

Village of Fife Lake
Grand Traverse County
Michigan

ORDINANCES

Index

# 20	03/14/1985	Dangerous Building Ordinance
#92-09	11/02/1992	Snow & Ice Removal on Sidewalk Resolution
#97-03	11/10/1997	Splitting of Platted Lots within the Village
#00-09	05/01/2000	Definitions Ordinance
#03-05	04/07/2003	Open Fires / Burning Ordinance
#03-06	04/07/2003	Frisbees, Skateboards, Roller Skates/Blades & Scooters
#03-07	04/07/2003	Watercraft Ordinance
#03-18	05/05/2003	Fife Lake Area Utility Authority Ordinance
#03-08	06/02/2003	Municipal Civil Infraction Ordinance
#05-03	05/02/2005	Junk Ordinance
#05-04	05/02/2005	Noise Ordinance
#05-05	05/02/2005	Regulations Regarding Parks & Public Grounds
#06-01	02/06/2006	Fire Prevention Ordinance
#06-03	02/06/2006	Vendor Ordinance
#06-08	06/12/2006	Free-Stand Wood Burning Furnaces
#06-12	08/07/2006	Anti-Blight Ordinance
#08-07	06/02/2008	Loitering Ordinance
#09-07	09/08/2009	Grass & Weed Ordinance

VILLAGE OF FIFE LAKE

DANGEROUS BUILDING ORDINANCE #20

* * *

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Fife Lake, State of Michigan, by the regulation of dangerous buildings injurious to life or health; to provide for the means by way of hearings for the making safe or demolition of such dangerous buildings; to provide for the appointment of a hearing officer; to provide penalties for the violation of said ordinance; to provide for assessment of the cost of said making safe or demolition of dangerous buildings; and to repeal all ordinances and parts of ordinances in conflict therewith.

THE VILLAGE OF FIFE LAKE

LOCATED IN THE STATE OF MICHIGAN

ORDAINS:

SECTION I.

This ordinance shall be known and cited as the Village of Fife Lake Dangerous Building Ordinance.

SECTION II.

As used in this Ordinance, the term “dangerous building” means any building or structure, residential or otherwise, excluding buildings used for agricultural purposes on active farms, which has any of the following defects or is in any of the following conditions:

- a) Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Code of Grand Traverse County for a new building or similar structure, purpose or location.
- b) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- c) Whenever any portion has settled to such an extent that walls or other structural

portions have materially less resistance to winds than is required in the case of new construction by the Housing Law of the State of Michigan, being Act No. 167 of the Public Acts of 1917, as amended, or the Building Code of Grand Traverse County.

- d) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way.
- e) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.
- f) When the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.
- g) Whenever a building or structure, because of dilapidation, decay, damage, or faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to work injury to the health, safety or general welfare of those living or working within.
- h) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

SECTION III.

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a Dangerous Building as defined in this Ordinance.

SECTION IV.

- 1) When the whole or any part of any building or structure is found to be in dangerous condition, the Village Zoning Administration shall issue a notice of the dangerous condition.
- 2) Such notice shall be directed to the owner of or party in interest in the building in whose name the property appears on the last local tax assessment records of the Village.
- 3) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have

the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

- 4) All such notices required by this Ordinance shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by Certified Mail--Return Receipt Requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

SECTION V.

- 1) The Village of Fife Lake Council shall appoint a Hearing Officer,
- 2) The Zoning Administrator shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.
- 3) At any hearing held, the Hearing Officer shall take testimony for the Zoning Administrator, the owner of the property, and any other interested party. Upon the taking of such testimony, the Hearing Officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.
- 4) If it determined by the Hearing Officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner or party in interest to comply therewith.
- 5) If the owner or party in interest fails to appear or neglects or refuses to comply with the order, the Hearing Officer shall file a report of its findings and a copy of his order with the Village of Fife Lake Council and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of such findings and order of the Hearing Officer shall be served on the owner or party in interest in the manner prescribed in Section IV (4).

SECTION VI.

Upon receiving the findings and order of the Hearing Officer, the Village of Fife Lake Council shall fix a date for hearing, reviewing, the findings and order of the Hearing Officer and shall give notice to the owner or party in interest in the manner prescribed in Section IV (4) of the time and place of the hearing. At the hearing, the owner or party in interest shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Village Council shall either approve, disapprove or modify the order for demolition or making safe of the building or structure.

SECTION VII.

In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Village of Fife Lake Council the Village Council may in their discretion, contract by bids for the demolition or making safe of the dangerous building. The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Village who shall assess the cost against the property on which the building or structure is located. The owner or party in interest in whose name the property appears upon the last local tax assessment records of the Village shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within thirty (30) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Village of Fife Lake and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village.

SECTION VIII.

An owner or party in interest aggrieved by any final decision of the Village of Fife Lake Council may appeal the decision or order the Circuit Court for the County of Grand Traverse by filing a petition for an order of superintending control within twenty (20) days from the date of such decision.

SECTION IX.

The Ordinance repeals all ordinances or parts of Ordinance in conflict therewith.

SECTION X.

This Ordinance shall take effect thirty (30) days after publication in the Record Eagle.

(Adopted 03/14/85)

ORDINANCE NO. OA #05-05
(Ordinance No. OA 03-04)
(Ordinance No. 88-1)

REGULATIONS REGARDING PARKS AND PUBLIC GROUNDS

FOR THE VILLAGE OF FIFE LAKE

WHEREAS, the Village of Fife Lake maintains certain parks and public grounds for the benefit of the residents of the village; and

WHEREAS, in order to insure the safety and welfare of the village residents using said parks and public grounds, the Village Council has deemed it appropriate to establish certain rules and regulations regarding the use of said parks and public grounds;

NOW THEREFORE the Village of Fife Lake hereby ORDAINS as follows;

Section 1. RESTRICTED USE OF PARK

The use and enjoyment of the parks established and maintained by the Village of Fife Lake shall be, and hereby is, restricted to the following:

- a) The park is open to the general public, as long all of said individuals comply with the rules and regulations for park use as set out in this ordinance, and as from time to time established by the Village Council.
- b) Special permission to use the park may be authorized by the Village Council to civic, social, church and club groups, governmental agencies, village employees, and such other individuals or groups where, in the judgement of the Council, the issuance of special permission will serve the public benefit and welfare.

Section 2. PROTECTION OF PARK PROPERTY

No person shall willfully mark, deface, disfigure, tamper with, displace or remove any building, tables, benches, fireplaces, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the Village Council.

Section 3. TRAFFIC REGULATIONS

No person shall drive or park a motor vehicle on any park area or any public beach except roads or parking area, or such other areas as may on occasion be specifically designated as temporary parking areas by the Village Council.

Section 4. NO CAMPING

No person shall occupy, inhabit, camp in, or be present in a tent, camper, truck, motor home, trailer

or other type of recreational vehicle on any park area except such areas as may be specifically designated for such use by the Village Council.

Section 5. MOTORCYCLES

No motorcycles, motor scooters or motor bicycles or motor carts (commonly known as go-carts) or any other motorized vehicle shall be permitted in any public park or playground other than in specifically designated parking areas.

Section 6. REFUSE AND TRASH DISPOSAL

No person shall dump, deposit or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste garbage or other trash of any nature in a public park, except in proper receptacles where they are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

Section 7. FIREWORKS

No person shall bring into a park, or have in his possession, or set off or otherwise cause to explode in a park, any firecrackers, torpedoes, rockets, or other fireworks or explosives, or discharge them to throw them into any park area from land or highway adjacent thereto, provided however that a special permit may be granted by the Village President after consultation with the Fire Chief, for the display of public fireworks, subject to such restrictions on time and location as the Village President and Fire Chief shall deem appropriate. Such permit shall be issued in accordance with state law.

Section 8. DISORDERLY CONDUCT

No person shall sleep on the seats or benches or other park area, or engage in loud, boisterous, threatening, abusive, insulting, or indecent language or behavior, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

Section 9. ENCLOSURES

No person shall take down, climb over or upon, interfere with, disturb or displace or walk upon any rails, posts, boards, fence, or other structures enclosing any park or playground or portion thereof.

Section 10. ANIMALS

No person shall permit any dog owned by him or under his control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed," or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. All animal excrement must be picked up and removed from park by owner. No person shall permit any other animal either wild or domestic, owned by him or under his control or custody, with the exception of dogs as outlined above, to enter any park except when special permission is granted by the Village Council.

Section 11. LOITERING/PARK HOURS

No person shall loiter or remain upon any public park or playground between the hours of 11 p.m. and 6 a.m.; provided, however, that this section shall not apply to employees of the Village of Fife Lake in the course of their duties or to activities being held under the auspices of the Parks and Recreation Department. The Village President is hereby empowered to waive this section where such action will serve the public benefit and welfare.

Section 12. SUPPLEMENTAL REGULATIONS FOR SPECIFIC PARKS

The Village of Fife Lake maintains three parks, commonly known as the "Memorial Park," the "Fife Lake Area Park," "Mirror lake Park," and Fife Lakeview Park" including DNR parking lot and Boat Launch Area and the following specific, supplemental regulations apply to each of said parks as indicated herein:

MEMORIAL PARK

- a) Consumption of all alcoholic beverages are prohibited in the park.
- b) All glass containers, whether for beverages or otherwise, are prohibited in the park.
- c) Open fires of any kind or nature are prohibited.

FIFE LAKE AREA PARK

- a) Camp or barbeque fires are permitted only in designated area where fire pits or containers exist.
- b) Alcoholic beverages prohibited where posted. (ie basketball court, tennis court, skate park, volleyball area and play station area)

MIRROR LAKE PARK

- the
pits
- a) Consumption of all alcoholic beverages are prohibited in park.
 - b) All glass containers, whether for beverages or otherwise, are prohibited in park.
 - c) Camp or barbeque fires are permitted only in designated areas where fire or containers exist.
 - d) Swimming permitted in designated area at your own risk

FIFE LAKEVIEW PARK

- the
pits
- a) Consumption of all alcoholic beverages are prohibited in park.
 - b) All glass containers, whether for beverages or otherwise, are prohibited in park.
 - c) Camp or barbeque fires are permitted only in designated areas where fire or containers exist.
 - d) Swimming permitted in designated area at your own risk.

Section 13. PUBLIC LAKE ACCESS ROADS

- a) Consumption of all alcoholic beverages prohibited.
- b) All glass containers prohibited.
- c) Fires permitted only in designated area where fire pit or containers exist.

Section 14. DNR PARKING LOT AND BOAT LAUNCH AREA

- a) Consumption of all alcoholic beverages prohibited.
- b) All glass containers prohibited.
- c) Open fires of any kind or nature, are prohibited.
- d) No swimming in boat launch area.

Section 15. ADDITIONAL RULES AND REGULATIONS

The Village President is hereby empowered to make such rules and regulations subject to the approval of the Village Council, pertaining to the conduct and use of parks and public grounds as

are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations.

Section. 16. VIOLATIONS

Any person or entity who violates the provisions of this ordinance is responsible for a municipal civil infraction, either as a violation notice or a citation, and subject to payment of civil fine in accordance with the provisions of Ordinance No. OA #03-08 of the Village of Fife Lake.

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

Further, all existing provision of Ordinance No. 03-04 not inconsistent with the amendments made hereunder shall remain in full force and affect.

Publication and Recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance shall be in full force and effect immediately after its publication as provided by law.

Passes and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on May 2, 2005.

Corey Geyman
Village Clerk

(Ordinance Amendment #99-12)
(Ordinance No.90-01-A)
Resolution to adopt Watercraft Ordinance #WC-28-89-001

Special Local Watercraft Ordinance
Regulation No 28 - Grand Traverse County
WC-28-89-001 Fife Lake: Hours for High Speed Boating and Water Skiing

On the waters of Fife Lake Section 11, 12, 13 and 14, T24N, R9W Fife Lake Township, Grand Traverse County, and Section 18, T25N, R8W Springfield Township, Kalkaska County, and that portion of Fife Lake located within the Village limits of Fife Lake Michigan, it is unlawful between the hours of 7:30 p.m. and 11:00 a.m. Eastern Daylight of the following day to:

- a) Operate a vessel at high speed
- b) Have in tow, or otherwise assist in the propulsion on, a person on water skis, a water sled, kite, surfboard, or other similar contrivance.

Section 2. Severability

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

Publication and Recording. A summary of this Ordinance Amendment shall be published in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adopting and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance Amendment shall in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, on April 7, 2003.

Corey Geyman, Clerk
Village of Fife Lake

(Ordinance No. 90-2)

OPEN FIRES / BURNING ORDINANCE

An ordinance to provide for the general health, safety and welfare of the residents of the Village of Fife Lake by limiting the burning of rubbish, garbage, and wood and wood byproducts within the Village Limits, as well as covering the existence of open fires, and to establish rules and regulations therefore, and to provide a penalty for violation thereof.

The Village of Fife Lake Ordains:

Section 1. Short Title

This ordinance shall be known as the “Burning and Open Fire Ordinance.”

Section 2. Definitions

- a) The term “garbage” shall mean all animal and vegetable waste resulting from the handling, preparation, cooking or consumption of agricultural, dairy or meat products including any materials resulting from the handling, preparation, cooking or consumption of foods.
- b) The term “rubbish” shall include glass, chemicals, plastics, rubber, and all other nonperishable solid waste, with the exception of wood, wood byproducts and leaves as hereinafter defined.
- c) The term “wood and wood byproducts” shall have their ordinary meaning include all materials derived from trees or plants, or branches of trees or more than one inch in diameter, and shall include such wood byproducts as paper, cardboard, fiberboard and the like.
- d) The term “disposal” shall include the storage, collection, disposal, burning, handling of refuse.
- e) The term “person” shall include any natural person, association, partnership, firm or corporation.
- f) The term “leaves” shall have its ordinary and common meaning being the foliage on trees, both deciduous and non-deciduous, and shall also include the branches of trees less than one inch in diameter.
- g) The term “premises” shall mean the area of land surrounding and including a house or structure and described legally by a metes and bounds description or by reference to a lot number in a plat.
- h) The term “structure” shall mean any construction or any production or piece

of work artificially built up or composed of parts joined together in some definite manner.

I) The term “fire pit” for purposes of this ordinance shall be a “dug out” or depressed area in the land, lower than ground level, in which wood or wood byproducts are burned.

Section 3. Burning of Garbage and Rubbish

No person owning, or being responsible for any premises either as landlord or tenant, shall permit any burning by fire, including incineration, of any garbage or rubbish, upon or adjacent to said premises located within the Village limits.

Section 4. Burning of Wood and Wood Byproducts

No person owning, or being responsible for any premises either as landlord or tenant shall permit any burning by fire of any wood or wood byproducts upon or adjacent to said premises located within the Village limits, except as follows:

a) Wood or wood byproducts may be burned within the Village limits if the same occurs within a properly vented and Health Department approved incineration system. In the event approval for such systems is not granted by the Health Department, but by the Department of Natural Resources, or some other agency regulating “air pollution” any such incineration system shall be approved by the appropriate regulatory agency.

b) Wood or wood byproducts may be burned by a property owner (and not a tenant) in either a “fire pit” larger than 6 feet in diameter or in an open field, provided however that the following conditions are met, and that such “burning” does not occur on more than two occasions in any one calendar year:

1) An appropriate “burning permit” is obtained from the Michigan Department of Natural Resources;

2) That any such burning, as permitted hereunder, shall be in a location a minimum of 150 feet from the nearest structure, be it a residence, garage, barn, etc.

c) Wood, but not wood byproducts, may be burned in “fire pits” of less than 6 feet in diameter for recreational purposes, provided the fire is not in such proximity to structures, vegetation or lot lines as to constitute a hazard or nuisance.

Section 5. Woodstoves / Fireplaces / Smokehouses

Nothing herein shall limit or preclude any person owning or being responsible for any premises, either as landlord or tenant, from burning wood in approved home heating systems, whether by virtue of woodstoves, fireplaces, furnaces, or any combination thereof; nor does this ordinance preclude the use of smokehouses for curing, smoking fish, poultry, or other products for personal consumption so long as the square footage of such a smokehouse does not exceed 25 square feet.

Section 6. Rubbish Receptacles

No person owning, or being responsible for any premises, either as landlord or tenant, shall permit the accumulation or storage of any solid or liquid waste that constitutes a gasoline or oil, or gasoline or oil byproduct, or a chemical product or byproduct, that is highly flammable, unless said material is contained in fireproof receptacles having a minimum fire resistance factor of two hours and located a minimum of 25 feet from any building or structure.

Section 7. Burning of Leaves

A person owning or being responsible for premises within the Village may burn leaves in Village streets or alleys, or on their own premises, outside of containers during the months of April, May, September, October and November provided that any such burning shall not be within 25 feet of any building and that a competent adult person shall constantly be in charge of said fire until it is completely extinguished. Nothing herein shall relieve the person kindling or causing the fire to burn leaves to be relieved from responsibility and liability from any damages resulting there from. Further, no person burning "leaves" under this section shall cause a nuisance to exist or continue in carrying out such activity including, but not limited to, the creation of smoke as a hazard to passing automobiles, bicyclists, and pedestrians.

Any burning of leaves as provided under this section shall be done only after issuance of a Michigan Department of Natural Resources burning permit. Provided further, however, that the owner or one being responsible for the premises shall not be required to obtain a Village "burning permit" for the burning of leaves under this section.

Section 8. Authorized Burning Sites

Nothing herein shall be construed as prohibiting "open fires" or "campfires" within specified "burning pits" or "barbeque sites" in Village parks at such times and in such specific locations as designated and permitted under the applicable rules and regulations pertaining to each of the parks or playground areas maintained by the Village of Fife Lake.

Section 9. Weather Conditions

No burning shall be done at any time or place when wind or weather conditions will create or be

apt to create a nuisance to anyone or the property of anyone, in the vicinity of said burning, or to be a danger to property in the vicinity.

Section 10. Nuisances Prohibited

It shall be a nuisance and unlawful for any person to burn or allow to be burned, at any time or place, any garbage or rubbish.

Section 11. Violations

Any person or entity who violates the provisions of this ordinance is responsible for a municipal civil infraction, either as a violation notice or a citation, and subject to payment of civil fine in accordance with the provisions of Ordinance No. OA #03-08 of the Village of Fife Lake.

Section 12. Severability

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

Further, all existing provision of Ordinance No. 90-2 inconsistent with the amendments made hereunder shall remain in full force and affect.

Section 13. Effective Date

This Ordinance Amendment shall be in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on April 7, 2003.

ORDINANCE NO. OA #03-06
(Ordinance No. 92-01)
FRISBEES, SKATEBOARDS, ROLLER SKATES/BLADES AND SCOOTERS

Section 1.

An ordinance to regulate frisbees, skateboards, roller skates/blades and scooters.

Section 2.

The purpose of this Ordinance is to insure the safe and convenient use of this public highways, streets, alleys, sidewalks and footpaths of the Village.

Section 3.

The following words, when used in this Ordinance, shall have the following meanings unless otherwise clearly apparent from the context:

- a) The words “Frisbee”: shall include any saucer shaped disc used for skimming into the air.
- b) The work “Skateboard” shall include any surfboard like object with wheels attached.
- c) The word “Roller skate/blades” shall include any shoe like devise with wheels attached.
- d) The word “scooters” is a small, low-built two-wheeled vehicle.

Section 4.

- a) No person shall ride or in any manner use a skateboard, roller skate/blades, or scooter upon the following public ways:
 - 1. State Street roadway between west boundary of Fife Lake Area Park and Pierce Street.
 - 2. North sidewalk of State Street between west boundary of DNR park Lot and Boyd Street.
 - 3. Merritt Street roadway between Oak Street and Main Street.
 - 4. North sidewalk of Merritt Street between Oak Street and Main Street.
 - 5. Any Village leased or maintained parking lot.
 - 6. The sidewalks within the Memorial Park and Lake View Park.
 - 7. The Village tennis courts.

- b) No person shall ride on or in any manner use a skateboard, roller skate/blades or scooter, with a sail.
- c) No person shall ride on or in any manner use a skateboard, roller skate/blades or scooter, which is being towed by any vehicle or animal.
- d) When a person is riding a bicycle, skateboard, rollerstate, or roller blades on right- a public highway, street, alley, sidewalk or footpath they shall yield the of-way to any pedestrian or motor vehicle.
- e) Any person throws, cause to be thrown, or participate in any manner in throwing of a frisbee on a public highway, street, alley, sidewalk or footpath they shall yield the right-of-way to any pedestrian or motor vehicle.

Section 5. Violations.

Any person or entity who violates the provisions of this ordinance is responsible for a municipal civil infraction, either as a violation notice or a citation, and subject to payment of civil fine in accordance with the provisions of Ordinance No. OA #03-08 of the Village of Fife Lake.

Section 6. Severability

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

Further, all existing provision of Ordinance No. 03-06 inconsistent with the amendments made hereunder shall remain in full force and affect.

Section 7. Effective Date

This Ordinance Amendment shall be in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse , Michigan on April 7, 2003.

ORDINANCE NO. 05-03

VILLAGE OF FIFE LAKE JUNK ORDINANCE

Section 1. For the purpose of this ordinance, the term “junk shall mean any motor vehicle, machinery, appliance, product or merchandise, scrape metal, other scrap material which are damaged, deteriorated, or that are in a condition which prevents their use for the purpose for which they were intended, and household trash.

Section 2. Prohibited Acts. No person shall place, discard, or abandon junk in a place where it is visible from a highway, street, or other public place way, or where it is visible to an abutting landowner from that portion of the land used on a regular basis. No person shall place, discard, or abandon junk on public property or the private property of another, regardless if visible from a highway, street, or other public way, or from adjoining land.

Section 3. The Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers of the ordinance.

Section 4. Penalties. A violation of this ordinance is a municipal civil infraction, subject to a maximum fin of \$500.00 and court costs. Commencing 30 days after receiving notice of a violation, if no abated, each day the violation continues shall constitute a separate violation of this ordinance.

Section 5. Each of the provision of this ordinance is severable, and if any provision is held invalid for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Publication and Recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance shall be in full force and effect immediately after its publication as provided by law.

Passes and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on May 2, 2005.

Corey Geyman
Village Clerk

ORDINANCE NO. 05-04

VILLAGE OF FIFE LAKE NOISE ORDINANCE

Section 1. No person within the Village shall cause a noise disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities.

Section 2. Prohibited Acts. The following acts and activities are declared to be noise disturbances and are prohibited. This enumeration shall not be deemed exclusive.

(A) The playing of any radio, television, phonograph, other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to annoy or disturb the quiet, comfort, or repose of persons in the vicinity.

(B) The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(C) The use of any motor vehicle, including motorcycles, in such a manner as to create a disturbing noise, including, but not limited to, the screeching of tires and the discharge into the open area of exhaust from the engine without a sufficient muffler.

(D) Shouting or other raucous or boisterous behavior for an unreasonable length of time.

(E) Construction or demolition activities between the hours of 7:00 a.m. and 9:00 p.m.; refuse collection between the hours of 6:00 a.m. and 9:00 p.m.; the operation of power or heavy duty equipment between the hours of 7:00 a.m. and 9:00 p.m.

Section 3. The Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers of this ordinance.

Section 4.

a. A violation of this ordinance is a municipal infraction, subject to a maximum fine of \$500.00 plus court costs.

b. Any person who refuses to abate a noise disturbance upon the demand of an authorized local enforcement officer, interferes with the officer's enforcement of the ordinance, or retaliates against another who had made complaint of a noise

disturbance is guilty of a misdemeanor punishable by maximum 90 days in jail and a fine of \$500.00 plus court costs.

Section 5. Exempted from this ordinance is any activity defined as a “farm operation” by the Michigan Right to Farm Act, 1980 P.A. 93, MCL 286.471 et seq.

Section 6. Nothing in this ordinance impairs or precludes a separate cause of action provided by statute or common law for conduct prohibited herein.

Section 7. The provisions of this ordinance are severable and in any part declared void or unenforceable by a court of competent jurisdiction, the remaining parts shall remain in force.

Publication and Recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance shall be in full force and effect immediately after its publication as provided by law.

Passes and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on May 2, 2005.

Corey Geyman
Village Clerk

ORDINANCE OF DEFINITIONS

ORDINANCE NO. 00-09

An Ordinance to establish Definitions for words and phrases used in ordinance of the Village of Fife Lake, when said words and phrases are not defined within the ordinance itself.

THE VILLAGE OF FIFE LAKE ORDAINS:

SECTION I:

The following definitions, as from time to time amended, shall apply to words and phrases found within the ordinance of the Village of Fife Lake, when not otherwise defined within the ordinance.

1. HIGH SPEED: For purposes of this phrases, the term “high speed” means a speed at or above which a motorboat, or a motor powered watercraft, reaches a planing condition.
2. LEGAL WORDS AND PHRASES: When not otherwise defined within a specific ordinance, such as the Zoning Ordinance, nor specifically defined in the “Ordinance of Definition,” words and phrases found within the ordinances of the Village of Fife Lake, shall have the meaning and definition as set forth in *Black’s Law Dictionary*, 4th Edition.
3. OTHER WORDS AND PHRASES: In the event that a specific word or phrase is not defined within any ordinance of the Village of Fife Lake, nor is it defined in this Ordinance of Definitions and is not defined in *Black’s Law Dictionary*, then the word of phrase shall have the meaning as set forth in an Edition of “*Websters Dictionary*,” published within three (3) years of the date the definition of a specific word or phrase is sought.

SECTION 2. SEVERABILITY

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

Voting for: Eby, Forwerck, Gill, Hayes, Kowalewski, Middaugh, Broering.

Voting Against: None.

The Village President declared the ordinance adopted.

I hereby certify that the above ordinance was adopted by the Village Council for the Village of Fife Lake, on the 1st day of May, 2000.

Corey Geyman
Village Clerk

RESOLUTION FOR SNOW & ICE REMOVAL ON SIDEWALKS

RESOLUTION #92:09R

WHEREAS, the Fife Lake Village Council passed the Resolution on November 2, 1992;

WHEREAS, the Council of the Village of Fife Lake does cause and require the owners and

occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to the lot and premises; and

WHEREAS, to keep the sidewalks free from obstructions, encroachments, incumbrance, filth and other nuisances;

WHEREAS, if owner or occupant fails to remove snow or ice, the Village will do so, and will collect such amount as needed to reimburse the Village at the property owners expense;

WHEREAS, under to General Law Village Charter, Sec. 67.9 and 67.10 defining responsibility for the maintenance of sidewalks;

NOW THEREFORE, On motion by Councilman Tornow, seconded by Councilwoman Lewis, IT IS HEREBY RESOLVED:

VILLAGE OF FIFE LAKE
COUNTY OF GRAND TRAVERSE
MICHIGAN

At a meeting of the Village Council of the Village of Fife Lake, Grand Traverse County, Michigan, held in the Cadillac State Bank in said Village, on the 19th day of July, 1979, at 8:00 o'clock P.M.

Eastern Standard Time.

PRESENT: Members Dale Wheeler, President, Gilmour, Newell, Tornow, and Wood

ABSENT: Members Braley, Fritz

A proposed Ordinance prepared by Clary, Nantz, Wood, Hoffius, Rankin & Cooper, was presented to the Village Council, providing for the connection of premises within the Village to the Fife Lake Area Utility Authority Sewage Disposal System No. 1 and the imposition, collection and enforcement of fees and charges for connections thereto and use of said System.

After discussion WHEELER introduced Ordinance No. 12-A entitled.

AN ORDINANCE TO PROVIDE FOR THE CONNECTION NOW OR HEREAFTER OF PREMISES TO THE FIFE LAKE AREA UTILITY AUTHORITY SEWAGE DISPOSAL SYSTEM NO.1 IN THE VILLAGE OF FIFE LAKE, GRAND TRAVERSE COUNTY, MICHIGAN; TO PROVIDE FOR THE IMPOSITION, COLLECTION AND ENFORCEMENT OF FEES AND CHARGES FOR THE CONNECTION FOR THE CONNECTION THERETO AND FOR CHARGES FOR USE OF SAID SYSTEM; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM FOR PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND CONVENIENCE.

The Ordinance was then read.

It was moved by WOOD and seconded by TORNOW that said Ordinance No. 12-A be adopted.

Upon roll call, the Vote upon the motion adopting said ordinance was as follows:

Yeas: Gilmour, Newell, Tornow and Wood

Nays: None

The Village Clerk declared the Ordinance adopted.

The following in Ordinance No. 12-A as adopted.

ORDINANCE NO. OA #03-18
(Ordinance No. 12-A)

AN ORDINANCE TO PROVIDE FOR THE CONNECTION NOW OR HEREAFTER OF PREMISES TO THE FIFE LAKE AREA UTILITY AUTHORITY SEWAGE DISPOSAL SYSTEM NO. 1 IN THE VILLAGE OF FIFE LAKE, GRAND TRAVERSE COUNTY, MICHIGAN; TO PROVIDE FOR THE IMPOSITION, COLLECTION AND ENFORCEMENT

OF FEES AND CHARGES FOR THE CONNECTION THERETO AND FOR CHARGES FOR USE OF SAID SYSTEM; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND CONVENIENCE.

THE VILLAGE OF FIFE LAKE (GRAND TRAVERSE COUNTY) ORDAINS:

Section 1.01

Whenever used in this Ordinance, except when otherwise indicated by the context:

- (A) The term "Village" shall be construed to mean the Village of Fife Lake.
- (B) The term "Council" shall be construed to mean the Village Council of said Village of Fife Lake, the legislative and governing body thereof.
- (C) The term "Authority" shall be construed to mean the Fife Lake Area Utility Authority.
- (D) The term "System" shall mean the complete Fife Lake Area Utility Authority Sewage Disposal System No.1 as the same located in the Village, including all sewer mains, laterals and treatment facilities, all appurtenances thereto now owned or hereafter acquired by the Authority pursuant to contract with the Village and all extension and improvement thereto hereafter made.
- (E) The term "sewer services" shall refer to the collection, transportation, treatment and disposal of sanitary sewage emanating from premises now or hereafter.
- (F) The term "unit" or "units" shall be related to the quantity of sewer use and the benefits derived from such sewer use ordinarily arising from the occupancy of a residence building by a single family of ordinary size (but such term shall not necessarily be related to actual use arising from any such building) and shall be defined or determined from time to time by the Village through its Village Council. Said units are set forth in Exhibit A to the Ordinance, according to the type of use to which the property is put. Any use not enumerated in Exhibit A shall, in the discretion of the Village President, upon authority of the Village Council, possess those units which attach to the property based upon the most similar use enumerated in Exhibit.
- (G) The term "trunkage connection fee" shall be deemed to mean the amount charged at the time in the amount hereinafter provided to each premises in the Village for connecting or being connected to the System and represents the proportionate cost allocable to such premises for the facilities by which sewer services are immediately provided to the premises and the cost of inspecting and approving the physical connections to the System and the issuance of a connection permit.
- (H) The term "Charges for Sewer Services" shall mean those charges and fees established by the Village Council pursuant to Section 4.01 of this Ordinance imposed on

users of the System for the use of the Sewer Services and include, but are not limited to, Trunkage Connection Fees, User Charges, and Debt Service Charges.

(I) The term “premises” shall be deemed to mean the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Village as a single taxable item in the name of the taxpayer or taxpayers at one address but in the case of platted lots shall be limited to a single platted lot unless and existing building or structure is so located on more than on lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

(J) The term “Buildable Site” shall be deemed to mean a premises or a portion of a premises upon which a single family home could be constructed in compliance with the Michigan Subdivision Control Act or any Village zoning ordinance which may be in effect at the date of publication of this Ordinance. A premises may contain one or more Buildable Sites.

(K) The term “structure in which sanitary sewer originates” or “structure” means a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for households, commercial, industrial or other purposes.

(L) The term “sanitary sewage” shall mean the liquid or water carried waste discharge from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, commercial and industrial establishments, institutions, and other structures.

(M) The term “Debt Service Charge” shall mean that charge established by the Village Council pursuant to Section 4.01 of this Ordinance imposed on users of the System to pay principal, interest and administrative costs of retiring debt incurred for the construction or improvement of the System.

(N) The term “User Charges” shall mean that charge established by the Village Council pursuant to Section 4.01 of this Ordinance imposed on users of the System for the Sewer Services provided to the Premises.”

Section 2.01 (A) Sewer System Deadline.

The owner of all structures in which sanitary sewage originates situated within the limits of the Village of Fife Lake and located now or in the future not more than 200 feet from the System located in a right-of-way, easement, highway, street or public way which crosses, adjoins or abuts upon the premises on which such structures are located is hereby required , at his

expense, to promptly install suitable toilet facilities therein and connect said structure directly with the System, and in no event shall said connections be completed later than twelve (12) months after date official notice to make such connection or the modification or construction of a structure so as to become a structure in which sanitary sewage originates, whichever occurs last.

(B) Enforcement in the Event of Failure to Connect to Sewer System.

In the event a required connection to an Available Public Sewer is not made within the time provided by Section 2.01 (A), the Village shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the Available Public Sewer and shall advise the owner of the affected property of the requirement and enforcement provision provided by Village Ordinance and State Law. In the event the required connection is not made within 90 days after the date of mailing or posting of written notice, the Village may bring an action, in the manner provided by law, in a court of competent jurisdiction or court order to compel the property owner to immediately connect the affected property to the Available Public Sewer.

Section 2.02 Platted Lands.

(A) Plats for premises subdivided into four or more lots or parcels and permits to improve platted or unplatted premises, after the effective date hereof, which Premises are within the area in the Village served by the System shall not be approved or issued on behalf of the Village and none of said Premises shall be improved hereafter by the erection thereon of a Structure in which Sewage Originates unless lateral sewers, the design of which is approved by an engineer designated by the Authority to serve all of said Premises, as subdivided or to be improved, are provided and connected to the System All extensions shall be installed at the sole cost of the owner or developer of the Premises and may be paid by cash, contract, special assessment, or a bond furnished or the estimated cost thereof deposited with the Village, as otherwise provided by law. Upon completion of construction of the extension(s), the extension(s) shall become part of the System and shall be owned by the Authority.

(B) All proposed sanitary sewer extensions that will be constructed to serve more than one building (the "Project") shall be constructed in accordance with this Ordinance and rules and regulations promulgated from time to time by the Authority. Once constructed, all such sanitary sewer extensions shall be part of the System and shall be deemed the property of the Authority. Prior to the construction of extensions to serve a Project, the owner or developer of the Project shall deposit funds in escrow to cover the Authority's plan review and application costs. Funds deposited in escrow shall be in addition to the other charges and fees established by

this Ordinance, to be paid by the owner or developer of the Project. The amount to be deposited in escrow may be revised from time to time by resolution of the Village Council in accordance with Section 4.01 of this Ordinance.

Section 3.01 Charges for Sewer Services. Owners of Premises which are improved with a Structure in which Sanitary Sewer Originates within the area in the Village served by the System, who make application to and receive a permit from the Village for a direct or indirect connection to the System shall pay the following fees and charges:

(A) A Trunkage Connection Fee in the amount established pursuant to Section 4.01 of this Ordinance;

(B) User Charges in the amount established pursuant to Section 4.01 of this Ordinance;

(C) Debt Services Charge, if any, in the amount established pursuant to Section 4.01 of this Ordinance; and

(D) An Application/Inspection Fee in the amount established pursuant to Section 4.01 of this Ordinance.

Section 4.01. Establishment and Modification of Charges for Sewer Services.

(A) Charges for Sewer Services provided to each Premises within the Village connected to the System and the Application/Inspection Fee shall be established by resolution of the Village Council and may be revised from time to time by resolution of the Village Council, upon the recommendation of the Authority and in accordance with any outstanding bond obligations issued to finance the costs of acquisition, construction, and/or improvement of the System and any limitations contained therein.

(B) The Village Council may determine by resolution that some or all of the charges, rates and fees imposed pursuant to this Ordinance may be paid over time in installments with accrued interest on the unpaid portion. In the event that any Charges for Sewer Services or any installment thereof is not paid when due, a penalty shall be imposed and paid in accordance with Section 7.01 of this Ordinance.

Section 5.01

The number of units to be assigned to any particular premises used for other than single residence purposes shall be determined by the Village Council based on unit factors set forth in Exhibit A. The Village Council, if the circumstances justify, may assign more than one unit to a single family dwelling. No less than one unit shall be assigned to each premises but units in excess of one may be computed and assigned to the nearest tenth. Once a premises had been connected to the System and has been assigned one or more units, subsequent changes in the character of the use or type of occupancy of said premises (including destruction, removal or

abandonment of any or all improvement thereon) shall not abate the obligation to continue the payment of the trunkage connection fee charged to said premises in the amount and for the period herein above provided. If subsequent changes at any time increase the amount of sewer service to the premises, the Village Council shall increase the number of units assigned to said premises.

Section 6.01. Minimum Charges. The minimum monthly Charges for Sewer Services shall be due and payable for each Premises without regard to the use of any such Premises on a part-time or seasonal basis.

Section 6.02 No Free Service. No free service shall be furnished by the System to the Village or to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 7.01

If any charges for sewer service are not paid on or before the due date then a penalty of 10% shall be added thereto. In the event that the charges for any such services furnished to any premises shall not be paid within 90 days after the due date thereof, then all services furnished by the System may be discontinued upon ten (10) days written notice to owner and occupants. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus all expenses incurred by the Village for shutting off and turning on the service.

Section 7.02

If any installment of trunkage connection fee is not paid on or before the due date, the same shall draw interest at the rate of ½ of 1% per month until paid. In the event that any such installment remains unpaid for 90 days or more after the due date, service may be discontinued as provided in section 7.01 and shall not be restored until all amounts due are paid plus the shut-off and turn-on charges so provided are paid.

Section 8.01 Lien Created. Pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, Charges for Sewer Services furnished by the System to any Premises shall constitute a lien on the Premises. The Authority shall provide a list of the name and address of the owner of the Premises and the amount of the delinquency to the Township Treasurer for those users of the System in the Village for which Charges for Sewer Services are delinquent for three (3) months or more. The Township Treasurer shall certify such amounts as delinquent annually on September 1 of each year to the Township tax assessing officer who shall enter the same upon the next tax roll against the Premises, and the Charges for Sewer Services shall be collected and the lien shall be enforced in the same manner as provided by law.

Section 9.01

There shall be established by the Village Council, a system of industrial cost

recovery charges applicable to any use of the System subject thereto under the terms and conditions of the Federal Grant(s) financing a portion of the cost of the System. The industrial cost recovery charges shall be imposed, collected, held and used in accordance with the federal grant conditions.

Section 10.01

The System shall be used, operated, and maintained at all time in accordance with existing state and federal law and applicable state and federal regulations.

Section 11.01

The owner of a premises may file a hardship application with the Village Council seeking a deferment in the partial or total payment of charges imposed under Section 3.01 and 4.01 above, based on a showing of financial hardship and in accordance with state laws.

Section 12.02 Billing and Collection of Charges for Sewer Services. Charges for Sewer Services shall be established and, from time to time be revised by the Village Council in accordance with Sections 3.01 and 4.01 of this Ordinance. Billing and collection of such charges shall be the responsibility of the Authority. The Authority shall not be required to mail statements to users of the System if there is a credit on the user's account. The operation, maintenance and management of the System shall be under the immediate supervision and control of the Authority.

Section 13.01

This Ordinance shall be known and may be cited as the "Village of Fife Lake Sanitary Sewer System Connection and Rate Ordinance".

Section 14.01

The provisions of the Ordinance shall be enforced through the bringing of appropriate action for injunction, mandamus, or otherwise, in any Court having jurisdiction. Any violation of this Ordinance is deemed to be a nuisance per se.

Section 15.01

Any person, firm or corporation convicted of disposing of sanitary sewage in a manner contrary to the provision of this Ordinance, or failing to connect with the System as provided herein, or in any other way violating the provisions of this Ordinance, shall be guilty of municipal civil infraction.

Civil Infraction. Any violation of Section 2.01 or any violation beyond the time limit provided in Section 2.01 (A), shall be a municipal civil infraction, for which the fine shall not be less than \$100 not more than \$500 for the first offence and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation

of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offence shall be considered separate first offences. Each day that such violation occurs shall constitute a separate offence. Any person violating any of the provision of this Ordinance shall, in addition, become liable for any expense, including reasonable attorney's fees, los, damage occasioned by reason of such violation. The Village is hereby authorized to issue citations for municipal civil infractions for violation of the Ordinance.

Section 16.01

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

Section 17.01

All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed, except that not part of any contract between the Village and the Fife Lake Area Utility Authority with regard to the pledge of revenues, funds and monies available to pay the principal of, and interest on bonds outstanding and the right of bondholders is amended, changed or repealed hereby.

Section 18.01

The Village specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or notwithstanding any of the provision hereof, to repeal the same, and by such amendment or repeal to abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

Section 19.01

The ordinance is hereby determined by the Village Council to be immediately necessary for the preservation of the peach, health and safety of the Village and shall be in full force and effect fifteen (15) days after publication in the Kalkaska Leader.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan on May 5, 2003, and approved by me on May 5, 2003

Corey Geyman, Clerk
Village of Fife Lake
ORDINANCE NO. OA #03-08
(Ordinance No. #02-01)

THE VILLAGE OF FIFE LAKE ORDAINS:
MUNICIPAL CIVIL INFRACTION ORDINANCE

Definitions:

As used in this chapter:

“Act” means Act No. 236 of the Public Acts of 1961, as amended.

“Authorized” Village Official” means a police officer, the Zoning Administrator or other personnel of the village authorized by this code or any ordinance to issue Municipal Civil Infraction Citations or Municipal Civil Infraction Violation Notices.

“Bureau” means the Village of Fife Lake Ordinance Violations Bureau as established by this chapter.

“Municipal Civil Infraction Action” means a civil action in which the defendant is alleged to be responsible for a Municipal Civil Infraction.

“Municipal Civil Infraction Citation” means a written Complaint or Notice prepared by a authorized Village Official, directing a person to appear in court regarding the occurrence or existence of a Municipal Civil Infraction Violation by the person cited.

“Municipal Civil Infraction Violation Notice” means a written Notice prepared by an Authorized Village Official, directing a person to appear at the Village of Fife Lake Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Village, as authorized under sections 8396 and 8707 (6) of the Act.

Municipal Civil Infraction Action: Commencement:

A Municipal Civil Infraction Action may be commenced upon the issuance by an Authorized Village Official of

- 1. A Municipal Civil Infraction Citation directing the alleged violator to appear in court;
- or
- 2. A Municipal Civil Infraction Violation Notice directing the alleged violator to appear at the Village of Fife Lake Violations Bureau.

Municipal Civil Infraction Citations: Issuance and Service:

Municipal Civil Infraction Citations shall be issued and served by Authorized Village Officials as follows:

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

- (b) The place for appearance specified in a citation shall be the District Court.
- (c) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the Village and issued to the alleged violator as provided by section 8705 of the Act.
- (d) A citation for a Municipal Civil Infraction signed by an Authorized Village Official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the Complaint and if the citation contains the following statement immediately above the date and signature of the official:

“I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief.”

(e) An Authorized Village Official who witnesses a person commit a Municipal Civil Infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original, and required copies of a citation.

(f) An Authorized Village Official may issue a citation to a person if:

- 1. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a Municipal Civil Infraction; or
- 2. Based upon investigation of a Complaint by someone who allegedly witnessed the person commit a Municipal Civil Infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting Attorney or Village Attorney approves, in writing, the issuance of the citation.

(g) Municipal Civil Infraction Citation shall be served by an Authorized Village Official as follows:

- 1. Except as provided by section 13.003 (g) (2), an Authorized Village Official shall personally serve a copy of the citation upon the alleged violator.
- 2. If the Municipal Civil Infraction Action involves the use of occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner’s last known address.

Municipal Civil Infraction Citations: Contents:

(a) A Municipal Ordinance Citation shall contain:

1. The name and address of the alleged violator;
2. The Municipal Civil Infraction alleged;
3. The place where the alleged violator shall appear in court;
4. The telephone number of the court; and
5. The time at or by which the appearance shall be made.

(b) Further, the citation shall inform the alleged violator that he or she may do one of the following:

1. Admit responsibility for the Municipal Civil Infraction:

- I By mail;
- II in person; or
- III by representation

at or by the time specified for appearance.

2. Admit responsibility for the Municipal Civil Infraction “with explanation”:

- I By mail;
- II in person; or
- III by representation

at or by the time specified for appearance.

3. Deny responsibility for the Municipal Civil Infraction by doing either of the following:

- I. Appearing in person for an informal hearing before a Judge or Court Magistrate without the opportunity of being attorney, unless a formal hearing before a Judge is Village; or
- II. Appearing in court for a formal hearing before a Judge, with the opportunity of being represented by an attorney.

District
represented by an
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(c) The citation shall also inform the alleged violator of all of the following:

1. That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a schedule date and time for an appearance.

- violator representation and time citation.
2. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by within the time specified for appearance and obtain a scheduled date to appear for a hearing, unless a hearing date is specified on the citation.
3. That a hearing shall be an informal hearing, unless a formal hearing is requested by the alleged violator or the Village.
4. That at an informal hearing, the alleged violator must appear in person before a Judge or District Court magistrate, without the opportunity of being represented by an attorney.
5. That at a formal hearing the alleged violator must appear in person before a Judge with the opportunity of being represented by an attorney.
- (d) The citation shall contain a Notice in **boldfaced type** that the failure of the alleged violator to appear within the time specified in the citation or at the time schedule a hearing or appearance is a misdemeanor and will result in entry of a Default Judgement against the alleged violator on the Municipal Civil Infraction.

Schedule of Civil Fines Established for Civil Infraction Citations:

- 1) A person, corporation or firm who, as a result of violating any provision in the Village of Fife Lake Ordinances, or who allows said violation to occur on premises owned by them, is responsible for municipal civil infraction and shall pay a civil fine of not less than \$25 nor more than \$500, plus cost and other sanctions, for each infraction.
- 2) Fines for Violation Notices.
- a) \$25 for first violation.
- b) \$50 for the second violation within a three month period.
- c) \$75 for a third violation within a six month period.
- 3) Repeat offenses shall be subject to increased fines as set forth below. As used in this section, REPEAT OFFENSE means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this ordinance (I) committed by a person, corporation or firm within any twelve month period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
- a) The fine for any offense which is a repeat offense shall be no less

than \$250 plus cost and other sanctions.

- b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500 plus cost and other sanctions.
- 4. The Village Council may institute those remedies provided by statute, court rule, and the case law of the state law or equity, to prevent, enjoin, abate or remove any unlawful erection, construction, maintenance, or use. Damages, costs and reasonable attorney fees, as the law provides, shall be paid cumulative and in addition to all other remedies provided at law or equity.

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

Publication and Recording. A summary of this Ordinance Amendment shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance Amendment shall be in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on June 2, 2003.

ORDINANCE NO. 06-08
FREE-STANDING WOOD BURNING FURNACES

AN ORDINANCE TO PROHIBIT THE INSTALLATION AND USE OF
OUTDOOR WOOD BURNING FURNACES DESIGNED FOR STRUCTURE HEAT

The Village of Fife Lake hereby Ordains:

Section 1. Purpose. It is the purpose of this ordinance to prohibit the construction and operation of free-standing wood burning furnaces within the limits of the Village of Fife Lake for the purpose of securing and promoting the public health, comfort, convenience safety, welfare and prosperity of the Village and its inhabitants. It is generally recognized that the typed of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be detrimental to citizens health, and can deprive neighboring residents of the enjoyment of their property or premises.

The adoption of this ordinance is based on evidence and reports concerning the adverse health effects of wood smoke, increased air pollution, and smoke as nuisance as found in studies and in reports made available to te Village Council.

Section 2. Definition. For purpose of this ordinance, the term “free-standing wood burning furnace” shall mean any devise or structure that:

- (A) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure;
- (B) Operated by the burning of wood or and other solid fuel, including but not limited to, coal, paper pellets, and agricultural product; and
- (C) Is not located within a residential structure;
- (D) Excluded from the definition of a free-stand wood burning furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

Section 3. Prohibition.

- a. It shall be unlawful to install or operation a free-standing wood burning furnace, an to cause or permit in installation or operation of a free-standing wood burning furnace, within the Village.
- b. This prohibition shall not apply to an industrial manufacturer or processor, located within an industrial zone in the Village, which produces wood waste products in its manufacturing or processing operation.
- c. No replacement of existing free-standing wood burning furnaces shall be permitted within the Village.

Section 4. Conflicts. This ordinance shall not be constructed as an exemption or exception to any other provision of any other Code or Ordinance of the Village. In the event of a conflict between the provisions of this ordinance and any other ordinance or other provisions of law, the more restrictive provision shall apply.

Section 5. Existing Uses. This ordinance shall not apply to any free-standing wood burning furnace that was installed, connected, and operating as of the effective date of this ordinance. However, this ordinance shall be deemed as specific authorization for the use of any preexisting free-standing wood burning furnace and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage to nuisance caused by the use of a free-standing wood burning furnace.

Section 6. Violations; Declaration of Nuisance. Any free-standing wood burning furnace installed or operated in violation of this ordinance is hereby declared to be nuisance per se.

Section 7. Penalty. Whoever violates any provision of this ordinance is responsible for a Municipal civil infraction. Each day that a violation exists or continues shall constitute a separate and additional violation.

Section 8. Effective Date. This ordinance shall be in full force and in effect fifteen (15) days after its publication in a newspaper of general circulation within the village.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on June 12, 2006.

Corey Geyman, Clerk

ORDINANCE # 06-12

ANTI-BLIGHT

Section 1. Purpose.

It is the purpose of this Ordinance to prevent, reduce or eliminate blight in the Village of Fife Lake by the prevention or elimination of contributing factors and causes of blight which exist or which may in the future exist in the Village of Fife Lake.

Section 2. Definitions.

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

- a. **Blighted Structure.** Any dwelling, garage, or outbuilding, or any factory, shop, store, office building, warehouse, or other structure or part of a structure which:
 - a. Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended; or
 - b. Is partially complete and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Village of Fife Lake; or
 - c. Is not structurally sound, weather-tight, waterproof or vermin-proof; or
 - d. Is not covered by a water resistant paint or other waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration.
- c. **Building Material.** Any lumber, bricks, concrete, cinder blocks, plumbing material, electrical wiring or equipment, heating duct or equipment, shingles, mortar, cement, nails, screws, or other material commonly used in the construction or repair of any buildings or structures.
- d. **Enforcement Officer.** Enforcement Officer means the Village of Fife Lake Zoning Administrator, any Grand Traverse County Police Officer, or any other person designated by the Village of Fife Lake Council to enforce the provision of this Ordinance.
- e. **Junk.** Any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates.
- f. **Open Storage.** “Open storage” as used in a this chapter shall mean such storage or accumulation which is visible from any public street or sidewalk, or from any adjoining property.
- g. **Person.** An natural person, firm, association, partnership or corporation.
- h. **Vacant Buildings.** Any building which is unoccupied and which is not securely locked, with the windows glazed or neatly boarded up and protected against the elements and from vandals and rodents and other animals.

Section 3. Prohibited Conduct.

Except as may otherwise be permitted by the holding of a specific business license or by other Village of Fife Lake Ordinance, no person in the Village of Fife Lake shall:

- A. Maintain or permit the open storage or accumulation of junk on premises owned, leased, rented, or occupied by him.
- B. Maintain or permit the open storage or accumulation of any building material on property owned, leased, rented, or occupied by him for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.
- C. Maintain or permit the maintenance or existence of any vacant building (refer to G. for definition) on property owned, leased, rented or occupied by him.
- D. Maintain or permit the maintenance or existence of any blighted structure (refer to A. for definition) on property owned, leased, rented or occupied by him.
- E. Maintain or permit the storage of firewood on property owned, leased, rented or occupied by him except in a neat, orderly stack to a height no greater than five (5) feet and not to exceed 20 face cord. The storage of firewood shall be restricted to the rear yard or an interior side yard on the premises.

Section 4. Enforcement.

- A. Before commencing enforcement proceedings under this Ordinance, for the first violation, the enforcement officer shall notify the violator(s) of the existence of a violation under Section 3 above. Such notice shall be in writing and served upon the violator(s), either personally or by first class mail sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. The violator(s) shall be given five (5) days from the date of personal service or seven (7) days from the date of mailing the notice in which to reply with a remedy to the violation and 30 days to comply.
- B. Enforcement proceedings may be commenced against a violator(s) without prior notice, in any instance where a violation notice had previously been sent, within the previous twelve (12) months, relating to the same address.
- C. Each day that a violation under this Ordinance continues to exist may be considered a separate violation subject to the penalties hereinafter set forth.

Section 5. Severability.

The sections and provision of this Ordinance are declared to be severable and any portion which

is declared inoperative or invalid for any reasons by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

Section 6. Penalty.

Whoever violates any provisions of this Ordinance is guilty of a municipal civil infraction in accordance with Ordinance #03-08 and subject to fines and penalties as provided therein.

Publication and Recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance shall be in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on August 7, 2006.

Corey Geyman, Village Clerk

ORDINANCE NO. OA #09-07
(ORDINANCE NO. 06-13)

AN ORDINANCE TO REQUIRE THE CUTTING OF GRASS AND WEEDS

THE VILLAGE OF FIFE LAKE ORDAINS:

Section 1. Prescribed Conduct.

A. No person who is the owner, possessor, or occupier of improved areas within the Village of Fife Lake, shall allow any grass, weeds, or the like to grow to a height in excess of eight (8) inches on any such improved areas. The grass, weeds, or the like, must be cut so often in each year as shall be sufficient to prevent from going to seed, including that portion of public street or alley abutting that property and bounded by the established curb, gutter line, shoulder or road edge.

B. **Exceptions.** Notwithstanding the foregoing, the following lands shall be exempt from the provisions of this section, provided that the owner of the land petitions for exemption from the provisions of this section in writing to the Village Council.

1. Undeveloped wooded areas where tree growth is in excess of ten (10) feet in height.

2. Undeveloped parcels of four and one-half (4 ½) acres or more in non-subdivision areas.
3. Lands where less than fifty (50) per cent of the lots are occupied.
4. Lands where occupied lots have been developed without removing the original natural cover.

Section 2. Abatement of Nuisance by Village.

In the event the owner, possessor, or occupant refuses or neglects to comply with the provisions of this Ordinance within fourteen (14) days after receipt of such notice, the Village of Fife Lake and its authorized representatives are hereby empowered, to enter upon such kind for the purpose of accomplishing, abatement of the violation by spraying, cutting and/or other methods deemed acceptable by the Department of Public Works of the Village of Fife Lake. A fee as set by the Village of Fife Lake Council shall be paid by the owner or owners of such lands or lots, and in cases where not paid, the Village shall have a lien for the same in the manner hereinafter provided.

Section 3. General Notice by Publication.

It is hereby made the duty of the Village Clerk to give general notice to every owner, possessor, or occupant. Having control or management of any land wherein grass, weeds, or the like exceeding eight (8) inches are growing, standing or present to cut down, destroy or remove the same. Such general notice shall be made by publication in a newspaper of general circulation in the Village of Fife Lake at least in each calendar year, shall ready substantially as follows:

Notwithstanding the foregoing, the following land shall be exempt from the provision of this section provided that the owner of the land petitions for exemption from the provisions of this section in writing to the Village Council of the Village of Fife Lake.

1. Undeveloped wooded areas where tree growth is in excess of ten (10) feet in height.
2. Undeveloped parcels of four and one-half (4 ½) acres or more in non-subdivision areas.
3. Lands where less than fifty (50) per cent of the lots are occupied.
4. Lands where occupied lots have been developed without removing the original natural cover.

Section 4. Reimbursement to the Village; Assessment of Costs.

Whenever the Department of Public Works or its authorized representatives shall enter upon any parcel of land in order to accomplish abatement of an existing violation pursuant to the provision of this Ordinance, the Superintendent of the Department of Public Works is hereby authorized and directed to keep an accurate account of all properties mown, sprayed, or otherwise cleaned of grass and/or weeds and based upon the same to issue a certificate determining and certifying the fees involved for such work with respect to each parcel of property within thirty (30) days after receipt of said certificate, the Village Treasurer or Village Clerk shall forward an invoice of the total charges assessed on each parcel of property to the other as be payable to the Village of Fife Lake within thirty (30) days from the date of said invoice was forwarded. If not paid within the prescribed thirty (30) day period, such invoice shall be filed by the Village Treasurer thereupon be assessed against the land in question and become a lien on such property. The amount so charged maybe discharged at any time by the payment of the amount specified in the invoice together with interest at the rate of one (1) per cent over the current prime rate complied by the mailing of the original invoice.

Section 5. Violations.

Any person or entity who violates the provisions of this ordinance is responsible for a municipal civil infraction, either as a violation notice or a citation, and subject to payment of civil fine in accordance with the provisions of Ordinance No. OA 03-08 of the Village of Fife Lake.

Section 6. Separability.

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

Publication and Recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance is hereby declared to be immediately necessary for the preservation of the public health and welfare of the people of the Village of Fife Lake and shall be in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on September 8, 2009.

Corey Geyman, Village Clerk

ORDINANCE NO. 06-03

REGULATION REGARDING VENDORS FOR THE VILLAGE OF FIFE LAKE (GRAND TRAVERSE COUNTY, MICHIGAN)

WHEREAS, the Village Council for Fife Lake has determined that it is appropriate to regulate vendors within the village; and

WHEREAS, necessary to promote the public health and safety by limiting the sales of merchandise, goods or wares within the public roads, alleys, sidewalks and parks of the village;

NOW THEREFORE the Village of Fife Lake hereby ORDAINS as follows:

(A) Definition of vendors.

For purpose of this ordinance, the following definitions will apply:

a. Vendor, one who sells, or offers to sell, good, wares, merchandise, food (whether fruit, poultry, animals or fish) and other types of consumer goods from place to place within the area of village owned

property, public roads, alley, sidewalks and parks.

b. Stand; means any table, showcase, parked trailer, or any structure or vehicle, or park thereof, which is permanently situated in one defined location during the licensed period of time and used for the displaying and storing of articles offered for sale by a vendor.

c. Pushcart and Pedaled Cart; means any wheeled vehicle which is not required to be licensed by the department of motor vehicles, which is not permanently situated in one location, but is pushed or ridden by the vendor between sales and which is used for the displaying and storing of articles offered for sale.

d. Motor Vehicle; means any vehicle used for the displaying, storing, or transporting of articles offered for sales by a vendor, which is required to be licensed and registered by the department of motor vehicles.

e. Walking Vendor; means a vendor not using a stand, pushcart, pedaled cart or motor vehicle, but who carries his or her wares with them, walking from one location to another between sales.

(B) Permit Required.

It shall be contrary to this ordinance and constitute a Municipal Civil Infraction for any person, corporation, partnership or representatives or agents thereof to act as a vendor within the village without first obtaining a permit as required herein.

(C) Application for Vendor Permit.

A written application for a vendor's license (which forms are available in the Clerk's office) shall be sworn to and filed with the Village Clerk not less than twenty-one (21) days prior to the time a license is desired. Said application shall contain the following information:

a. Name and address of applicant of organization.

b. A description of the goods, wares, merchandise or items to be sold.

c. The length of time for which the vendor permit is desired.

d. The name and address of the person or persons who will be in direct charge of the vendor.

e. Method or methods to be used for the sales of said merchandise i.e.: stands, pushcart, motor vehicle, or walking vendor.

f. Proof of Health Department license, when sale of food items such as meat, beverages, confections, ice cream, refreshments and other consumables.

(D) Suspension/Revocation of Permit.

If a permit holder, or the permit holder's agent or representative, misrepresents and/or falsifies statements made in the application for the permit; or the permit holder, acting as a vendor, is conducting the activity (sales) in a matter detrimental to the public health, safety or welfare, or contrary to the provisions of this ordinance, then the Village President may direct the Clerk to suspend the permit or revoke the same.

(E) Standard Provisions for Permit.

The activities conducted under a vendor's permit shall have the following provisions as part of the permit:

- a. Vendors with stands must be in the designed area. No vendors are allowed to set up on the village streets, sidewalks or park without permission of the village. A vendor must obtain written permission from a commercial property owner to use his or her premises, and the written permission must accompany the application form.
- b. Vendor activity shall not occur prior to 8:00 a.m. EDT or continue after 8:00 p.m. EDT.
- c. Vendors using portable or movable carts or platforms to display wares, as well as vendors walking with their wares attached to items being held and/or otherwise contained on the vendor, shall not interfere with ordinary pedestrian or vehicular traffic, and shall continue moving, stopping only to complete sales.
- d. Motor vehicle vendors should keep moving, stopping only to make sales and trying not to draw crowds, and must not obstruct other traffic.
- e. The sales of any meat, food, beverages, confections, ice cream or refreshments or Health Department regulated consumables require Health Department approval.
- f. Vendors will not approach driver of motor vehicles.
- g. Vendors will not approach customers in stores without manager's approval.
- h. Vendors are not permitted to go upon private residence premises to make contact with the occupant for the purpose of making sales, unless specifically invited to do so by the occupant.
- i. No vendor may use noise-generated items or lighting (flashing or otherwise) to attract attention to his or her goods, items or wares.
- j. Any sale or solicitation in village owned parks, beaches, or recreational areas shall be limited to designated areas, identified by the Clerk at the time the permit is issued.

(F) Permit Validity.

- a. Vendor permit shall be valid for not more than five (5) consecutive days and no applicant shall receive more than three (3) permits in any calendar year, being January 1 to December 31.

(G) Fees are as Follows.

- a. Vendors permit fee is Twenty-five and 00/100 (\$25.00) Dollars, per day; and One Hundred and 00/100 (\$100.00) Dollars per five (5) days.

(H) Exceptions.

When, in the opinion of the Village Council, a public celebration is occurring within the general, geographical village area, Council may waive the fee/time requirement if Council deems it to be in the best interest of the community. By way of example and not limitation, permit fees/time may be waived for activities during the 4th of July parade and fireworks.

(I) Violations.

Any persons convicted of a violation of any provision of this ordinance shall be cited a civil infraction, with fines as set forth in Village Ordinance OA #03-08. Each act in violation of this ordinance, and every day in which any violation exists, shall constitute a separate civil infraction.

(J) Miscellaneous.

The authority pursuant to which this ordinance is drafted is the general power and authority vested in the Village Council by virtue of Act 3 of the Public Acts of 1895. Further, and in greater detail, the authority regarding licenses is set out in section 2 of chapter VII (MCLA 67.2), a copy of which is available at the village office.

(K) Denial/Revocation.

If any applicant is denied a license or permit, or has his/her permit or license revoked, such individual or entity may appeal the decision of the Clerk (denying the application) or the Village President (directing the Clerk to revoke the license for a permit), to the Village Council as a whole at its next regularly scheduled meeting, without cost or charge to the applicant. Any such denial or revocation should be based on a detriment to the public health, safety or welfare, of the proposed sale of unlawful goods or merchandise.

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

Publication and recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under state law to publish legal notices immediately after its adoption, and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition, shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance shall be in full force and effect immediately after publication as provided by law. Passed and adopted by the Village Council of Fife Lake, County of Grand Traverse, Michigan on February 6, 2006.

COPY

Corey Geyman, Clerk

I hereby certify that the above ordinance was passed by the Village Council for the Village of Fife Lake at a regular meeting on the 6th day of February, 2006.

ORDINANCE NO. #97-03

An ordinance to authorize the splitting of platted lots within the Village of Fife Lake in Accordance with section 263 of the Subdivision Control Act of 1967 (now designated the Land Division Act) and to set forth a procedure to approve such lot splits.

THE VILLAGE OF FIFE LAKE ORDAINS:

Section I: Splitting of Platted Lots:

The splitting of platted lot is authorized in the Village of Fife lake when it is necessary to resolve or permit any of the following:

- a. A boundary dispute between adjoining property owners that has resulted from a surveyors's error; or
- b. A verifiable builders mistake resulting in a unauthorized encroachment; or
- c. An excusable mistake on the part of the property owner(s) which has resulted in either an encroachment onto adjoining property or a violation of the village setback requirements; or
- d. To enlarge two (2) lots by splitting a third lot provided, however, that any split of this nature shall, in addition to the application procedure set forth below, require the property owners(s) to place in the deed or deeds splitting the lot, a restriction to the effect that the portion of the split lot shall be a part of the lot with which it is combined for all future transfers or assignments as the split portion shall not be deemed a separate, buildable lot. Copies of such deed(s), containing the aforementioned restriction, shall be provided to the village subsequent to their recording.

Section II: Application Process:

The owner(s) of the lot that is proposed to be split in accordance with the criteria set forth in Section I, shall file an application for lot division with the Village Clerk. The application shall contain the following information:

- a. The reasons of the proposed division; and
- b. A plat drawn to scale and showing the proposed lot split in sufficient detail to enable a determination of whether the proposed split meeting the requirements of this ordinance; and
- c. The effect of the lot split on adjacent properties; and
- d. A copy of the proposed deed(s) containing the necessary language if the split is being made pursuant to Section I (d). Further, a copy of the deed(s), after the same is recorded shall be provided to the village offices for inclusion in the file.

Such application shall be filed with the Village Clerk and upon receipt of the same, the Village Clerk shall schedule a public hearing before the Village Council within 45 days of receipt of the application. Further, a summary indicating the nature of the request shall be published in a newspaper of general circulation in the village and also posted in the village hall, not more than fifteen (15) days not less than five (5) days prior to the date of the hearing.

Notice of the public hearing shall also be mailed, by regular mail, to all property owners within three hundred (300) feet of the lot which is proposed to be split and copies may, but are not required to be, also sent to the County Road Commission, the County Drain Commissioner and the County Soil and Erosion Department requesting comments.

Section III: Hearing/Decision:

The Village Council shall receive comments and review the application during the course of the public hearing. At the conclusion of the public hearing, the Village Council will, either at a special or regularly scheduled Council meeting, approve or reject the request for the lot split setting forth reasons why the proposed split does or does not meet the criteria of this ordinance.

In the event the lot split is disapproved, the property owner(s) of the lot may appeal the decision of the Village Council or to the Circuit Court for the County Grand Traverse.

Section IV: Prohibition:

In accordance with the Land Division Act, the division of a lot in a recorded plat is prohibited unless approved following application to the Village Council in accordance with the terms and provisions of this ordinance. No Building or Land Use Permit shall be issued for any building construction commenced unless the division has been approved by the Village Council.

Section V: Fees:

The Village Council may, by resolution, establish a fee for such application to cover the reasonable cost of a public hearing (and any special Council meeting requested by the applicant), the newspaper publication, the mailing to adjoining property owners and any other associated cost in processing the application.

Section VI: Effective Date:

This ordinance shall become effective upon publication.

At a regular meeting of the Village Council of the Village of Fife Lake, Michigan, held on the Tenth day of November 1997, adoption of the foregoing ordinance was moved by Council member Middaugh, and supported by Council member Forwerck.

Ayes: Broering, Eby, Forwerck, Hembrough, Midduagh, Voice.

Nays: None

Absent: Lewis

The President declared the ordinance adopted.

Barbette Lane, Village Clerk

the foregoing is a true copy of ordinance No. 97-03, which was enacted by the Village Council of the Village of Fife Lake at a regular meeting held on November 10, 1997.

Barbette Lane, Village Clerk

ORDINANCE NO. O# 08-07

LOITERING ORDINANCE

THE VILLAGE OF FIFE LAKE (GRAND TRAVERSE COUNTY, MICHIGAN) ORDAINS:

Section 1 - Purpose

The ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the Village of Fife Lake.

Section 2 - Definitions

As used in this ordinance:

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

Loitering means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and also includes the colloquial expression “hanging around.”

Minor means any person under the age of eighteen (18) years residing with a parent.

Parent means mother, father, legal guardian or any other person having the care, or custody of a minor, or any person acting in the parent’s stead who has the care, custody or control of the minor.

Public place means any place to which the general public has access and a right of resort for business, entertainment or for other lawful purpose, but does not necessarily mean a place

devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other public place of business and also public grounds, area or parks.

Section 3 - Loitering

It shall be a civil infraction for any person within the village to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to:

a. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians after having been told to move on by a public safety officer;

b. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in on upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto after having been told to move on by a public safety officer;

c. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed to the expressed with of the owner, lessee, managing agent or person in control of change of the building of premises.

Section 4 - Assemblies and crowds.

It shall be a civil infraction for any person to collect or stand in crowds or arrange, encourage or abet the collection of persons in crowds for illegal purposes in any public place.

Section 5 - Jostling or roughly crowding.

It shall be a civil infraction for any person to jostle or roughly crowd a person in any street, alley, park or public building.

Section 6 - Public disturbances.

It shall be a civil infraction for any person to engage in any disturbance, fight or quarrel in any public place or to disturb, tend to disturb or aid in disturbing the public peace and quiet by violent, loud, offensive or boisterous conduct.

Section 7 - Disorderly intoxication.

It shall be a civil infraction for any person to be intoxicated by alcoholic liquor or a controlled substance in a public place and to either endanger directly the safety of another person or of property or to act in a manner that causes a public disturbance.

Section 8 - Penalties for violation of this ordinance, generally.

Any person or entity who violates the provision of this ordinance is responsible for a municipal civil infraction, either as a violation notice or a citation, and subject to payment of a civil fine in accordance with the provisions of Ordinance No. 03-08 of the Village of Fife Lake.

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

Further, all existing provisions of Ordinance No. 08-07 not inconsistent with the amendments made hereunder shall remain in full force and affect.

Publication and Recording. A summary of this Ordinance shall be published once in a newspaper of general circulation within the boundaries of the Village of Fife Lake qualified under State law to publish legal notices, immediately after its adoption and the same shall be recorded in the minutes of the Village of Fife Lake of the meeting at which this Ordinance was adopted and, in addition shall be recorded in the Ordinance Book of the Village.

Effective Date. This Ordinance shall be in full force and effect immediately after its publication as provided by law.

Passed and adopted by the Village Council of the Village of Fife Lake, County of Grand Traverse, Michigan, on June 2, 2008.

Corey Geyman, Clerk
Village of Fife Lake