or on the adjacent property which is receiving the noise. Where property is used for both residential and commercial purposes the limitation set forth below for commercial property shall apply.

7:00 a.m. – 10:00 p.m.		10:00 p.m.-7:00 a.m.	
Commercial	80 decibels	Commercial	50 decibels
Residential	75 decibels	Residential	50 decibels
Agriculture/Residential	80 decibels	Agricultural/Residential	50 decibels

The following limited activities are exempted from the sound level limitations of this section:

- (A) Any police, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.
- (B) Warning devices emitting sound for warning purposes as authorized by law.
- (C) Emergency work necessary to restore property to a safe condition following a fire, accident, or natural disaster; to restore public utilities or to protect persons or property from imminent danger.
- (D) Activities of operations of governmental units or agencies.
- (E) Parades, concerts, festivals, fairs, or similar activities subject to any sound limitations included in the approval by the village.
- (F) The use, for noncommercial purposes, of one or more bells or chimes which does not exceed 90 seconds of duration in an hour between 9:00 a.m. and 10:00 p.m.

Section 4-Conflicts

All other ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

Article X-PARKING

Section 1-Definitions

Parking means standing a vehicle, whether occupied or not, upon a roadway, when not loading or unloading, except when making emergency repairs.

Section 2- Parking shall be permitted upon streets within the Village of Forestville only when the vehicle stopped or parked shall so stop or park with the wheels of the vehicle parallel with the roadway and within twelve (12) inches of an existing right hand curb.

Section 3-Where no right hand curb is available along streets, in said village, vehicles shall be parked parallel with but not upon the street.

Section 4-No person shall park a vehicle in any of the following places:

- (A) On a sidewalk
- (B) In front of a public or private driveway
- (C) Within an intersection
- (D) On a crosswalk
- (E) Within twenty (20) feet of a crosswalk, or if there be none, then within fifteen (15) feet of the intersection of property lines at the intersection of streets or highways with village streets.
- (F) Within twenty (20) feet of the driveway entrance of any fire station.
- (G) Upon the left hand side of any highway or street.
- (H) At any place where official sign of Village of Forestville or State Highway Department prohibits parking.

Section 5-Parking as defined in this ordinance shall be deemed to regulate parking of every motor vehicle and any farm implement whether self-propelled or otherwise.

Section 6-Every person who shall be responsible for a violation of this ordinance shall be guilty of a civil infraction and may be liable for a payment of any sum not to exceed \$100 at the discretion of the court.

Article XI- Swimming Pools and Ponds

Section 1- Permits

This ordinance applies to all man-made ponds, in-ground pools, and above-ground pools. A land use permit shall be required for those utilizing electrical service or requiring more than three (3) feet of excavation. Swimming pools and ponds shall be exempt from permit fees.

Section 2-Setback and Safety Provisions

All pools and man-made ponds shall be located in the rear or side yard, not less than five (5) feet from the rear and side lot lines, enclosed by a, minimum, four (4) foot fence with a latched gate. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

Article XII-TALL GRASS AND WEEDS

Section 1-Purpose

The Village finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. As such, this ordinance is hereby created to secure the public health, safety, and general welfare of the residents and property owners of the Village by regulating the height of grass and weeds on land subject to this ordinance, in all zoning districts of the Village.

Section 2-Definitions

- (A) Grass shall mean vegetation consisting of typically short plants with long narrow leaves growing wild, cultivated on lawns, or cultivated on pasture as a fodder crop.
- (B) Land used for agriculture shall mean the active use of land for tilling of the soil, the raising of field or tree crops, or animal husbandry as a source of income.
- (C) Weed or weeds shall mean any plant defined or identified in the Noxious Weeds Act Public Act 359 of 1941, as amended, or other plants that the Village Council deem to come under the provisions of the Noxious Weed Act.

Section 3-Tall grass and weeds prohibited

It shall be unlawful for any landowner, occupant, or any person in possession of any land within the village to permit or maintain any growth of grass or weeds that have grown to a height greater than eight (8) inches on the average, except as provided below:

- (A) Land being actively used for agricultural purposes; or
- (B) Portions of lots used for flower gardens, shrubbery, vegetable gardens, greenbelts, and natural waterfront shoreline; or
- (C) Naturally wooded areas that have not been previously maintained with no expectation of being maintained, regulated wetlands, or meadows; or
- (D) Areas designated by the village as undeveloped open space.

Section 4-Notice of Enforcement

The Village Clerk shall publish a notice in a newspaper of general circulation in Sanilac County during the month of March that weeds not cut that year may be cut by the Village once they reach an average height of eight (8) inches and the owner of the property shall be charged a set hourly rate to cover all related costs and fees. Said rate will be determined annually by the Forestville Village Council. Additionally a certified letter, return receipt requested, stating the violation and that there is only one notification regarding this issue sent per calendar year shall be mailed to the last known address of the property owner stating that they have seven (7) days to correct the issue from the date that the letter was mailed. The Village may cut properties as many times as deemed necessary and charge the cost of abatement plus administrative and mailing fees to the property owner which shall be assessed as a lien against the land until paid.

Section 5-Right of Entry and Abatement by Village

The Village, or its authorized contractor or other designee(s), is authorized and empowered to enter the land to mow, cut, and spray as necessary to bring the land into compliance.

Section 6-Collection from Landowners

(A) All expenses incurred in connection with the cutting and removal of grass or weeds shall be paid by the land owner, occupant, or the person in possession. The land owner, occupant, or person in possession shall be notified by the Village of Forestville of the amount of the cutting or removal of grass or weeds, at an hourly rate determined by the Village Council at the beginning of each fiscal year, by first class mail sent to the last known address as shown in Forestville's records.

(B) If the land owner, occupant, or person in possession fails to pay the costs within sixty (60) days after mailing by the Village of Forestville of the notice of the amount of the cost, the Village of Forestville may have a lien against the land for the amount of the expenses and fees. The lien shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1983, as amended, MCL211., et. Seq.

(C) The landowner, occupant, or person in possession may also be responsible for a civil infraction in the amount of not more than \$100.00 for the first infraction in a calendar year, not more than \$200.00 for each subsequent offense per calendar year.

(D) Additionally, the violator shall pay costs which may include all expenses, direct and indirect.

Article XIII-UNDEVELOPED PLATTED ROADS

All undeveloped platted roads in the Village of Forestville are deemed not open to the general public and the unauthorized use of them will be considered trespassing.

Article XIV-WATER AND SEWER SYSTEM

Section 1-Definitions

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

- (A) **BOD (denoting Biochemical Oxygen Demand)** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

- (B) **Building Connection** The connection of the building drain to the building sewer.
- (C) **Building Drain** The extension from the building drain to the public sewer or other place of disposal.
- (D) **Village** The Village of Forestville, Sanilac County, Michigan.
- (E) **Combined Sewer**-A sewer receiving both surface runoff and wastewater.
- (F) **Developer** Any person constructing a private wastewater system.
- (G) **Garbage** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (H) **Industrial Wastes** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary wastewater.
- (I) **Inspector** An authorized agent of the Village observing the construction, alteration, tapping, or repair of any public or building sewer or engaged in other work provided for herein.
- (J) **Meter** A device to measure the quantity of water or wastewater passing through it.
- (K) **Natural Outlet** Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- (L) **Person** Any individual, firm, company, association, society, corporation, or group.
- (M) **PH** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (N) **Plumber** A plumber who is licensed and authorized to engage in plumbing work in the Village in accordance with Village Ordinances and State Statutes.
- (O) **Plumbing Contractor** Any contractor registered with the Village to engage in the work of a Plumber.
- (P) **Premise or Premises** A structure which cannot be completely divided in its present utilitarian condition through sale. The following are examples of what is meant by premise or premises:
 - (1) A building under one roof owned, leased, or occupied by one party as one business or residence; or
 - (2) A combination of residential buildings or commercial buildings leased or occupied by one party in one common enclosure; or
 - (3) The one side of a double house having a solid vertical partition wall; or
 - (4) A building owned by one party having more than one internal division such as apartments, offices, stores, etc., and which may have a common or separate entrance.
- (Q) **Private Wastewater Disposal Facilities** Any privately owned and maintained privy, privy vault, septic tank, cesspool, or outlet into any pond, ditch, lake, or other body of surface water or groundwater, or other facility intended or used for the disposal of wastewater.
- (R) **Properly Shredded Garbage** Wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no greater than one half inch in any dimension.

- (S) **Public Sewer** A sewer in which all owners or abutting properties have equal rights and is controlled by public authority.
- (T) **Sanitary Sewer** A sewer which carries wastewater and to which storm water, surface water, and ground waters are not intentionally admitted.
- (U) **Sewer** A pipe or conduit for carrying wastewater.
- (V) **Shall** is mandatory; **May** is permissive.
- (W) **Slug** A discharge of water, wastewater, or industrial waste which in concentration of any given constituent, or if quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (X) **Storm Drain and Storm Sewer** A sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.
- (Y) **Superintendent** The superintendent of the Water Pollution Control Department for the Village or his authorized deputy, agent, or representative.
- (Z) **Suspended Solids** Solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering.
- (AA) **Waste** Any discharged or abandoned materials whether organic or inorganic.
- (BB) **Wastewater** A combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, or storm water that may be present.
- (CC) **Wastewater Treatment Plant** All facilities for collecting, pumping, treating, and disposing of wastewater, industrial wastes, and sludge.
- (DD) **Watercourse** A channel in which a flow of water occurs either continuously or intermittently.

Section 2-Use of Public Sewers Required

- (A) **Objectionable Waste on Public or Private property**
It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.
- (B) **Unlawful Discharge**
It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of said Village, any wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- (C) **Private Wastewater Disposal Facilities**
Except as herein provide it shall be unlawful to construct, maintain, or use any private wastewater disposal facilities for the disposal of wastewater.

(D) Connection to Public Sewer

The owner of any house, building, or property used for human occupancy, employment, recreation, or purpose situated within the Village and abutting on any street, alley, right-of-way, or easement in which there is now located, or may in the future be located, a public sanitary sewer of the Village, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, provided that public sewer is within 150 feet of the property line. This connection shall be completed within 180 days after the date on which the last of the following occurs:

- (1) Availability of the public sanitary sewer as above described;
- (2) Availability of wastewater treatment plant services;
- (3) Improvement of the property so as to become property on which water is used or is available for household, commercial, industrial, or other purpose. The improvement shall be deemed complete when ready for occupancy.

(E) Disconnection for Private Sewer

At such time as any premises are connected to the public sewer the owner shall complete the following:

- (1) Within 180 days from the date that connection to the sewer is completed disconnect all connections to private wastewater disposal facilities;
- (2) Fill all cesspools, septic tanks, privy vaults, dry wells, block trenches, and any other private wastewater disposal facilities in compliance with requirements of the Sanilac County Health Department.

(F) Notice to Connect

At such time as a public sewer becomes available to premises served by private wastewater disposal facilities the Village Clerk shall cause appropriate notice to be served upon the owner of such property. Said notice shall contain the following provisions:

- (1) That a public sanitary sewer is ready and available to receive connections and the approximate location of the public sanitary sewer available for connection;
- (2) That said premises are required to be connected to said public sanitary sewer as specified in Section D; and
- (3) That said premises are required to be disconnected from private wastewater disposal facilities as specified in Section E;

The notice required hereby shall be served as provided in Section G.

(G) Notice to Connect

The notice required by Section F shall be posted beside an entrance to a building on the property, left with an occupant thereof, or delivered to the property owner. In addition, the Village Clerk shall have the notice published once in a newspaper of general circulation within the Village.

Section 3-Private Wastewater Disposal

(A) Disposal Requirement

Where a public sewer is not available under the provisions of Article II, Section D, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

- (B) Permit Requirement
Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any drawings, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee, as set annually by the Village Council, shall be paid to the Village at the time of the application is filed
- (C) Inspection
A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.
- (D) Health Department Rules
The type, capacity, location, and layout of a private wastewater disposal system shall comply with all rules regulations of the Sanilac County Health Department and the Michigan Department of Natural Resources.
- (E) Public Sewer Availability
At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and the private wastewater disposal facilities shall be abandoned and filled in compliance with this chapter.
- (F) Private Disposal Maintenance
The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the Village.
- (G) Additional Requirements
No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Sanilac County Health Department or the Michigan Department of Natural Resource.

Section 4-Building Sewers and Connections

- (A) Unauthorized Tampering Prohibited
No person, except an authorized employee of the Village or persons authorized by the Village, shall uncover, make any connections with or into, install, repair, alter, or disturb any public sewer, building sewer, or appurtenance thereof. A written permit for such work issued by the Superintendent shall be required for each interference with any public sewer or appurtenance thereto.
- (B) Building Sewer Permits
There shall be two classes of building sewer permits (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes.

(C) Payment of Fees

No permit shall be issued until all the charges and fees, inclusive but not limited to, permit and inspection fees, connection charges, tap fee, and other charges required by this and related ordinances, have been paid or provisions for the payment of the same has been made with the Superintendent.

(D) Connection Costs

All costs and expenses related to and incidental to the installation and connection of the building sewer to the public sewer, including the cost of materials and metering devices as may be required, shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly result from the installation of the building sewer or connection to the public sewer.

(E) Separate Connections

A separate and independent building sewer shall be required for each premise to be connected to the public sewer.

(F) Existing Building Sewers

Old building sewers may be used in connection with new premises only when they are found, on examination and test by the Superintendent, to meet all of the requirements of this Chapter.

(G) Conformance to Rules

All sewer construction, connections, maintenance, and repairs to sewer facilities shall be subject to rules and regulations promulgated from time to time in accordance with the provisions of Article VII, and shall conform to the Building and Plumbing Codes of the Village and the County, and other applicable codes. In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(H) Building Sewer Elevation

Whenever possible the building's sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is to low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an apparatus approve by the Superintendent, and discharged to the building sewer.

(I) Groundwater Prohibited

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(1) Whenever such connections are found in any premises the Superintendent shall notify the owner in writing in accordance with provisions hereinafter for giving notice of any violations.

(2) Such connection shall be deemed to constitute a nuisance per se.

(3) Failure to remove said connection within 30 days from the date of service shall be deemed to be a separate violation of these provisions.

(J) Public Sewer Connection

The person designated pursuant to Section B to perform the work of connecting, installing, repairing, altering, or disturbing any public sewer shall notify the Superintendent in writing at least forty-eight (48) hours in advance of when the

building sewer will be ready for installation and connection to the public sewer. It is the responsibility of the person designated to do such work to insure the delivery of such notice to the Superintendent. This notice shall state the permit number, street, sub-lot number, and anticipated construction time required for the inspection requested. The person designated to do the work immediately inform the Superintendent of any unforeseen delays or postponements prior to 8:00 a.m. of the day for which inspection was arranged. No work may be performed in the absence of an inspector, unless written permission is granted by the Superintendent. Said written permission shall not be unreasonably denied. The Village shall not be liable for any expense incurred by the person designated to do the work in locating mains, wyes, house connections, or other sewer appurtenances arising out of information procured from the records of the village.

(K) Tapping and Inspection

Any work covered prior to inspection shall be uncovered by the person designated to do the work and an opportunity must be given to inspect the inside as well as the outside of the sewer pipe. The actual tapping of a connection into a sanitary sewer and the connection to the building drain shall be done only in the presence of an inspector. The Superintendent shall approve the quality of all materials and workmanship and shall have the right to inspect the same at all times. He may order removed from the job any inferior or defective material and he shall cause to be re-laid any portion of a building sewer which is not constructed in accordance with the provisions of this chapter.

(L) Permit for Sanitary Sewer Main

When a new sanitary sewer main is being built in a street and building drain or building sewer connections are included in the contract the contractor for such main sanitary sewer shall be required to obtain a permit for each and every connection to a building drain that may be employed to connect.

(M) Construction in Right-of-Way

No permit for sewer construction, connection, maintenance, or repair shall be issued for any such work requiring excavation in any street, highway, or road right-of-way until the person who is to make such excavation shall obtain from the proper authority the required permit for each excavation and shall agree to comply with all the requirements of the issuing authority, or shall obtain a written statement by that authority that no road opening permit is required. This permit shall be known to the inspector at the commencement of construction and shall be kept on the job at all times while work is in progress.

(N) Interior Plumbing

No sanitary sewer connection shall be made to any premises for which the rough interior plumbing has not been completed, inspected, and approved by the proper authority. The connection between the interior plumbing building drain and the building sewer shall be made at a point approximately five feet outside the inner face of the foundation wall.

(O) Building Sewer Maintenance, Liens

The property owner shall be responsible for the maintenance of the building sewer from the sanitary sewer main. The Superintendent may require the property owner to make whatever repairs or perform any maintenance of the building sewer that Superintendent deems necessary for the proper function of the sanitary wastewater system. If the Village is requested, or finds it necessary for the proper maintenance of the system, to repair or maintain any building sewer or connections, the cost of such repair or maintenance shall be billed directly to the owner of the premises and shall be the responsibility of the owner to pay within 30 days of the billing statement. Failure to pay such billed costs within six months of billing shall result in a lien being placed against the property in the amount of the cost.

(P) Plumbing Contractors' Liability, Sanctions

If any plumbing contractor neglects or refuses to do any act required by this chapter or the rules and regulations promulgated hereunder within the time specified after receiving notice from the Superintendent to do so the Superintendent may cause such work to be done and charge the same to the plumbing contractor. If such charges are not paid within 30 days from the date of the billing statement the Village may revoke the plumbing contractor's authority to perform work in the Village. Failure by the plumbing contractor to comply with the provisions of this chapter or of the rules and regulations promulgated hereunder or with the direct order of the Superintendent shall be deemed just cause for the Village to revoke the plumbing contractor authority to perform work in the Village. This sanction shall be in addition to and not in lieu of those penalties provided for violation of his chapter.

(Q) Disclaimer

The Village expressly disclaims and shall not be responsible for any damages caused by or arising from any stoppage of the main sanitary sewer.

(R) Safety Provisions

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.

Section 5-Use of Public Sewers

(A) Wastewater Only

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Surface Runoff

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 Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval from the Superintendent, to a storm sewer or natural outlet.

(C) Prohibited Wastes-Absolute

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any petroleum product, gasoline, benzene, naphtha, oils, or other flammable or explosive liquid, solid, or gas.

- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the waste water treatment plant; including but not limited to, cyanides in excess of 1 mg/1 as CN, hexavalent chrome in excess of 1 mg/ 1 as CR, copper in excess of 2 mg/ 1 as CU, zinc in excess of 2 mg/ 1 as ZN, and phenols in excess of 0.5 mg/ 1 in wastes discharged to the public sewer. All discharges containing toxic materials shall be regulated as provided in Article V Section E.
 - (3) Any waters or wastes having a PH lower that 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works. Such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, hair, entrails, paper plates, cups, milk containers, etc., all of the above either whole or ground by garbage grinders.
 - (5) Any other toxic substances exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency (USEPA) pursuant to the authority of Sec. 307a of the Clean Water Act (USCA 35.17), or to cause the treatment facility to violate the pre-treatment or NPDS standards promulgated under Sec. 307b of the Clean Water Act.
- (D) Prohibited Substances-Discretionary
- No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Superintendent, that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes the Superintendent will give his consideration, but not limited to, such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
 - (2) Any garbage that has not been properly shredded.
 - (3) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
 - (4) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirements to such a degree that any such materials received in the composite wastewater treatment work exceeds the limits established by the Superintendent for such materials.

- (5) Any wastes or waters containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established
 - (6) by the Superintendent as necessary, after treatment of the composite wastewater, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (7) Any radioactive wastes or isotopes, of such half-life or concentration, as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
 - (8) Any waters or wastes having a pH in excess of 9.5.
 - (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids such as, but not limited to, fullers earth, lime slurries, and lime residues or if dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - (b) Excessive discoloration such as, but not limited to, dye wastes, and vegetable tanning solutions.
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
 - (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (11) Any other toxic substances exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency (USEPA) pursuant to the authority of Sec. 307a of the Clean Water Act (USCA 35.17), or to cause the treatment facility to violate the pretreatment or NPDS standards promulgated under Sec. 307b of the Clean Water Act.
- (E) Toxic Substances
- Any person whose operations, residential or industrial, entail the discharge of water or wastes containing toxic or poisonous substances shall file with the Superintendent a written statement setting the amount of water to be used and its source, the estimated amount to be discharged, and a fair statement setting forth the expected bacterial, physical, chemical, and other known characteristics of said wastes. Within 30 days of receipt of an order stating such minimum restrictions as in the judgement of the Superintendent may be necessary to guard adequately against unlawful uses of the Village's wastewater system.
- (F) Control of Prohibited Discharge
- If any water or wastes are discharged, or are proposed to be discharged to the public sewers. Which waters contain the substances or possess the characteristics enumerated in Sec. D and which in the judgement of the Superintendent ,may have a harmful effect upon the wastewater works, process, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance the Superintendent shall:
- (1) Reject the wastes, and/or

- (2) Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Sec. M of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirement of all applicable codes, ordinances, and laws.

(G) Interceptors

Interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(H) Garbage Grinders

The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horsepower or greater shall be subject to the review and approval of the Superintendent.

(I) Pre-treatment Maintenance

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(J) Manhole

When required by the Superintendent, the owner of any premises serviced by a building sewer carrying industrial or food establishment wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(K) Inspections at Manhole

All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined at the control manhole provided, or upon suitable samples at said control manhole. In the event that no special manhole has been required, 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.

(L) Measurement Standards

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property.

(M) Special Conditions

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern.

Section 6- Protection from Damage

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater works. Any person violating this provision shall be deemed to be a disorderly person and shall be subject to criminal prosecution as hereinafter provided. Violation of this provision shall be deemed to constitute a nuisance per se. Specifically the following provisions apply to both part one and part two of this ordinance.

Section 7- Powers and Authority of Superintendent and Inspectors

(A) Rules

The Village Council and/or the Superintendent may adopt and enforce Rules and Regulations in accordance with the provisions of this chapter for the purpose of providing control over sewer construction, installation, maintenance, repair, and rules and regulations promulgated by the Village Council or the Superintendent shall be in accordance with the following provisions:

- (1) All such rules and regulations shall be entitled "Sanitary Sewer Rules and Regulations."
- (2) All such rules and regulations and any amendments thereto shall be in writing and shall be filed with the Village Clerk.
- (3) Such rules and regulations shall specify the effective date thereof and shall be subscribed by the Village Clerk and dated as of the date they are promulgated.
- (4) Notice shall be given in a newspaper of general circulation in the Village that the Village Clerk has promulgated certain rules and regulations, or amendments thereto, for the Sanitary Sewer Ordinance of the Village and that the same are on file with the Village Clerk.
- (5) Said rules and regulations or any amendments shall become effective 30 days after the date of publication of notice as specified above.
- (6) Said rules and regulations or any amendments may be modified at any time by the Village. Such modifications shall become effective within 30 Days after the date of publication of notice that said modifications have been made and are on file with the Village Clerk. Publication of notice and filing shall be in accordance with the provisions set forth in Article 1 subsections J through O.

(B) Authority to Inspect

Any agent of the Michigan DNR, USEPA, and employees of the Village of Forestville bearing the proper credentials and identification shall be permitted to enter all user premises, properties, and buildings, public and private, for the purpose of inspection, measurement, sampling, and testing for violations of this chapter and of the rules and regulations. However the Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point have direct bearing on the kind and source discharge to the sewers, waterways, or facilities for waste treatment.

(C) Compliance with Safety Rules

While performing the necessary work on private properties, referred to in Article 8, the Superintendent, or duly authorized employees of the Village, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(D) Authority to Inspect Easements

The Superintendent and other duly authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(E) Records, Abandonment of Connections

The Superintendent shall maintain accurate and complete records of all public sewers and appurtenances, of all permits issued, and all inspections made. The Superintendent is empowered to require the abandonment and removal of connections to the public sewer which violate the provisions of this chapter.

Section 8- Penalties

(A) Written Notice

Any person found to be violating any provisions of this ordinance shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Civil Infraction

Any person who shall continue any violation beyond the time limit provided shall be fined in an amount not exceeding \$100.00. Each day in which any violation shall continue shall be deemed a separate offense.

(C) Costs

Any person violating any of the provisions of this ordinance shall become liable to the Village for all expenses, loss, or damage accrued by reason of such violation.

Section 9- Validity and Enforcement

(A) Liens

Pursuant to Section 21, Act 94, of Public Acts of Michigan 1933, as amended, whenever the charges for service against any piece of property shall be delinquent for six months such charges shall be made a lien on the premises serviced by the sanitary sewer system. The Village official or officials in charge of the collection of such charges for service shall certify annually, to the tax assessing office of the Village, the facts of such delinquency. Such charge shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced.

(B) Service Termination

In addition to the foregoing, and any other lawful enforcement methods, the payment of charges for a sanitary sewer service to any premises may be enforced by discontinuing water and sanitary sewer service. Such services shall not be re-established until all delinquent charges and penalties and a turn-on charge, to be assessed by the Village, have been paid. Further such charges and penalties may be recovered by the Village by court action.

Section 10- Fee in lieu of Special Assessment

(A) Division of Buildable Lots

When the division of a parcel and/or parcels result in buildable parcels not previously specially assessed for the sewer benefits, an equivalent connection fee, as determined by the Village Council, shall be charged in lieu of the special assessment. This connection fee shall be due and payable at the time of connection.

(B) Connection Fees

Those persons in direct proximity to a sewer, whose lands for any reason have not been subjected to a special assessment, and who desire to make a connection to said sewer shall pay a fee for the benefit of using each connection to said sewer. In case of new construction to be served by the connection, said connection fee shall be paid in full at the time of obtaining the permit for construction of the building sewer.

(C) Removal of Assessment

When a parcel or tract of land that has been assessed and the assessment has been removed by operation of law, or otherwise, sewer service may be rendered to the property but only upon the payment of the connection fee as herein set forth.

(D) Connections Outside Sewer District

For those properties adjacent and/or accessible to interceptor or transmission sewer lines which are not included within the sewer district, sewer service shall be rendered to the property but only upon the payment of the connection fee.

(E) Amount of Connection Fee

The connection fee shall be set by resolution by the Village Council.

Section 11- Billing

All billing charges as hereinbefore provided shall be shall represent the period immediately preceding the date of rendering the bill. Said bills shall become due and payable within twenty (20) days from the date thereof, and if said bill is not paid on or before the last due date thereof, a penalty of a percentage, set annually by the council, of the amount of said bill represents the sewer service charges shall be applied thereto.

Section 12- Revision of Rates

The Village Council shall review not less than every two years the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The Village Council shall revise the charges for users or user's classes to accomplish the following, as far as reasonably possible:

(A) Maintain the proportionate distribution of operation and maintenance costs among users and user classes; and

(B) Generate sufficient revenue to enable the sewer system to be self-supporting; i.e. to pay the total operation and maintenance costs necessary to the proper operation and maintenance(including replacement) of the treatment works; and

- (C) Apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rates accordingly.

Section 13- Enforcement

The charges and rates herein specified, in accordance with the provisions of Section 21 of Act 94 Public Acts of Michigan, 1933, as amended, shall constitute a lien on the property served and benefited, and if not paid within six (6) months after the same are due, the official or officials in charge of the collection thereof shall, prior to August 1st of each year, certify to the tax assessing officer of the Village and Township the fact of such delinquency, whereupon such charges shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general township taxes against such premises and collected and the lien thereof enforced.

Section 14- Use Termination

In addition to the foregoing the Village shall have the right to shut off water service to any premises for which charges for sewer services have not been paid and such sewer services shall not be re-established until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid.

Section 15- No Free Service

No free service shall be furnished by said sewer system to any person, firm, or corporation, public or private, to any public agency.

Section 16- Connection Requirements

All premises in the Village upon which there exists presently, or at any time hereafter, a building or structure in which water is used or is available for use shall be connected to a public sewer if such sewer is available to such premises upon which such a building or structure presently exists, within six (6) months after the effective date of this ordinance or the date when the public sewer becomes available to such premise, whichever is the later date. Such connection shall be made, in the case of future improvements of the premises so as to require connection to a public sewer as above provided, prior to the occupancy or use of the building or structure.

Section 17- Allocation of Revenues

(A) Receiving Fund

All monies derived from the collection of the rate and charges imposed by this ordinance shall be deposited in a bank, to be designated by the Village Council, in a special depository account to be designated Sewer System Receiving Funds, the monies in said fund are to be used and allocated periodically as follows:

(1) Operation and Maintenance Fund

There shall first be set aside during each fiscal year into a separate account designated Operation and Maintenance Fund, sums shall be sufficient to provide for current costs and expenses of operation, maintenance, and administration of the sewer system during said fiscal year.

(2) Bond Redemption and Interest Fund

Any balance remaining in the Sewer System Receiving Fund on the last day of each fiscal year after the foregoing provisions have been made for the Operation and Maintenance Fund shall be set aside into a separate depository account designated Bond Redemption and Interest Fund and used and applied to the payment of the bond payments of the current fiscal year.

(3) Replacement Fund

There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the system if needed. There shall be set aside into said fund after provisions have been made for the Operation and Maintenance Fund and Bond Redemption and Interest Fund, such revenues as the Village Council shall deem necessary for this purpose.

(4) Improvement Fund

There shall next be established and maintained an improvement fund for the purpose of making improvements, extensions, and enlargements to the system. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Village Council shall determine.

(5) Surplus Monies Fund

Monies remaining in the receiving fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council be transferred to the Improvement Fund or to a surplus fund and used to make improvements, extensions, enlargements to the sewer system, or to be used in connection with any other project of the Village reasonably related to purposes of the system.

(B) One Account

All monies belonging to any of the foregoing funds or accounts may be kept in one bank account in which the monies shall be allocated on the books and records of the Village within this single bank account in the manner set forth.

Section 18- Industrial Uses; Additional Charges; Unreasonable Burden on System

(A) Increased Rate or Termination

If the character of sewage from any manufacturing or industrial plant or any other building or premises shall be such as to impose an unreasonable additional burden upon the sewers of the sewer system then an additional charge may be made over and above the regular rates, or it may be required that such sewer be treated by the person, firm, or corporation responsible therefor before being emptied into the sewer, or the right to empty such sewage may be denied if necessary for the protection of the sewer and sewage disposal facilities of the system, or the public health or safety.

(B) Surcharge

In the event the character of sewage from a user exceeds a five (5) day "BOD" concentration of 400 milligrams per liter, or a suspended solids concentration of 350 milligrams per liter, then the charge applied to the user shall be determined and added to the sewer service charge billing.

(C) Industrial Cost Recovery System

There are no industries being presently served by the system. In the event an industrial user becomes a user of the system the Village shall establish an Industrial Cost Recovery System; in compliance with Section 35-928 of the Federal Regulations as contained in the Federal Register, February 11, 1974, Volume 39, No. 29 as amended and supplemented.

(D) Industrial Contracts

The council shall have the right to contract with industrial users to treat industrial waste of unusual strength.

(E) Industrial User Requirements

The Council, whenever necessary, with regard to discharge or proposed discharge of industrial waste into any sewer, shall have the right:

- (1) Require new industries or industries with significant increases in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
- (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Council.
- (3) Require pretreatment of such wastes to within the limits of normal sewage as defined in accordance with Federal Regulations (40 CFR 128).
- (4) Require control or flow equalization of such wastes so as to avoid any surge loads or excessive loads that may be harmful to the treatment works.
- (5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.
- (6) The owner of any property serviced by a building sewer carrying industrial wastes or other non-residential wastewater may be required by the Village to install a suitable structure together with such necessary meters and appurtenances in the building to facilitate observation, sampling, and measurement of wastes. Such structures, when required, shall be accessible and safely located and shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 19 Water General Provisions

(A) Connection to the Village Water System

All property within the Village shall be connected to and shall obtain water exclusively from the Village water system.
systems.

(B) Occupancy Permit

No person shall receive an occupancy permit for any structure within the water district until all requirements of this section are fulfilled.

(C) Procedure

The owner of any property within the Village requiring water and/or sewer services shall file an application for such services with the Village on forms provided by the Village. Application shall be accompanied by all capital charges, tap-in fees, or any other fees required by any Village ordinance or resolution.

(D) Wastewater Treatment Services

Municipal wastewater collection and treatment services may be provided to property located outside the Village limits only to those parcels immediately contiguous to the main line and only upon approval from the Village Council.

(E) Water Service

Municipal water services may be provided to property located outside the Village limits to those parcels immediately contiguous to the main line right-of-way granted by neighboring jurisdictions. In such event, the Village Water System shall be the sole source of water to the property and such service shall be exclusive to that parcel (i.e. not shared with other parcels).

- (1) Water services to property located outside the Village limits and not contiguous to a water main owned by the Village shall not be provided unless all of the following conditions are met:
 - (a) The property owner of property on which services are sought petitions the Village for such services.
 - (b) The petitioner deposits an amount with the Village equal to the costs and expenses reasonably anticipated to be incurred by the Village through the bid process in constructing a water main to the petitioner's premises. This cost shall include, but are not limited to, engineering fees, legal fees, publication costs, and expenses incurred in obtaining necessary easements. If the project is not completed any balance of the deposit shall be refunded to the petitioner. The Village may require the deposit of additional funds if the amount deposited is not sufficient to meet the expenses incurred.
 - (c) The petitioner deposits an amount with the Village equal to the cost of construction of a water main to the petitioner's premises based on the bid awarded by the Village, less any balance remaining from the amount previously deposited with the Village plus any shortage in the amount previously deposited with the Village. This amount shall be deposited before a construction contract is awarded by the Village. The petitioner shall be responsible for any costs and expenses incurred in the construction of the water main in excess of the amount deposited and shall receive a refund of any amount not expended in the construction of the water main. The amount deposited shall be credited against capital service charges, which may be assessed against the petitioner on the property in question pursuant to the Village water rates. The difference between the total amount deposited and/or paid by the petitioner and the capital service charges owed by the petitioner on the property in question shall be refunded by the Village from 100% of any capital charges received by the Village from properties connected to the section of the water main, the construction of which was paid for by the petitioner and from no other source whatsoever. The Village shall not promise or guarantee that all or any part of the amount deposited shall be refunded to the petitioner except as otherwise provided in this section.
 - (d) The petitioner must use the Village Water System as the exclusive source of all water used on the premises and shall cap and/or terminate all other sources of water.
 - (e) Within 30 days after the property in question become contiguous to the Village or otherwise satisfies the requirements for annexation, the petitioner must initiate and pursue the annexation of the property to the Village with all possible diligence. If the petitioner fails or refuses to seek and pursue annexation to the Village with due diligence, the Village may, at its option, terminate all further water services to the premises in question without liability or penalty.
 - (f) All of the conditions set forth in the section shall be set forth in a contract duly executed by all of the owners of record of the premises in question. The contract shall attach to and run with the premises and shall be in a form recordable at the office of the Register of Deeds.

- (F) Private Wells Prohibited
The Village Council determines that in order to provide a safe and reliable supply of public water in the Village it is necessary to ban the drilling of private wells in the village. Therefore, no wells shall be drilled on any property in the Village to which water service is available from the water supply system of the Village.
- (G) Tampering with Water System Prohibited
- (1) Any person shall damage, destroy, alter, bypass, or in any manner tamper with any portion of the water system, including water meters, the storm drain system, or sanitary sewer shall be responsible for a civil infraction for each day of violation.
 - (2) Any person who shall authorize a person to damage, destroy, alter, bypass, or in any manner tamper with any portion of the water system, including water meters, the storm drain system, or sanitary sewer of the Village shall be responsible for a civil infraction for each day of violation.
- (H) Water and Sewer Rates and Charges
- (1) The charges for services rendered by the Village's water supply and sewage collection and disposal systems shall be established by resolution.
 - (2) There will be imposed a charge in the amount established by resolution whenever the Village is requested to turn on or off water services; however, when the Village is requested to provide turn-on or turn-off services at times other than the regular business hours of the Village, there will be imposed an additional charge of time and material plus ten percent.
- (I) Billing and Collection Procedures.
- (1) The charge for water and sewer services furnished shall be according to the amount actually used as registered by the water meter; and
 - (2) Rates
 - (a) The water rate (price per thousand gallons) shall be established from time to time by the Village Council.
 - (b) No free service shall be furnished to any person, business, or property.
 - (c) The council may establish a minimum rate, (particularly in those cases where services rendered for only a portion of each year) to defray the additional cost arising in connection with such service. (State Law Reference-Rates, MCL 141.121, MSA 5.2751)
- (J) Responsibility of Property Owner
- (1) All charges for water and sewer service furnished shall have the responsibility of the owner of record of the real property to which the water and sewer service is furnished.
 - (2) All statements for charges shall be forwarded to the owner of record of the real property as shown on the latest assessment roll and at the address as shown on the latest assessment roll regardless of who the occupant is of the premises.
- (K) Meter Reading; Collection of Charges, Delinquent account charges; shutting off water, Collection of Delinquent Charges
- (1) The Village Water Department shall have charge of the reading of all meters and shall keep record of all meter readings.
 - (2) All meters shall be read monthly.
 - (3) Charges for water consumed, as shown by such reading shall be due and payable on or before the date stated on the bill.

- (4) The Village's utility billing clerk shall keep accounts of the charges for water and sewer service furnished to all premises, whether on a meter or flat rate, and shall render bills for the charges.
- (5) All charges shall be collected by the Village Utility Clerk and credited to the proper account.
- (6) All water and sewer service charges shall be deemed delinquent if not paid prior to the last day provided for payment.
- (7) A penalty of a percentage set by the Council shall be charged for each cycle or fraction thereof that the charges remain delinquent.
- (8) The water supply to any premises where the charges are delinquent for a period of one (1) month or more may be shut off and withheld until payment of such delinquent charges as well as a reconnection fee set annually by the Village Council is made to the Village. **Reference shut off procedures Article XIV, Section 19, subsection L12.**
- (9) All water and sewer charges shall be a lien upon the premises from and after their due date and shall be assessed against the premises.
The charges for water and sewer service which are under the provisions of Section 21 of the Revenue Bond Act of 1933 (MCL 141.121, MSA 5.2751), that are a lien on all premises served, unless notice is given that a tenant is responsible, are recognized to constitute such lien; and whenever such charge against any piece of property shall be delinquent for six months, the Village official in charge of the collection of such charges shall certify annually, to the tax assessing officer of the Village, the fact of such delinquency.
- (10) All unpaid charges which from May 1 of each year have remained delinquent for a period of one (1) month, shall be reported by the Village Treasurer to the Village Council and the Village Council may require such charges to be transferred and reassessed upon the village tax rolls in the same manner that unpaid special assessments are transferred and reassessed upon the tax roll. Upon notification of a delinquent charge the assessor shall enter same upon the next tax roll as a charge against such premises which shall be collected and the lien enforced; however, where notice is given that a tenant is responsible for such charges and service is provided by Section 21 of the Revenue Bond Act of 1933 (MCL 141.121, MSA 5.2751), no further service shall be rendered to such premises until a cash deposit in the amount established by resolution shall have been made as security payment of such charges and services.
- (11) Delinquent taxes may also be collected by suit brought in the name of the Village against the owner of the premises.
- (12) In addition to other remedies provided the Village shall have the right to shut-off and discontinue the supply of water to any premises for the nonpayment of water and sewer rates when due. If such charges are not paid within thirty days of their due date water services to such premises shall be discontinued. Water services so discontinued shall not be restored until all sums then due and owing shall be paid plus a reconnect fee in the amount established by resolution.
State Law Reference- Lien for Water service, MCL 141.121, MSA 5.2751
- (L) The water supply system of the Village shall operate pursuant to the provisions of the Revenue Bond Act of 1933 (MCL 141.101 et seq., MSA 5.2731 et seq.).

- (M) The Village Council shall establish, from time to time, all necessary rules and regulations in respect to the use and operation of the water system of the Village in accordance with the provisions of this article.
- (N) All materials and workmanship in connection with water service, including end users installations, shall be subject to inspection by the water department of the Village.
- (O) The supply of water may be withheld from the premises if the ordinances, rules, and regulations of the Village have been violated in any way.
- (P) If any person shall, after the water has been shut off from any premises, cause or permit such premises to be supplied with water, without the water department's permission, from other premises, such premises shall be disconnected from the distribution pipes of the Village.

Section 20 Connections; Disconnections, costs

- (A) Applications to tap water mains and for service shall be filed with the Village Clerk.
- (B) Each application shall be accompanied by a connection fee deposit sufficient to defray the cost of installation service.
- (C) Said connection fee and deposit shall be established in the annual fee schedule.
- (D) Only the water department and approved contractors that meet licensing and insurance requirements may make connections or disconnections from water mains (tee or saddle) to lot lines (curb stop).
- (E) The connection cost shall be charged against the serviced property

Section 21 Repairs

Whenever repairs are necessary to any service connection between the lot line and the main the water department shall cause the connection to be repaired without cost to the property owner.

Section 22 Corporations; Key Curb stops; Service Pipes; Taps; Shutoff Valves; Meters; Installation

- (A) All connections made with water mains in the Village water system shall be provided with a corporation stop at the water main and a key curb stop protected by an iron service box leading from the stop to the surface of the earth and covered with an iron cover, exposed so as to be easily found, and placed on the outside of the lot line. The corporation stop and key curb stops are to be opened and closed only by representatives of the water department and approved contractors that meet licensing and insurance requirements.
- (B) All service from the lot lines (curb stop) to the water meter, from which point connecting and distributing pipes may be used, shall be at least on inch type K copper pipe or one inch 160 psi plastic pipe, provided that all service shall be installed at a depth of 4 ½ feet. A tracer wire shall be installed.
- (C) No taps smaller than one (1) inch will be permitted
- (D) A ball valve for shutting off water will be required to be placed on the line immediately before and after the meter connection, which valve and meter must at all times be accessible and no case covered.
- (E) Every connection to the water system shall require a meter which shall be:
 - (1) In an accessible position
 - (a) Meters will be installed in a meter pit
 - (2) Before any outlets,
 - (3) Free from frost and
 - (4) Protected by proper check and relief valves
- (F) All meters shall be installed at the property owner's expense.

- (G) All meters shall be under the control of the Village.
- (H) The cost of the meter shall be paid by the applicant at the time of applying for water service.
- (I) The water department shall have access at all times to meters for the purpose of repairing or checking them for accuracy.
- (J) The cost of any repair, necessitated by the negligence of anyone other than the Village, shall be charged to the homeowner
- (K) In the case of new construction a frost free hydrant equipped with a back flow device may be allowed to aid in construction provided that an active/valid building permit is provided to the Village of Forestville to show that construction is ongoing or imminent.
- (L) Installation of all service lines to and including the meter will be performed by a licensed plumber unless a homeowner permit is obtained.
- (M) Homeowner installation
 - (1) Homeowners may install service lines after obtaining an owner permit at a fee set by annual fee resolution.
 - (2) Homeowner installation will be subject to an open trench inspection by the village water department.

Section 23- Cross Connection Control

The Village adopts by reference the Water Supply Cross Connection Rules of the State Department of Environmental Quality being R325.11401 through R0325.11407 of the Michigan Administrative Code.

- (A) It shall be the duty of the Village Water Department to make inspections of all properties served by the public water supply where cross connection with the public water supply is deemed possible
- (B) The frequency of inspection and re-inspections based on potential health hazards involved shall be as established by the Village Water Department and as approved by the state Department of Environmental Quality.
- (C) The representatives of the Village Water Department shall have the right to enter for the purpose of inspecting the piping system for cross connections. On request the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.
- (D) Termination of Service
 - (1) The Village 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 contamination of the public water supply system.
 - (2) Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.
- (E) Backflow Prevention Devices
 - (1) All testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly.
 - (2) Subsequent testing of devices shall be conducted as a time interval specified by the Village and in accordance with the State Department of Environmental Quality requirements.

- (3) Only qualified individuals approved by the Village shall be permitted to perform such testing.
- (4) Any individual shall certify the results of his testing.
- (F) Protection from Contamination
 - (1) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the state plumbing code.
 - (2) Any water outlet which could be used for potable or domesticated purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as follows: **Water Unsafe for Drinking**
- (G) Minimum separation between municipal water service and a permitted existing well shall have a minimum of ten feet between them.

Article XV-WEIGHT LIMITS

Section 1- Weight Limits

- (A) Size and weight restrictions applicable exceptions.
 - (1) It is unlawful for any person to drive or move, or for the owner to cause or permit to be driven or moved, on any street, any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, or otherwise in violation of this title, the maximum size and weight herein shall be lawful throughout the Village of Forestville.
 - (2) The provisions of this chapter governing size, weight, and load shall not apply to fire apparatus, to implements subject to the Michigan Right to Farm Act, or to a vehicle operated under the terms of a special permit issued as provided in this chapter.
- (B) Axle loads and maximum gross weight
On any legal combination of vehicles shall be permitted on such designated roadways as the gross permissible weight of 14,000 pounds per axle.
- (C) Reduced weights during seasonal weight restrictions.
During the seasonal road restrictions enacted by Sanilac County or the State of Michigan the maximum load allowable on concrete pavement, or pavements with a concrete base, shall be reduced 25 percent from the maximum axle loads as specified heretofore in this chapter, and the maximum loads allowable on all other types of roads during this time shall be reduced by 35 percent from the maximum axle loads as herein specified.
- (D) Gross vehicle weight; basis for determination
For the purpose of enforcement of this chapter the gross vehicle weight of a single vehicle and load, or combination of vehicles and loads, shall be determined by weighing individual axles and the total weight of all the axles shall be the gross vehicle weight. In addition the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. The overall gross weight in a group of two or more axles shall be determined by weighing individual axles or several axles and the total weight of all axles in the group shall be the overall gross weight of the group.

Section 2-General Penalty

- (A) Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule, regulation, or order adopted or issued in pursuance thereof shall be punished by a fine of not more than \$500.00 and costs of prosecution in the discretion of the court. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
- (B) The sanction for a violation which is a civil infraction shall be a civil fine in the amount as provided in this section or any ordinance, plus any costs, damages, expenses, and other sanctions, as authorized under Act No. 236 of the Public Acts of Michigan of 1961, as amended, and other applicable laws.
 - (1) Unless otherwise specifically provided for a municipal civil infraction violation by this section or any ordinance, the civil fine for a violation shall be \$100, plus costs for each infraction.
 - (2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this section or any ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within any two-month period (unless some other period is specifically provided by this section or any ordinance and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this section or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - (a) The fine for any offense which is a first repeat offense shall be \$250.00 plus costs.
 - (b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00 plus costs.
 - (c) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this section or any ordinance; and any omission or failure to act where the act is required by this section or any ordinance.
 - (d) Each day on which any violation of this section or any ordinance continues constitutes a separate offense and shall be subject to penalties and sanctions as a separate offense.
 - (e) In addition to any remedies available at law the city may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this section or any village ordinance.
 - (f) 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 a penalty is reenacted in the amendatory ordinance.
 - (g) The penalty shall be in addition to the abatement of the violating condition, any injunctive relief or revocation of any permit or license.

Section 3-General Provisions

- (A) Application of future legislation.

All of the provisions of this chapter, not incompatible with future legislation, shall apply to ordinances adopted that amend or supplement this Code, unless otherwise specifically provided.

- (B) Rules of severability.
Each chapter, article, division, clauses, or section or, whenever divisible, subsection of this Code is hereby declared to be severable, and the invalidity of any chapter, article, division, clause, section, or divisible subsection shall not be construed to affect the validity of any chapter, article, division, section, or subsection of this Code.
- (C) Reference to other sections.
Whenever in one section reference is made to another section of this Code, such reference shall extend and apply to section referred to as subsequently amended, revised, remodified, or renumbered, unless the subject matter be changed materially altered by the amendment or revision.
- (D) Conflicting regulations.
Where there is a difference or conflict between other provisions of this Code or those contained in lawfully adopted county, state, federal, or other government agency rules, regulations, ordinances, or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.
- (E) No effect on pending suits, proceedings, rights, or liabilities
Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.

Article XVI-REDUCTION IN THE NUMBER OF TRUSTEES ON VILLAGE COUNCIL

AN ORDINANCE TO PROVIDE FOR REDUCTION IN THE NUMBER OF TRUSTEES ON THE VILLAGE COUNCIL AND TO PROVIDE FOR THE EXTENTION OF TERMS OF OFFICE.

THE VILLAGE OF FORESTVILLE ORDAINS:

Section 1- Reduction of number of trustees on council: As authorized by MCL 62.1(2), the General Law Village Act (1895 PA 3, as amended), the number of trustees on the Forestville Village Council shall be reduced from six trustees to four trustees who, with the president, shall constitute the council.

Section 2- Extension of Term: As further authorized by MCL 62.1(2) and in order to maintain staggered terms and provide for an equal number of seats to be filled at future elections, the term of Wayne Cyr, Trustee, which is due to expire November 20, 2022, shall be extended and shall expire on November 20, 2024.

Section 3- Term of office: After the effective date of adoption of this ordinance, trustees shall be elected as follows:

- (A) One trustee shall be elected at the November general election in 2020 for a four year term commencing on November 20, 2020.
- (B) Two trustees shall be elected at the November general election in 2022 for four year terms commencing on November 20, 2022.

Thereafter, two village trustees shall be elected at each succeeding biennial village election. This ordinance shall not shorten the term of any incumbent trustee. Nor shall this ordinance shorten and eliminate a prospective term unless the nomination deadline for that term is not less than

30 days after the effective date of this ordinance

Section 4- Effective date: This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the village is filed with the village clerk or village office within such 45 days. If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general village or special village election held on the question of whether the ordinance shall be approved. Notice of any delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

Section 5- Adoption: This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the village council.

Section 6- Publication: The village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Section 7- Repeal of Prior Ordinances: Any Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted this 10th day of April 2019

Article XVII-PROHIBITION OF MARIHUANA ESTABLISHMENTS

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, BALLOT PROPOSAL 1 OF 2018.

THE VILLAGE OF FORESTVILLE ORDAINS:

Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the Village elects to prohibit marihuana establishments within its boundaries.

Effective date: The Ordinance requires that it be effective as is necessary to regulate persons and property for the preservation of the public peace, health, safety, and welfare under the authority and adopted pursuant to the Public Act 3 of 1895 Village Ordinances, MCL 67.1 et seq. This Ordinance shall become effective after its publication as authorized by law.

Consistency and Repeal: All existing Ordinances or part of Ordinances are to be interpreted as consistent with this Ordinance and State law. Any Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. Nothing in this Ordinance shall result in any prohibitions otherwise allowed under the Michigan Regulation and Taxation of Marihuana Act, as adopted, or the Michigan Medical Marihuana Act, Initiated law 1 of 2008.

Geographic area: This Ordinance shall have the regulatory effect to prohibit marihuana establishments in all geographic areas of the Village of Forestville to the fullest extent allowed by law.

Adopted this 10th day of April 2019

Article XVI- Enactment

Section 1-Ordinance Enacted.

The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of Forestville.

Section 2-Effective Date.

This Ordinance is ordered to be given effect seven (7) days after the date of publication, pursuant to the Public Act 3 of Village Ord.; MCL 67.1 et seq.

Section 3-Certification

The undersigned Clerk of the Village of Forestville hereby certifies that the Ordinance which was duly adopted by the Forestville Village Council, at the meeting held on the 8th day of May, 2019, pursuant to the Michigan Zoning Enabling Act.

