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CHAPTER I

NUISANCE AND PUBLIC SAFETY

1.1 Inoperable Vehicles, Machinery or Equipment. It shall be a municipal civil infraction for any person to store, or for any land owner or possessor to permit the storage thereon of, any immobile or unlicensed automobile, any automobile parts, or any inoperable machinery or equipment, at any location within the Village of Sand Lake for a period in excess of thirty (30) days duration; unless

(a) said storage shall be wholly within any permanent, closed, structures; or unless

(b) said automobile, automobile parts, machinery or equipment shall be concealed from the public view by a fence, hedge or other similar device and shall be stored in conjunction with the operation of any legally operating industrial or commercial enterprise located on the same premises; or unless

(c) said storage shall be with the consent of the Village Council, consent to storage contrary to the foregoing provisions may be granted only upon request to the council showing special circumstances and shall not extend beyond a reasonable time.

Removal of any automobile, parts, machinery or equipment from one place to another within the Village shall not be deemed to interrupt the running of the thirty day period during which storage is permitted.

Any person or business entitled to store automobiles, parts, machinery or equipment when concealed behind any fence, hedge, or other device as provided in sub-paragraph (b) above shall not be deemed in violation of this ordinance until the elapse of one year immediately succeeding the effective date of this ordinance provided that he, she, or it shall commence erection or construction of a fence, hedge or other device within six (6) months after said effective date.

For the purpose of this ordinance the following definitions shall apply:

An automobile hereby defined to be any vehicle which is self-propelled or intended to be self-propelled.

Inoperable machinery and equipment which by reason of dismantling, disrepair, or other cause, is incapable of functioning or being operated as it was intended to function or operate.

An unlicensed automobile is defined as any automobile which cannot legally be operated on the public streets or highways of the State of Michigan due to lack of current registration or licensing, provided however that any vehicle owned by any licensed automobile dealer and which

may be legally operated on the public highways while bearing dealer plates shall be deemed licensed.

Penalties. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

If any automobile, parts, equipment or machinery stored in violation of this ordinance shall not be removed within twenty (20) days after mailing of notice by certified mail to the owner or owners thereof or to the owner or owners of the real property upon which it is located it may be removed therefrom by the Village and held until claimed by the owner and payment of the cost of removal plus any fine is made. Property not claimed may be sold by the Village under the procedure for sales on execution in Circuit Court as provided by the law of Michigan at such time as the sale shall be conducted.

[Ord. No. 43, adopted 3/7/66; amended by Ord. No. 2000-03, adopted 11/20/00]

1.2 Sidewalk Maintenance.

1.2.1 Definitions. When used in this ordinance, the words defined in this section shall have the following meaning:

- (a) "Sidewalk" shall mean the portion of the street right-of-way designed for pedestrian travel.
- (b) "Director" shall mean the Director of Public Works of the Village.
- (c) "Council" shall mean the Village Council.

1.2.2 Specifications and Permits. No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the Director nor without first obtaining a written permit from the Director, except that when sidewalk repairs of less than fifty (50) square feet of sidewalk may be made without a permit. The said written permit shall prominently be displayed on the construction site. The fee for such permit shall be two (\$2.00) dollars.

1.2.3 Line and Grade Stakes. The Director shall furnish the line and grade stakes as be necessary for proper control of the work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Director. Where it is necessary to replace engineer's stakes disturbed or destroyed without fault on the part of the Village or its employees, a charge of one (\$1.00) dollar per stake shall be paid.

1.2.4 Sidewalk Specifications. Sidewalks shall not be less than four (4) inches in thickness nor less than six (6) inches at driveway crossings and expansion paper shall be placed in the joints as often as may be required by the Director but in no event further apart than fifteen (15) feet. All walkway shall be a minimum of thirty-one (31) inches wide in Residential Areas, and ten (10) feet wide in Business District. All concrete used in sidewalk construction shall, twenty-eight days after placement, be capable of resisting a pressure of thirty-five hundred (3,500) pounds per square inch without failure. The Director may establish additional detailed specifications in addition hereto and not inconsistent herewith, with the approval of the Council.

1.2.5 Permit Revocation. The Village Council may suspend any permit issued under the terms of this ordinance for incompetency or failure to comply with the terms of this ordinance, or the rules, regulations, plans, and specifications established under the provisions of this ordinance for the construction, reconstruction, or repair of any sidewalk. The Village Council may cause work to be stopped under any permit granted for construction, reconstruction, or repairs of any sidewalk for any of the causes enumerated in this section, which stop orders shall be effective until the next meeting of the Council and if confirmed by the Council, at its next regular meeting, such stop order shall be permanent, and shall constitute a revocation of the permit.

1.2.6 Ordering Construction. The Village Council may, by resolution, require the owners of lots and premises to build sidewalks in public streets adjacent to and abutting upon such

lots and premises. When such resolution shall be adopted, the Village Clerk shall give notice thereof, in writing by registered mail, to the owner of such lot or premises requiring him to construct or rebuild such sidewalk within twenty (20) days from the date of such notice.

1.2.7 Construction by Village. If the owner of any lot or premises shall fail to build any particular sidewalk as described in said notice, and within the time and manner required thereby, the Director is hereby authorized and require, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof and collected as provided for single lot assessment in the ordinance.

1.2.8 Sidewalk Maintenance. No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe.

1.2.9 Sidewalk Repair. Whenever the Director shall determine that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon said sidewalk of such determination. Therefore, it shall be the duty of the owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven (7) days within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the limited time therefore, or in a manner otherwise than in accordance with this ordinance, the Director shall have said sidewalk repaired. If the Director determines that the condition of said sidewalk is that immediate repair is necessary to protect the public, he may dispense with said notice. The cost of repairs hereunder shall be charged against the premises which said sidewalk adjoins and the owner of said premises, and the same shall be billed to said owner of said premises, and the same shall be billed to said owner upon completion of the repairs. If any such charges are not paid within thirty (30) days after billing they shall be collected as provided for single lot assessments in the ordinance.

1.2.10 Liability of Owner. Any owner who shall refuse or neglect to comply with the provisions of any notice to repairs, in addition to the penalties herein provided, shall be liable for and compelled to pay to the Village of Sand Lake all damages to persons or property for which the said Village may be liable by reason of injury or damages resulting therefrom, which said sum may be recovered by the Village proceedings brought for such purpose in any court of competent jurisdiction.

1.2.11 Sidewalk to be Cleared. The occupant of every lot or premises adjoining any street or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalk within twelve (12) hours after such cessation. When a fall of snow or ice shall have ceased during the night time, it shall be cleared from the sidewalks by 6:00 p.m. of the following day.

1.2.12 Failure to Clear. If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises within the time limited, or shall otherwise permit ice

or snow to accumulate on such sidewalk, he shall be guilty of a violation of this ordinance and in addition, the Director may cause the same to be cleared and the expenses of removal shall become a debt to the Village from the occupancy of such premises, and shall be collected as any other debt to the Village.

1.2.13 Penalties. A violation of this ordinance or failure to comply with the requirements of a permit issued pursuant to this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

[Ord. No. 58, adopted 6/18/73; amended by Ord. No. 2000-03, adopted 11/20/00]

1.3 Dangerous Buildings.

1.3.1 Structures Unfit for Human Occupancy. When any Village official determines that any dwelling constitutes a hazard to the health, safety or welfare of the occupants or to the public, because it lacks maintenance, or is in disrepair, unsanitary, vermin-infested, or rodent-infested, or because it lacks the sanitary facilities or equipment or otherwise fails to comply with the minimum provisions of the Michigan Housing Code, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as hereinafter provided, such official may declare such dwelling as UNFIT FOR HUMAN HABITATION, and order it to be vacated.

1.3.2 Unlawful Structure. If any dwelling is occupied by more occupants than permitted under the Michigan Housing Code, or was erected, altered, or occupied contrary to law, such dwelling shall be deemed an unlawful structure, and the Village official may cause such dwelling to be vacated. After vacation thereof, it shall be unlawful to occupy such dwelling until the violations have been corrected.

1.3.3 Certificate of Occupancy. No dwelling unit shall be occupied which has been structurally altered, repaired by order of the Village, undergone a change in use or location or which has been previously declared unfit for human habitation by the official responsible for the enforcement of the Housing Code until a Certificate of Occupancy has been issued by the Village.

1.3.4 Posting of Notice. Any dwelling declared unfit for human habitation shall be posted with a placard stating the following:

- (a) Sand Lake, Michigan.
- (b) The applicable section of the Michigan Housing Code.
- (c) An order that the dwelling must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn.
- (d) The posting date of the placard.
- (e) A statement of the penalty for defacing, damaging, or removal of the placard.
- (f) A statement as to the right of appeal.
- (g) The signature of the Village official posting the property.

1.3.5 Form of Notice. Whenever the Village official has declared a dwelling unfit for human habitation, he shall give written notice to the owner of such declaration and placarding. Such notice shall include the following:

- (a) A description or street address of the real estate.

- (b) The reasons why it is being issued.
- (c) The time in which to correct the conditions.
- (d) The time in which occupants must vacate the dwelling units.
- (e) Notice of right of appeal.

1.3.6 Removal of Placard or Notice. No person shall deface, damage or remove the placard or notice.

1.3.7 Vacating of Posted Building. Any dwelling which has been declared and placarded as unfit for human habitation shall be vacated within the time as required by the Village official. No owner or operator shall let said dwelling. No person shall occupy or use any dwelling for any other purpose which has been declared and placarded by the Village official as unfit for human habitation after the date set forth on the placard.

1.3.8 Occupancy of Building. No dwelling which has been declared and placarded as unfit for human habitation shall again be used for human habitation or other purposes until written approval is secured from the Village official. The Village official shall remove such placard when the stated defects have been eliminated.

1.3.9 Vacant Buildings. All vacant buildings shall be kept safe and secure against entry by the public. If any vacant building is found to be open to the public at any time; the Village official shall immediately notify the owner to have it secured.

1.3.10 Village Securing Buildings. If the owner of a vacant building cannot be readily contacted or he neglects to comply with the requirements of the notice in the preceding section for more than 48 hours, the Village official may secure the building against entry and the cost plus 50% for overhead shall be billed to the owner. If the same is not paid within 30 days, it shall become an assessment against the real estate as provided by law for real property taxes.

1.3.11 Condemnation. Buildings shall be condemned as dangerous structures or unsafe for human habitation as herein provided.

1.3.12 Dangerous Structures. If all or part of any building or structure, including a fence or accessory structure, or the equipment for the operation thereof, including the heating plant, plumbing, electric wiring, moving stairways, elevators, and fire extinguishing apparatus shall be found to be in an unsafe condition so as to be dangerous to persons or property, he shall proceed to have the same condemned.

1.3.13 Notice of Dangerous Conditions. If a dangerous condition is found in a building or structure, the Village official shall serve on the owner, agent or person in control of the building or structure, a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe

and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to declare to the Village official in writing his acceptance or rejection of the terms of the order.

1.3.14 Form of Notice. Whenever the Village official has declared a building dangerous, he shall give written notice of such declaration and the repairs or demolition and the repairs or demolition of same to the owner of the building. Such notice shall include the following:

- (a) A description or address of the real estate.
- (b) A statement of the violations, referring to the sections of the Michigan Housing Code or any other applicable law, rule or regulation.
- (c) A statement obligating the owner to bring the building into complete compliance with the Michigan Housing Code and all other applicable law, rule or regulation or to demolish and remove the building.
- (d) A reasonable time limit for the completion of the repair or demolition, not to exceed 90 days.
- (e) A statement requiring the owner to state his intentions as to the repair or demolition order within 10 days. The owner shall so state his intentions in writing to the Village within said 10-day period.
- (f) Inform the owner as to his right of appeal.

1.3.15 Service of Notice. Service of notice to repair or demolish shall be as follows:

- (a) By delivery to the owner personally or by certified mail, return receipt requested, to owners last known address or that show on the tax rolls, or
- (b) If reasonable efforts under the above subsection have not been successful, then by posting for 24 hours a copy of the notice in placard or letter form in a conspicuous place on the premises to be repaired or demolished.

1.3.16 Demolition. The Village official may proceed to have the building demolished and removed by the Village if any one of the following has taken place:

- (a) The time for appeal has expired.
- (b) The owner has refused to indicate his intentions.
- (c) The time for repair or demolition has expired.

1.3.17 Hearing Procedure. The hearing on the demolition shall be as follows:

(a) The Village official shall request in writing that the Clerk of the Village Council schedule a meeting of the Village Council to hear any interested parties regarding a building or structure which has been ordered repaired or demolished.

(b) The Clerk shall set a hearing date and shall so notify all known interested parties by first class mail at their last known address.

(c) Such notification shall be mailed at least 10 days prior to the hearing.

(d) A copy of the notice shall be posted on the building, structure or premises in question at least 10 days prior to the hearing.

(e) The Clerk shall place a notice of the hearing in a newspaper of general local distribution at least one week before the meeting stating the purposes, time, date and place of the meeting and describe the property or properties involved.

1.3.18 Demolition by Village. In the event the Village by its employees or other demolishes any building, the costs of such demolition and leaving the premises clean and level, plus 50% overhead, shall be recoverable according by adding the same to the tax rolls as for real property.

1.3.19 Existing Buildings. The Village shall have the right to have a public hearing regarding any existing posted dwelling for which demolition orders have been issued and the owners have failed to comply with such orders.

1.3.20 Sanitation. All exterior property areas and residential premises, including vacant lots, shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish, litter, debris, junk, garbage, sewage, animal manure, disabled or abandoned vehicles, or parts thereof, or any other matter which is detrimental to the public health, safety or welfare or which may contribute to blight or disease.

1.3.21 Appeals. Any person who is aggrieved with the ruling or decision of any Village official which relates to the interpretation or enforcement of any of the provisions of this ordinance or the Michigan Housing Code may appeal such ruling or decision to the Village Council. Such appeal shall be in writing on the form supplied by the Village and shall be filed within 10 days of such ruling or decision.

1.3.22 Powers and Duties of Village Council. The Village Council shall hear, review and decide appeals from any order, requirement, decision or determination made by any Village official charged with the enforcement of the Michigan Housing Code. The Village Council may grant variances from the terms of the Michigan Housing Code as will not be contrary to the public interest, where owing to special conditions, as demonstrated by facts presented to or obtained by the Village Council, a literal enforcement of the provisions of the Michigan Housing Code would result in unnecessary hardship. In exercising its power, the Village Council may reverse, modify, or affirm, wholly or in part, the order, requirement, decision or determination appealed from, and to that extent shall have all the powers of the Village official from whom the appeal has taken.

1.3.23 Standards. No variation, reversal or modification of provisions of the Michigan Housing Code shall be made by the Village Council unless all of the following conditions are met:

(a) That there are exceptional or extraordinary circumstances or conditions related to the property or to the intended use which would cause unreasonable hardship by the strict enforcement of the terms of the Michigan Housing Code, or that the appellant would be deprived of a substantial property right.

(b) That property values in the near vicinity will not be adversely affected.

(c) That the public health, safety or welfare of any person or any property will not be jeopardized.

1.3.24 Michigan Housing Code. The Village hereby adopts by reference the Michigan Housing Code, being Public Act 167 of 1917, as amended.

1.3.25 Penalties. A violation of this ordinance shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies 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 offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

[Ord. No. 63, adopted 8/6/79; amended by Ord. No. 2000-03, adopted 11/20/00]

1.4 Property Appearance. All lots within the Village limits except those zoned R-F shall be kept free from debris and litter, and ground cover shall be mowed periodically to maintain a neat appearance.

If upon inspection of two members of the Village Council the lot is determined to be in need of improvement, a letter will be sent to the property owner stating such. If the owner does not take substantial action within 10 days of the date postmarked on the letter, the appropriate action will be taken by the Village to improve the appearance. The owner of the parcel thus improved will be billed for the work at the actual cost to the Village. If this amount is not paid within 30 days, it will be added to the tax bill.

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$100 for the first offense and not less than \$100 nor more than \$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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

[Ord. No. 66, adopted 7/13/87; amended by Ord. No. 2000-03, adopted 11/20/00]

1.5 Dangerous Fences. All fences located within the Village shall be of an ornamental nature. Barbed wire, spikes, nails, glass or any sharp instrument or substance of any kind is prohibited on the top or on any part of any fence except that barbed wire may be permitted on the top of a fence at least six feet in height surrounding an area used for storage in a business, commercial or industrial zone.

A violation of this ordinance is a municipal civil infraction a municipal civil infraction for which the fine shall be not less than \$50 nor more than \$100 for the first offense and not less than \$100 nor more than \$500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies 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 offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

[Ord. No. 89-69, adopted 10/16/89; amended by Ord. No. 2000-03, adopted 11/20/00]

1.6 Street Address.

1.6.1 The Village shall have the authority for and be responsible for the assignment of street addresses to any building, lot, or property within the Village, on a uniform basis, as consistent as practicable with existing addresses with the Village and past practice.

1.6.2 The Village may from time to time designate a department and/or official of the Village who shall be responsible for maintenance of the address records within the Village and the assignment of new addresses.

1.6.3 If necessary, in order to provide for uniformity of addresses, to correct errors in existing addresses, or for public safety considerations, the Village may require any existing property address to be changed upon written notice to the property owner.

1.6.4 All applicants for building permits for new construction of residences, commercial buildings or other structures requiring addresses or those wishing to assign addresses to vacant property, shall submit a plan or other sufficient information showing the location of the property before any building permit may be issued until the property is in compliance with the terms of this ordinance.

1.6.5 The owner, occupant, lessee or other person in control of any developed property shall be responsible for placing and maintaining the placement of the address of the property in such location so as to be in clear view from the street. The Village may, at its option, develop additional rules and regulations relative to size, placement, and other rules relative to posting addresses within the Village.

1.6.6 A violation of this ordinance is a municipal civil infraction a municipal civil infraction for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies 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 offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

[Ord. No. 94-80, effective 1/24/94; amended by Ord. No. 2000-03, adopted 11/20/00]

1.7 Open Burning.

1.7.1 Burning of trash, refuse, leaves, garden waste, and other similar materials is prohibited within the Village of Sand Lake. This provision shall not apply to:

(a) Traditional camp fires provided that an adult is present and in direct control of the fire at all times, and the fire is contained within a fire pit or other receptacle suitable for such fires.

(b) The burning of wood, charcoal, coke or other accepted fuel for the preparing of food in any form in an approved container or utensil manufactured for food preparation while being used in a safe and sanitary manner.

(c) The use of approved gaseous or liquid-fire salamanders commonly employed in conjunction with building and construction operations when being used in accordance with accepted safety standards.

(d) Roofers, tanners, plumbers, or other mechanics pursuing a business requiring the use of fire for the purpose of boiling tar, pitch or oil used in the regular course of their business or trade and while being used in a safe and sanitary manner conforming to all other applicable codes and requirements.

(e) The Fire Chief or his or her designee may issue a permit to allow open burning, for Fire Department or Civil Defense purposes, or after determining that such open burning will occur under the following circumstances:

- i. The area is adequately protected by fire fighters, public safety officers or department trainees.
- ii. The fire will be of short duration.
- iii. The atmosphere is relatively free of pollutants.

1.7.2 A violation of this ordinance is a municipal civil infraction a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies 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 offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

[Ord. No. 95-96, effective 7/30/95; amended by Ord. No. 2000-03, adopted 11/20/00]

**VILLAGE COUNCIL
VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN**

Council member Dave Tibbe, supported by Council member Billi Thielke, moved the adoption of the following ordinance:

ORDINANCE NO. 2005-A-1.7

AN ORDINANCE TO AMEND SECTION 1.7, ENTITLED "OPEN BURNING" TO ADD A NEW SUBSECTION 1.7.1(e)iv., OF THE GENERAL ORDINANCES OF THE VILLAGE OF SAND LAKE, KENT COUNTY, MICHIGAN

THE VILLAGE OF SAND LAKE ORDAINS:

Section 1. Amendment of Section 1.7. That Section 1.7 of the General Ordinances of the Village of Sand Lake, Kent County, Michigan shall be amended to read in its entirety as follows:

1.7 Open Burning.

1.7.1 Burning of trash, refuse, leaves, garden waste, and other similar materials is prohibited within the Village of Sand Lake. This provision shall not apply to:

(a) Traditional camp fires provided that an adult is present and in direct control of the fire at all times, and the fire is contained within a fire pit or other receptacle suitable for such fires.

(b) The burning of wood, charcoal, coke or other accepted fuel for the preparing of food in any form in an approved container or utensil manufactured for food preparation while being used in a safe and sanitary manner.

(c) The use of approved gaseous or liquid-fire salamanders commonly employed in conjunction with building and construction operations when being used in accordance with accepted safety standards.

(d) Roofers, tanners, plumbers, or other mechanics pursuing a business requiring the use of fire for the purpose of boiling tar, pitch or oil used in the regular course of their business or trade and while being used in a safe and sanitary manner conforming to all other applicable codes and requirements.

(e) The Fire Chief or his or her designee may issue a permit to allow open burning, for Fire Department or Civil Defense purposes, or after determining that such open burning will occur under all of the following circumstances:

i. The area is adequately protected by fire fighters, public safety officers or department trainees.

ii. The fire will be of short duration.

iii. The atmosphere is relatively free of pollutants.

iv. Any open burning will occur entirely within a non-flammable receptacle which is not greater than three feet (3') in diameter.

1.7.2 A violation of this ordinance is a municipal civil infraction a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies 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 offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

Section 2. Repealer; Pending Proceedings. All ordinances and parts of ordinances in conflict herewith, are repealed; provided, however that all proceedings pending and all rights and liabilities existing at the time this ordinance takes effect are saved and may be consummated or continued according to the law in force when they were commenced. No prosecution initiated prior to the effective date of this ordinance or initiated after the effective date of this ordinance for an offense committed prior to the effective date shall be affected by this ordinance.

Section 3. Publication. The Village Clerk shall publish a summary of this ordinance in the manner provided by law which summary shall make known that a complete copy of the ordinance is available at the office of the Village Clerk for inspection by the public at all times.

Section 4. Effective Date. This ordinance shall take effect twenty (20) days following its publication.

YEAS: Council member(s) Joyce Haywood, Tonia Parkhurst, Billi Thielke, Dave Tibbe, Nile Hayden.

NAYS: Council member(s) none.

ABSTAIN: Council member(s) none.

ABSENT: Council member(s) Carol Simpson, Jim Ward.

APPROVED: May 16, 2005

CERTIFICATION

I certify that this ordinance was adopted at a regular meeting of the Sand Lake Village Council held on May 16, 2005.


Beth Miller, Village Clerk

Introduced: May 16, 2005

Adopted: May 16, 2005

Published: May 19, 2005

Effective: June 8, 2005

ORDINANCE #2006-1.8

OUTDOOR FURNANCE ORDINANCE

“Outdoor Furnace” means a furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

An outdoor furnace may be installed and used in the Village of Sand Lake only in accordance with the following provisions:

1. The outdoor furnace shall be installed no less than 100 ft. (one hundred feet) from any principal residence.
2. The outdoor furnace shall not be installed in any front yard.
3. The outdoor furnace shall be installed no less than 300 ft. (three hundred feet) from any lot line.
4. The outdoor furnace shall be located at least 500 ft. (five hundred feet) from the nearest building which is not on the same property as the outdoor furnace.
5. The outdoor furnace shall have a chimney that extends at least 15 ft. (fifteen feet) above the ground surface. If there are any residences within 500 feet (five hundred feet), the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences.
6. The following materials may not be burned in an outdoor furnace:
 - a) Rubbish or garbage including but not limited to food wraps, packing, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other house hold or business wastes.
 - b) Waste oil or other oily wastes.
 - c) Asphalt and products containing asphalt.
 - d) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished, or treated with preservatives.
 - e) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - f) Rubber including tires and synthetic rubber-like products.
 - g) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled. (Exception: small quantities of paper and cardboard products may be used as a starter fuel for a fire within the outdoor furnace or a small quantity of confidential papers from a residence may be burned in the outdoor furnace if necessary to prevent the theft of financial records, identification or other confidential information.

All applicable federal, state, local licensing regulations and all applicable permits shall be complied with regarding the installation of a furnace. In such cases where there are conflicting standards, the most restrictive shall apply. All ordinances inconsistent with the provision of this ordinance are hereby repealed.

A violation of this ordinance or failure to comply with the requirements of a permit issued pursuant to this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100.00 (one hundred dollars) nor more than \$500.00 (five hundred dollars) for the first offense and not less than \$100.00 (one hundred dollars) nor more than \$1,000.00 (one thousand dollars) for subsequent offenses, at 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 with respect to a separate incident by the same person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

Dated: August 17, 2006

VILLAGE OF SAND LAKE
COUNTY OF KENT
STATE OF MICHIGAN

FIREWORKS ORDINANCE NO. 2014-2

Adopted: September 15, 2014

Effective: October 15, 2014

An ordinance to protect the safety and general welfare by establishing regulations relating to the operation and control of the use of fireworks within the Village of Sand Lake, Kent County, Michigan: to provide penalties for the violation of said Ordinance.

THE VILLAGE OF SAND LAKE, COUNTY OF KENT, MICHIGAN ORDAINS:

1.9 Fireworks

Section 1 Definitions

Fireworks means any device except for a starting pistol, flare gun or flare, designed for the purpose of creating a visible or audible effect by combustion, deflagration, or detonation. Fireworks shall include display fireworks, consumer fireworks and low impact fireworks.

Display fireworks means large firework devices that are explosive materials intended for use in firework displays and designed to produce visual or audible effects by combustion, deflagration, or detonation as provided in 27 CFR 172 and APA standard 87-1, 4.1

Consumer fireworks means firework devices that are designed to produce visible effects by combustion that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in 8PA standard 87-1.3.12, 3.1.3, or 3.5. Consumer fireworks does not include low impact fireworks.

Low impact fireworks include ground and handheld sparkling devices as defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5

National holiday shall, in accordance with 5 USC Section 6103, be deemed the following: New Year's Day, January 1; Birthday of Martin Luther King, Jr., the third Monday in January; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and, Christmas Day, December 25.

Alcoholic liquor means that term as defined in section 1d of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended from time to time.

Controlled substance means that term as defined in section 8b of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended from time to time.

Section 2 Prohibited Conduct

- A. No person shall ignite, discharge, or use display fireworks in the Village of Sand Lake without permission of the Village Council.
- B. No person shall ignite, discharge, or use consumer fireworks in the Village of Sand Lake
 - 1. On a day other than the day preceding, the day of, or the day after a national holiday; or
 - 2. On the day preceding, the day of, or the day after a national holiday, between the hours of 1:00 a.m. and 8:00 a.m.
- C. No person under the age of 18 years shall use, possess, explode or cause to explode any fireworks within the Village, except while in the presence and under the control of a parent, guardian or other responsible adult.
- D. No person shall use fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- E. Fireworks shall not be ignited, discharged or used on public property, including streets and right of way, or on school property, church property or private property of another without expressed written permission from the person or legal entity in possession or control of that property.

Section 3 Enforcement

- A. This ordinance may be enforced by any sworn law enforcement officer, Village official, or fire personnel.

Section 4 Seizure of Fireworks

- A. If an enforcing officer determines a violation of this ordinance has occurred, the officer may seize the fireworks as evidence of such violation.

Section 5 Penalty

- A. A person who violates this ordinance shall be responsible for a municipal civil infraction and subject to a fine not to exceed \$500.00 together with the cost of prosecution.
- B. Upon a finding of responsibility for a violation of this ordinance, the Village may dispose of or destroy any fireworks seized as evidence. In addition to any other penalty provided, a person found responsible for a violation of this ordinance shall reimburse the Village for the cost of storage and disposal of any fireworks.

Section 6 Severability

- A. Should any section, subdivision clause or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance in whole or in part shall not be affected other than the part invalidated.

Section 7 Effective Date

- A. The ordinance shall be published in a manner provided by law and shall take effect at the earliest date allowed by law. The ordinance shall become effective twenty days after publication in the newspaper.
- B. Thielke moved the adoption of the foregoing ordinance which motion was supported by R. Towsley.

YEAS: Council member(s)

C. Simpson, B. Thielke, D. Dewey, R Towsley, K Thielke

NAYS: Council member(s)

None

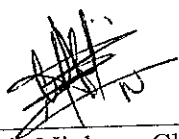
ABSTAIN: Council member(s)

None

ABSENT: Council member(s)

D. Rogers, J. Ward


ORDINANCE DECLARED ADOPTED:



Leticia Nielsen, Clerk
Village of Sand Lake

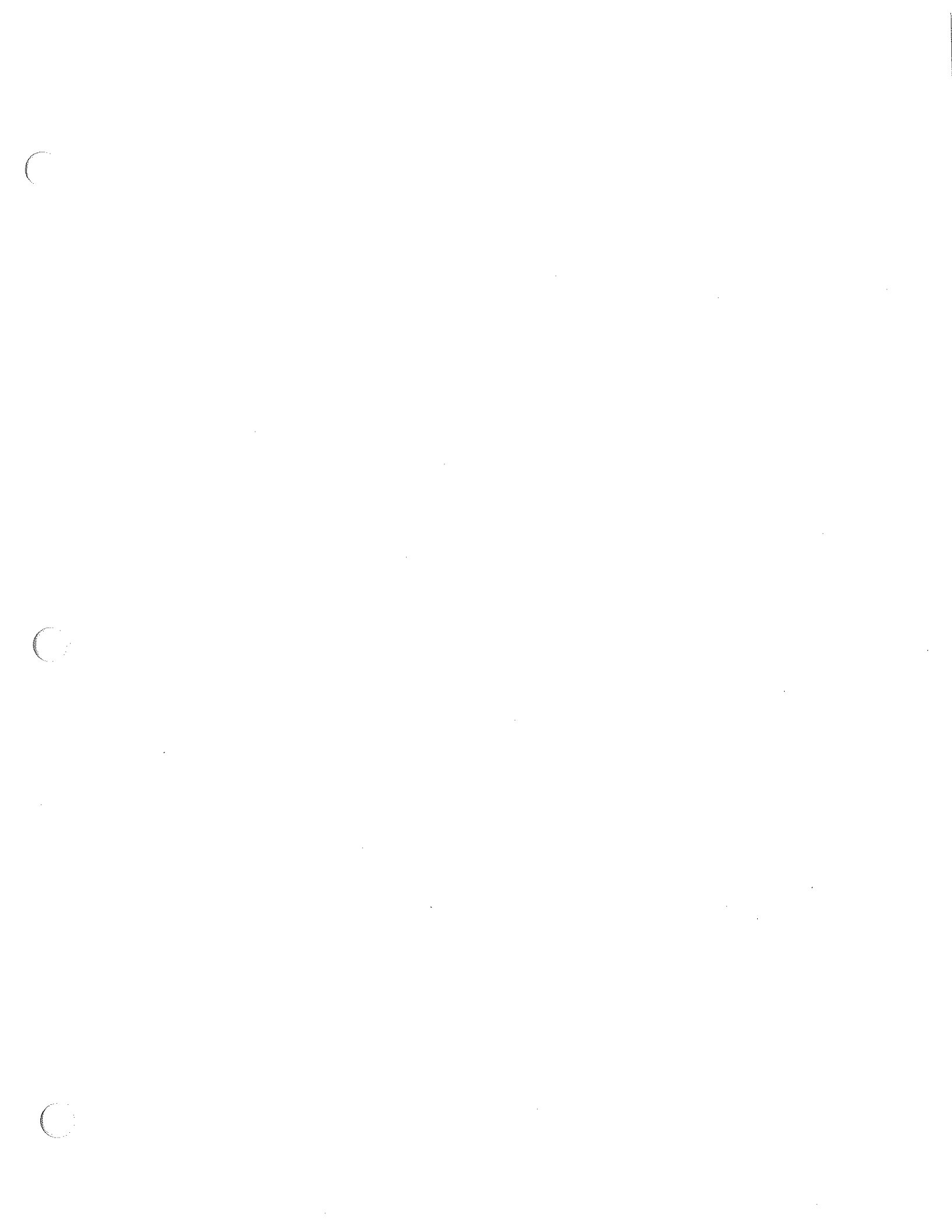
CERTIFICATION

I, Leticia Nielsen, hereby certify the foregoing to be true copy of an Ordinance adopted at a regular meeting of the Village of Sand Lake on the September 15, 2014, held pursuant to the required statutory procedures and notice.



Leticia Nielsen, Clerk
Village of Sand Lake

Introduced: September 15, 2014
Adopted: September 15, 2014
Published: September 04, 2014
Effective: October 15, 2014



CHAPTER II
POLICE REGULATIONS

2.1 Preservation of Good Order; Acts Prohibited. It shall be unlawful for any person within the Village to:

- (a) Commit an assault, or an assault and battery on any person.
- (b) Be drunk in any public place or under the influence of any narcotic drug in any public place.
- (c) Engage in any indecent, insulting, immoral or obscene conduct in any public place.
- (d) Brandish or discharge any firearm.
- (e) Fire, discharge, display or possess any fireworks, except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan, as amended.
- (f) Engage in peeping in the windows of any inhabited place.
- (g) Beg in any public place.
- (h) Swim or bathe in any public place without wearing proper apparel.
- (i) Utter vile, profane or obscene language in any public place.
- (j) Engage in fortune telling or pretend to tell fortunes for hire, gain or reward.
- (k) Engage in public nudity. As used in this ordinance, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including but not limited to, payment or promise of payment of an admission fee, any individual's genital or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipples and the aureole. Public nudity does not include the following: A woman's breast-feeding of a baby, whether or not the nipple or aureole is exposed during or incidental to the feeding.
- (l) Print, engrave, sell, offer for sale, give away, exhibit or publish or have in his or her possession for any such purpose, any obscene, lewd, lascivious, indecent or immodest book, pamphlet, paper, picture, cast statuary, image or representation or other articles of an indecent or immoral nature, or any book paper, print, circular or writing made up principally of pictures or stories of immodest deeds, lust, or crime, or exhibit any such article within the view of any passerby.

(m) Willfully destroy, damage, or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, street light, street sign or parking meter, or mark or post handbills on, or in any manner mar the walls of any public building, or destroy, take, or meddle with any property belonging to the Village or remove the same from the building or place where it may be kept, placed, or stored, without proper authority.

(n) Insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person in any public place.

(o) Engage in any disturbance, fight, or quarrel in a public place.

(p) Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place.

(q) Jostle or roughly crowd persons in any street, alley, park, or public building.

(r) Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public.

(s) Play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.

(t) Engage in any act of prostitution.

(u) Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or any other illegal or immoral business or occupation is permitted or conducted.

(v) Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.

(w) Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such a person to engage in gambling or in any illegal or immoral act.

(x) Keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming, or knowingly suffer a gaming room, gaming tables, or any policy or pool tickets to be kept, maintained, played, or sold on any premises occupied or controlled by him.

(y) Disturb the public peace and quiet by loud, boisterous or vulgar conduct or language.

(z) Except as permitted at events approved, from time to time, by resolution of the Village Council, create any loud noises or use any loudspeaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound which can be heard by any

person at a distance of seventy-five feet from the location where the sound originates and which disturbs the quiet, comfort or repose of any person.

(aa) Obstruct, resist, hinder, or oppose any member of police force, or any peace officer in the discharge of his or her duties as such.

(bb) Disturb the public peace by permitting any noisy or riotous persons to assemble in any house or building owned, occupied or controlled by him or her.

(cc) Prowl about any alley or the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.

(dd) Spit on any sidewalk or on the floor or seat of any public carrier, or on any floor, wall, seat or equipment of any place of public assemblage.

[Ord. No. 2, adopted 2/17/97]

**VILLAGE COUNCIL
VILLAGE OF SAND LAKE
KENT COUNTY, MICHIGAN**

Council member Carol Simpson, supported by Council member Billi Thielke, moved the adoption of the following ordinance:

ORDINANCE NO. 2005A-2.15

AN ORDINANCE TO ADD SECTION 2.15, ENTITLED "NOISE PROHIBITIONS" AND REPEALING SUBSECTION 2.1(z), WHICH SUBSECTION PROHIBITS CERTAIN LOUD NOISES, OF THE GENERAL ORDINANCES OF THE VILLAGE OF SAND LAKE, KENT COUNTY, MICHIGAN

THE VILLAGE OF SAND LAKE ORDAINS:

Section 1. Adoption of Section 2.15. That Section 2.15 of the General Ordinances of the Village of Sand Lake, Kent County, Michigan shall be amended to read in its entirety as follows:

Section 2.15 Noise Prohibitions.

(a) Findings of fact. It is hereby found and declared by the Village of Sand Lake that:

(1) The making and creation of excessive, unnecessary or unusually loud noises within the Village is a condition which has existed for some time and the extent and volume of such noise is increasing.

(2) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises, which are prolonged, unusual and unnatural in their time, place and use, effect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Village.

(3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is hereby declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Village and its inhabitants.

(b) Scope. This section shall apply to the control of all sounds originating from nonindustrial property within the Village. This section shall not and is not intended to exclude industrial property or operations from the application of any other ordinances of the Village.

(c) Loud noises.

(1) *Disturbance.* It shall be unlawful for any person, firm, corporation or other legal entity to create, assist in creating, permit, continue, or permit the continuance of any excessive, unnecessary, or unusually loud noise if the noise annoys, offends or disturbs a reasonable person of common sensibilities, disrupts the reasonable conduct of basic human activities, or endangers the comfort, repose, health, peace, or safety of others within the Village between the hours of 11:00 p.m. and 7:00 a.m.

(2) *Exhaust system.* No person shall discharge into the open air of the exhaust of any steam engine, internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(3) *Loading activities.* No person shall create or cause loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers between the hours of 11:00 p.m. and 7:00 a.m.

(d) *Construction noises.* The erection (including excavation therefore), demolition, alteration or repair of any building or structure, and the excavation of streets and highways at any time on Sundays, and except between the hours of 7:00 a.m. and 8:00 p.m. on other days, is unlawful. The President, upon recommendation of the department of public works, may grant temporary exceptions to this section in writing.

(e) *Sound systems in vehicles.* No person operating or in control of a stopped or moving motor vehicle shall operate or permit operation of any sound amplification equipment, including, but not limited to and portable or standard factory installed, owner installed, radios, C.D. players, stereos, "boom-boxes" and/or tape cassette players, alone or combined with component speakers, in or on such vehicle producing sound that is audible by the human ear or by feeling the vibration within the human body, more than 50 feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m., or audible by the human ear or by feeling the vibration within the human body, at a distance of 25 feet from the vehicle between the hours of 11:00 p.m. and 7:00 a.m.; provided, however, this section shall not apply to the sound system of a police, fire or other public service vehicle while the public service vehicle is being used in the performance of public service work.

(f) *Exceptions.* The prohibitions in this section shall not apply to any of the following:

(1) *Emergency vehicles.* Any police, fire, public utility vehicle or ambulance while being operated in a manner authorized by law.

(2) *Public address.* The reasonable use of stationary amplifiers or loud speakers for public addresses that are noncommercial in character, or for business or commercial purposes so long as they do not unreasonably disturb persons on adjacent property.

(3) *Village approved activities.* Parades, concerts, festivals, fairs or similar activities or events that have been approved by the Village Council, shall be subject to any reasonable conditions imposed by the Village.

(4) *Emergency work.* Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities or to protect persons or property from imminent danger.

(5) *Government operations.* Activities or operations of governmental units or agencies.

(6) *Highway maintenance and construction.* Excavations or repairs of bridges, streets, highways or within other public rights-of-way performed by or on behalf of any governmental agency, franchise or authorized telecommunication permittee during the night when the public safety renders it impossible to perform such work during the working day.

(g) *Penalties.* A person who violates any provision of this section shall be guilty of a misdemeanor and shall be subject to a fine of up to \$500 and sentencing of up to 90 days in jail, or both, as well as the costs of prosecution and such other relief as determined by the court.

(h) *Violations declared nuisances.* A violation of any provision of this section is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

Section 2. Repealer; Pending Proceedings. All ordinances and parts of ordinances in conflict herewith, including expressly Subsection 2.1(z) of the General Ordinances of the Village of Sand Lake, are repealed; provided, however that all proceedings pending and all rights and liabilities existing at the time this ordinance takes effect are saved and may be consummated or continued according to the law in force when they were commenced. No prosecution initiated prior to the effective date of this ordinance or initiated after the effective date of this ordinance for an offense committed prior to the effective date shall be affected by this ordinance.

Section 3. Publication. The Village Clerk shall publish a summary of this ordinance in the manner provided by law which summary shall make known that a complete copy of the ordinance is available at the office of the Village Clerk for inspection by the public at all times.

Section 4. Effective Date. This ordinance shall take effect twenty (20) days following its publication.

YEAS: Council member(s) Billi Thielke, Carol Simpson, Tonia Parkhurst, Dave Tibbe and Nile Hayden.

NAYS: Council member(s) none.

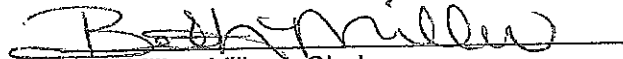
ABSTAIN: Council member(s) none.

ABSENT: Council member(s) Joyce Haywood, Jim Ward.

APPROVED: April 18, 2005

CERTIFICATION

I certify that this ordinance was adopted at a regular meeting of the Sand Lake Village Council held on April 18, 2005.


Beth Miller, Village Clerk

Introduced: April 18, 2005
Adopted: April 18, 2005
Published: April 28, 2005
Effective: May 18, 2005
265788.01

VILLAGE OF SAND LAKE
NOTICE OF NOISE ORDINANCE

Notice is hereby given that at a meeting of the Sand Lake Village Council held on April 18, 2005, the Village Council approved of Ordinance No 2005A-2.15, entitled "Noise Prohibitions" adding Section 2.15 and repealing Section 2.1(z) of the General Ordinances of the Village of Sand Lake, Kent County, Michigan. Repealed Section 2.1(z) prohibits certain loud noises. Added Section 2.15 controls all sounds originating from nonindustrial property within the Village of Sand Lake and in particular certain loud noises, construction noises and sound systems in vehicles, and establishes misdemeanor penalties for violations of Section 2.15. The prohibitions of Section 2.15 shall not apply to emergency vehicles, public addresses; Village approved activities, emergency work, government operations or highway maintenance and construction. This ordinance shall take effect 20 days following the date of the publication of this notice. A complete copy of Ordinance No. 2005A-2.15 is available for inspection at all times during normal business hours at the Office of the Village Clerk, 2 W Maple Street, Sand Lake, MI 49343.
Sand Lake Village Clerk, Beth Miller

06968 (004) 267802.01

2.2 Loitering of Minors.

2.2.1 Loitering of Minors Prohibited. It shall be unlawful for any minor to loiter, idle, wander, stroll or play in, or be found upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time, if such minor is under the age of 16 years; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of such minor; nor where the minor is in the performance of an errand or duty directed by such parent, guardian or custodian, nor where the minor is returning home from any school dance or school entertainment; nor where the legal employment of such minor makes it necessary to be upon the streets, alleys or other public places during the night-time after said specified hour.

2.2.2 Responsibility of Parents. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of 16 years to permit such to loiter, idle, wander, stroll or play in, or be found upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any public place, between the house of 10:00 p.m. and 6:00 a.m. official city time; provided, however, that the provisions of this section shall not apply to the excepted class mentioned in the proviso in Section 2.2.1.

2.2.3 It shall be unlawful for any person, firm or corporation operating places of amusement and entertainment to permit any minors to enter or remain in such places of amusement and entertainment during the house prohibited under this ordinance; provided, however, that the provisions of the section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

2.2.4 Any such minor violating the provisions of Section 2.2.1 shall be deemed a delinquent or neglected child as defined in the statutes of the State of Michigan, and shall be brought before the juvenile court having jurisdiction over said minor, said minor shall be dealt with by said court as provided by law.

2.2.5 Any parent, guardian, or other adult person having the care and custody of a minor violating Section 2.2.1 shall be responsible for a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

2.2.6 Any person, firm or corporation operating places of amusement and entertainment violating Section 2.2.3 shall be responsible for a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500

nor more than \$1,000 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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

2.2.7 Separability of Provisions. It is the intention of the Common Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein; and it is further the intention of the Common Council that if any provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

[Ord. No. 39, adopted 6/4/63; amended by Ord. No. 2000-03, adopted 11/20/00]

2.3 Sale of Alcohol to Minors.

2.3.1 No person under the age of 21 years shall offer to buy, obtain, possess, transport or drink any beer, wine, or other alcoholic liquor.

2.3.2 No person shall sell, offer, or give, any beer, wine or other alcoholic liquor to or obtain the same for any person under the age of 21 years, nor shall any person permit the consumption of beer, wine or other alcoholic liquor by any person under the age of 21 years upon premises owned by or under the control of such person.

2.3.3 No person shall falsify his age, or the age of another for the purpose of obtaining beer, wine, or other alcoholic liquor for any minor under the age of 21 years.

2.3.4 Any person who shall violate any provision of this ordinance shall, upon conviction, be punished by a fine of not more than \$100, or by imprisonment in the County Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the court, for each offense. Each failure to comply with such provision shall constitute a separate violation.

[Ord. No. 51, effective 2/26/70]

2.4 Retail Fraud. Any person who does any of the following in the store or its immediate vicinity is guilty of retail fraud in the second degree, a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$500 or both:

(a) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

(b) While a store is open to the public, steals property of the store that is offered for sale.

(c) With the intent to defraud, obtain or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for or belongs to the store.

[Ord. No. 94-94, adopted 1994]

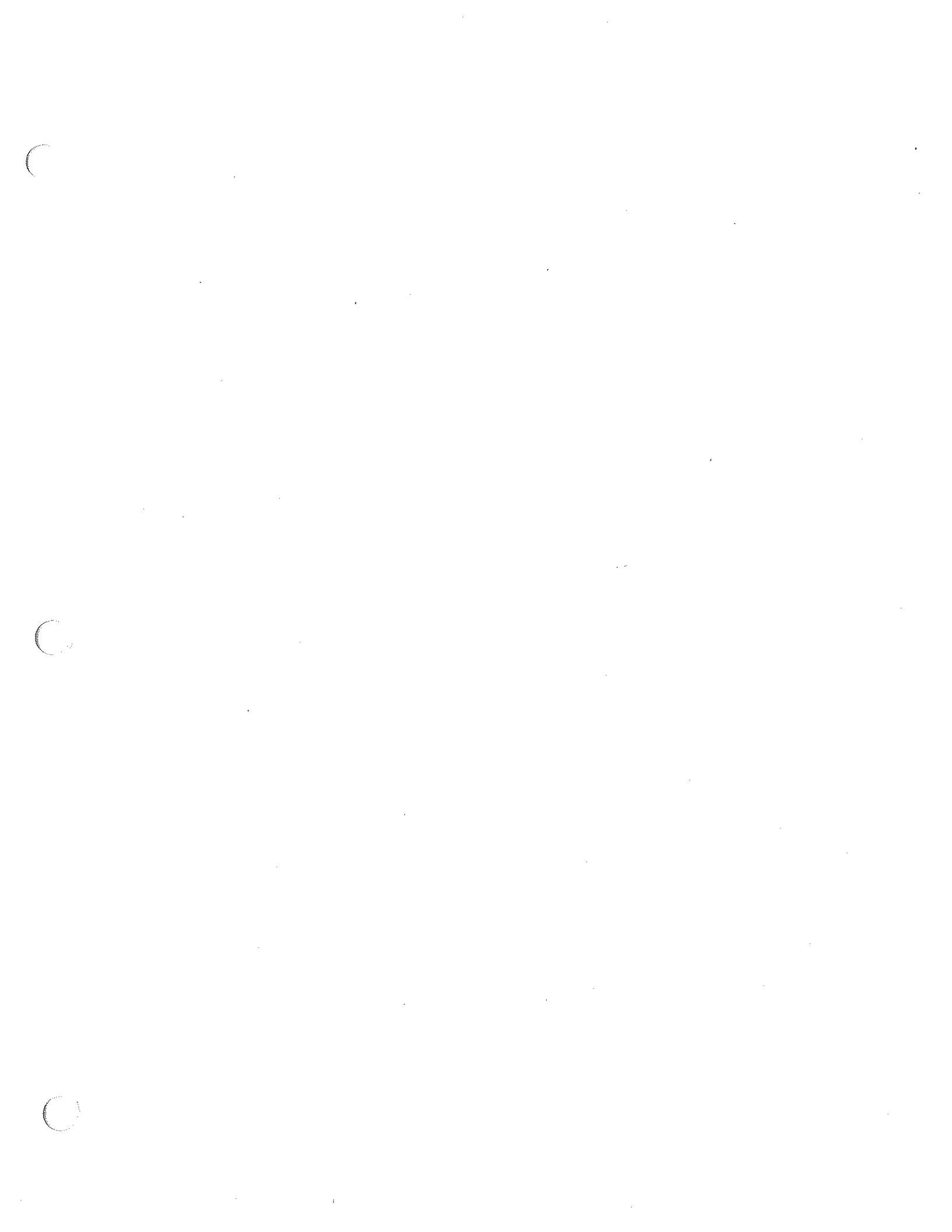
2.5 Controlled Substances.

2.5.1 No person shall manufacture, possess, control, keep, or use, any heroin, cocaine, marijuana, hashish, LSD, or any substance presently included, or hereafter placed, as a controlled substance on Schedules 1, 2, 3, 4, 5, as established according to Article 7 of the Michigan Public Health Code (Act 386, of 1978, Article 7, being Michigan Compiled Laws 333.71017545) regardless of quantity.

2.5.2 Provisions of this order shall not apply to any person who is acting pursuant to right or authority granted by state or federal law, or to any substance legally obtained pursuant to a valid prescription issued by a person or entity having legal authority to prescribe or authorize use or possession of the substance.

2.5.3 The penalty for violation of this ordinance shall be a fine of not in excess of \$500, imprisonment for not in excess of 90 days or both such fine and imprisonment.

[Ord. No. 94-95, adopted 1994]



CHAPTER III
VEHICLE AND TRAFFIC SAFETY

3.1 Parking and Vehicle Speed.

3.1.1 All cars and trucks must park at right angle to the curb.

3.1.2 Cars and trucks must clear sidewalk at all times.

3.1.3 Semi-trucks not allowed to park on the south side of Block 8 or north side of Block 14.

3.1.4 No parking of cars or trucks on U.S. 131 or Lake Street within one hundred (100) feet of intersection.

3.1.5 Speed on U.S. 131 not to exceed 30 miles per hour and car or truck under absolute control in the Village limits. Sections 3.1.4 and 3.1.5 are for the safety of traffic crossing U.S. 131.

3.1.6 Cars and trucks, trailers or any object moveable, not allowed to park on Lake Street from U.S. 131 to 7th Street during hours from 2:00 a.m. to 7:00 a.m. Any violators of this ordinance shall have their property impounded and charged storage and fined.

3.1.7 There shall be no parking of cars or trucks on Lake Street between Fourth Street and Fifth Street, except in parking lanes designated by the Village Officers and marked by yellow lines, painted on the pavement.

3.1.8 A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

*[Ord. No. 26, effective 11/4/35; amended 12/52; amended by Ord. No. 32, 6/1/59;
amended by Ord. 2000-03, 11/20/00]*

3.2 Adoption of Uniform Traffic Code. The Michigan State Police Uniform Code for cities, townships and villages, authorized by Act No. 62, Michigan Public Acts of 1956, as amended, shall be the traffic ordinance of the Village of Sand Lake. The purpose of such code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the Village of Sand Lake and to provide penalties for the violations of said Code. Complete copies of the Uniform Traffic Code are available at the office of the Village Clerk for inspection by and distribution to the public at all times. No further or additional publication of the Uniform Traffic Code is required or contemplated.

[Ord. No. 35, adopted 7/11/61; amended by Ord. No. 48, adopted 3/3/69]

3.3 Stopping for School Buses. No vehicles shall pass a school bus which has stopped to load or unload passengers, provided school bus red flashing signal lights are in operation while stopped.

[Ord. No. 41, adopted 9/1/64]

3.4 Exhibition Driving. Any person who engages in any motor vehicle race, drag race, or exhibition of speed or undue acceleration on any public street or any public place, or aides or abets another so to do, whether or not the authorized speed limit was exceeded and whether or not conditions of competition exist shall be guilty of a misdemeanor.

[Ord. No. 50, adopted 2/2/70]

3.5 On-Street Parking November 1 to May 1. During the period from November 1 of each year to the following May 1, no motor vehicle shall be parked on a public street in the Village of Sand Lake between the hours of 3:00 a.m. and 6:00 a.m. Where said public street boundaries are not defined by curbing, it shall be deemed unlawful to park any vehicle during the above-stated time within a distance of twenty-five (25) feet of the center of the useable roadway. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

[Ord. No. 57, effective 12/22/72]

3.6 Drunk Driving Cost Recovery.

3.6.1 Purpose. The Village of Sand Lake finds that a significant number of traffic arrests and traffic accidents in the Village involve drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances. In addition, the Village of Sand Lake finds that in traffic accidents involving drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances there is a greater likelihood of personal injury and property damage. As a result of these determinations, a greater operational and financial burden is placed upon the Village's police, fire fighting and rescue services by persons who are operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances.

3.6.2 Definitions. When used in the ordinance, the following terms shall have the following meanings:

(a) "Emergency response" shall mean:

i. The providing, sending and/or utilizing of police, fire fighting, emergency medical and rescue services by the Village, or by a private individual or corporation operating at the request or direction of the Village, to an incident resulting in an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverages and/or controlled substance; or

ii. An incident resulting in a traffic stop and arrest by a police officer when a driver was operating the motor vehicle while under the influence of an alcoholic beverage and/or controlled substance.

(b) "Expense of an emergency response" means the direct and reasonable costs incurred by the Village of Sand Lake, or to a private person or corporation operating at the request or direction of the Village, when making an emergency response to the incident, including the costs of providing police, fire fighting and rescue services at the scene of the incident. These costs further include all the salaries and wages of the Village personnel responding to the incident, all salaries and wages of the Village personnel engaged in investigation, supervision and report preparation, all costs connected with the administration and provision of all chemical tests of his or her blood, breath or urine and all costs related to any prosecution of the person causing the incident.

3.6.3 Liability for Expense of an Emergency Response.

(a) Person Responsible: Any person is liable for the expense of an emergency response, if while under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and controlled substance, such person's operation of a motor vehicle proximately causes any incident resulting in an emergency response.

(b) Presumptions: For the purpose of this ordinance, a person is under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic

beverage or a controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an alcoholic beverage if a chemical analysis of his or her blood, urine or breath indicates that the amount of alcohol in his or her blood was in excess of seven one hundredths of one percent (0.07%).

(c) **Charge Against Person:** The expense of an emergency response shall be a charge against the person liable for the expenses under this ordinance. The charge constitutes a debt of that person and is collectible by the Village of Sand Lake for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(d) **Cost Recovery Schedule:** The Village of Sand Lake Council shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available to the public from either the Village Clerk or the Police Department.

(e) **Billing:** The Chief of Police, or his or her designee, may, within ten (10) days of receiving itemized costs, or any part thereof, incurred for an emergency response, submit a bill for these costs by first class mail or personal service to the person liable for the expenses as enumerated under this ordinance. The bill(s) shall require full payment in thirty (30) days from the date of service.

(f) **Failure to Pay; Procedure to Recover Costs:** Any failure by the person described in this ordinance as liable for the expense of an emergency response, to pay the bill within thirty (30) days of service shall be considered in default. In case of default, the Village of Sand Lake may commence civil suit to recover the expenses and all costs allowed by law.

3.6.4 **Severability.** The phrases, sentences, sections and provisions of this ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this ordinance.

[Ord. No. 90-71, adopted 3/19/90]

3.7 Mandatory Seat Belt Use.

3.7.1 Driver and front seat passengers of a motor vehicle operated on a street or highway in the Village shall wear a properly adjusted and fastened seat belt, except that a child less than 4 years of age shall be protected as required in the Mandatory Child Restraint Law pursuant to the Michigan Motor Vehicle Code.

3.7.2 This section shall not apply to a passenger of:

- (a) A motor vehicle manufactured before January 1, 1965.
- (b) A bus or school bus.
- (c) A motorcycle.
- (d) A moped.
- (e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a seat belt for physical or medical reasons.
- (f) A motor vehicle which is not required to be equipped with seat belts under federal law.
- (g) A commercial or United States Postal Service vehicle which makes frequent stops for the purpose of pick up or delivery of goods or services.
- (h) A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route.

3.7.3 A person who violates this section is responsible for a civil infraction.

3.7.4 Points shall not be assessed for a violation of this section.

[Ord. No. 94-92, adopted 4/18/94]

3.8 Snowmobiles. Snowmobiles (or any gas operated vehicle not licensed by the State of Michigan (except farm tractors), their possession and use within the Village of Sand Lake, Michigan:

(a) No snowmobile shall be operated in Village of Sand Lake in excess of 5 miles per hour.

(b) No snowmobile shall be operated in Village between 12 midnight and 6:00 a.m.

(c) Snowmobiles shall be operated only to enter or leave the Village by direct route, which does not travel upon yards or lawns or residential property.

(d) Parents of minors operating snowmobiles will be held directly responsible for violations or liability.

(e) A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

*[Ord. No. 55, adopted 11/2/70; amended by Ord. No. 56, effective 1/1/71;
amendment effective 12/22/72; amended by Ord. No. 2000-03, adopted 11/20/00]*

3.9 Bicycles. It shall be unlawful to ride a bicycle on a sidewalk on any street in the Village. To carry more than one person on any one bicycle at any time, unless this bicycle was equipped by the manufacturer for more than one person. All persons riding a bicycle in the Village must regard all laws required by the state on all public highways, such as lights, bells, entering intersections, keeping to right side of street, having complete control at all times, at least one hand on handlebars, hitching to other vehicles, etc.

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$250 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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

*[Ord. No. 8, effective 10/8/1896; amended by Ord. No. 10;
amendment to Ord. Nos. 8 and 10, effective 6/39; amended by Ord. No. 2000-03, adopted 11/20/00]*

CERTIFICATION

I certify that this ordinance was adopted at a regular meeting of the Sand Lake Village Council held on March 7, 2005.


Beth Miller, Village Clerk

Introduced: September 2004
Adopted: March 7, 2005
Published: March 10, 2005
Effective: March 30, 2005

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CHAPTER IV
ANIMAL CONTROL

4.1 Dogs Running at Large.

4.1.1 It shall be unlawful for the master of any dog:

- (a) To permit or allow the dog to run at large.
- (b) To keep any dog unless the dog is restrained from running at large by an adequate physical device.
- (c) To allow the dog to be on any publicly owned property, or on any property other than property owned or occupied by the dog's master, unless with prior consent of a person owning or in possession of the property.
- (d) To allow or permit the dog to bark, howl or make noise of any nature frequently, or persistently, or continually if by so doing it causes an annoyance to any person.
- (e) To permit or allow the dog to harm, attack, or threaten to attack any person, animal or property except while protecting the master of said dog, a member of his family or his valuable property.
- (f) To permit or allow said dog to deposit any urine, feces, or other noxious substance on any property of any person other than the master of said dog in any place if by so doing it causes or is likely to cause an odor or mess unpleasant to any person or cause or is likely to cause any danger to the health of any person.

4.1.2 Definition. The word master as used in this ordinance shall be construed to include the owner of any dog, any person having custody or control or possession of any dog and the parent, guardian or person having the custody or legal control of any child under the age of seventeen years who owns or has the custody or the control of the dog.

4.1.3 Evidence of Violation. The fact that a dog is free of any physical restraint or restraining device while on any property other than that of the dog's master shall be deemed prima facie evidence of violation of section 4.1.1(b) of this ordinance and may be rebutted only by proof that the dog had been adequately restrained and was released by such restraint by a person other than the master of the dog or an agent or other person acting on behalf or with the consent of the master of the dog and that the master had undertaken or arranged for diligent effort to prevent the dog from being free of adequate restraint.

4.1.4 Penalty. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$100 for the first offense and not less than

\$100 nor more than \$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 with respect to a separate incident 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. Each day that such violation occurs shall constitute a separate offense.

Any dog which is in violation of this ordinance may be impounded and disposed of as a part of the sentence of the court and any prosecution brought to enforce this ordinance.

Any dog which has been allowed to run loose on a regular basis may be destroyed by a police officer while running loose contrary to the provisions of this ordinance.

[Ord. No. 59, adopted 10/3/77; amended by Ord. No. 2000-03, adopted 11/20/00]

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