

## CHAPTER V

### BUILDING CODES AND HOUSING LAW

**5.1 Adoption of State Electrical Code.** Pursuant to the provisions of Act 230 of 1972, and in particular Sections 8 and 9, the Village of Sand Lake hereby elects to adopt by reference the Michigan Electrical Code, and enforce the same within the Village limits. It further is ordained that the enforcement provisions of Public Act 230 of 1972 hereby are adopted by the Village of Sand Lake.

It further is ordained that the Village of Sand Lake designates Harry B. Salmon as the enforcing agency to discharge the responsibilities of the Village under this ordinance. It further is ordained that enforcement of the Michigan Electrical Code shall come and be of effect November 10, 1977.

Failure to comply with a stop work order issued by the enforcing agency shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of the Electrical Code 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 \$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 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.

All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

Should the courts declare any provision or section of this ordinance unconstitutional or invalid, then such decision shall affect only the section or provision so passed upon, and shall not affect any other section or part of this ordinance.

*[Ord. No. 60, adopted 11/7/77; amended by Ord. No. 2000-03, adopted 11/20/00]*

### 5.3 Adoption of State Mechanical Code.

5.3.1 The Village of Sand Lake hereby adopts Part 9 of the State Construction Code: Mechanical Code Rules with additions and amendments thereto as promulgated by the State Construction Code.

5.3.2 The Village of Sand Lake hereby assumes responsibility for the administration and enforcement of said rules throughout the Village of Sand Lake.

5.3.3 The Office of Mechanical Inspector is hereby created and designated the enforcing agency that shall discharge the responsibility of enforcement of said rules.

5.3.4 All ordinances relating to administration and enforcement of mechanical regulations enacted heretofore which are inconsistent with the provisions of this ordinance are hereby repealed.

5.3.5 Failure to comply with a stop work order issued by the Mechanical Inspector shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than 90 days, or both such fine and imprisonment. Violation of any other provision of Section 9 of the Code 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 \$250 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. 65, adopted 5/11/87; amended by Ord. No. 2000-03, adopted 11/20/00]*

**VILLAGE OF SAND LAKE**  
Kent County, Michigan

**NOTICE OF ORDINANCE ADOPTION  
AND SUMMARY OF ORDINANCE**

**1. Adoption of Ordinance.** Notice is given that at a regular meeting held on March 7, 2005, the Village Council of the Village of Sand Lake, located in Kent County, Michigan, adopted Ordinance No. 2005-A-3 (the "Ordinance").

**2. Title for Purposes of Adoption.** The Ordinance is entitled for the purposes of adoption:

AN ORDINANCE TO ADOPT THE MICHIGAN VEHICLE CODE AND UNIFORM TRAFFIC CODE BY REFERENCE, TO PROVIDE PENALTIES FOR VIOLATIONS AND TO REPEAL CONFLICTING ORDINANCES

**3. Summary of Ordinance.** The Ordinance adopts the Michigan Vehicle Code and Uniform Traffic Code by reference. A description of the Michigan Vehicle Code is as follows:

The Michigan Vehicle Code is an act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways and to provide penalties and sanctions for its violation.

A description of the Uniform Traffic Code is as follows:

The Uniform Traffic Code is an administrative rule promulgated by the Michigan Department of State Police to provide local law enforcement officers with the authority to locally enforce traffic laws; to provide for local traffic administration; to provide for the rights and duties of pedestrians; to regulate the operation of motorcycles, mopeds and toy vehicles; to provide for the rights and duties of drivers and others; to provide for the establishment and maintenance of traffic control devices; and to compel obedience to traffic regulations and provide sanctions for their violation.

**4. Effective Date of Ordinance.** The Ordinance will take effect upon the publication of this summary as provided by state law. Complete copies of the Ordinance are available for inspection or copying at the Village Hall, 2 W. Maple St., Sand Lake, Michigan 49343-0139, during normal Village business hours.

Beth Miller  
Village Clerk  
Village of Sand Lake  
Kent County, Michigan

**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:

**AN ORDINANCE TO ADOPT THE MICHIGAN VEHICLE  
CODE AND UNIFORM TRAFFIC CODE BY REFERENCE,  
TO PROVIDE PENALTIES FOR THEIR VIOLATION, AND  
TO REPEAL CONFLICTING ORDINANCES**

**THE VILLAGE OF SAND LAKE ORDAINS:**

Section 1. Michigan Vehicle Code adopted. Pursuant to the provisions of the General Law Village Act, Act No. 3 of the Public Acts of Michigan of 1895, as amended, MCLA 61.1, *et seq.*, the Michigan Vehicle Code, Act No. 300 of the Public Acts of Michigan of 1949, as amended, MCL 257.1, *et seq.*, is adopted by reference, as if fully set forth herein.

Section 2. References in Michigan Vehicle Code. References in the Michigan Vehicle Code to "local authorities" shall mean the Village of Sand Lake, Kent County, Michigan.

Section 3. Enforcement of Michigan Vehicle Code; Sanctions.

A. The Michigan Vehicle Code may be enforced by any sheriff's deputy, police officer or any employee of the Village authorized to enforce criminal ordinances or authorized to issue civil infractions.

B. The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

C. When any person is found guilty of a misdemeanor or responsible for a civil infraction pursuant to this section, the judge or magistrate shall summarily determine and tax the costs of the action which shall include all expenses, direct and indirect, to which the Village has been put in connection with the violation or infraction up to the entry of judgment.

Section 4. Uniform Traffic Code adopted. The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002 is adopted by reference, as if fully set forth herein.

Section 5. References in Uniform Traffic Code. References in the Uniform Traffic Code to "governmental unit" or "municipality" shall mean the Village of Sand Lake, Kent County, Michigan.

Section 6. Enforcement of Uniform Traffic Code; Sanctions.

A. The Uniform Traffic Code may be enforced by any sheriff's deputy, police officer or any employee of the Village authorized to enforce criminal ordinances or authorized to issue civil infractions.

B. The penalties provided by the Uniform Traffic Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Uniform Traffic Code for which the maximum period of imprisonment is greater than 93 days.

C. When any person is found guilty of a misdemeanor or responsible for a civil infraction pursuant to this section, the judge or magistrate shall summarily determine and tax the costs of the action which shall include all expenses, direct and indirect, to which the Village has been put in connection with the violation or infraction up to the entry of judgment.

Section 7. 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 8. Publication. The Village Clerk shall publish a summary of this ordinance in the manner provided by law and shall at the same time publish a supplementary notice setting forth the purpose of the Michigan Vehicle Code and Uniform Traffic Code and the fact that a complete copy of the Michigan Vehicle Code and Uniform Traffic Code are available at the office of the Village Clerk for inspection by the public at all times.

Section 9. Effective Date. This ordinance shall take effect upon publication of the summary and supplementary notice described in Section 9, as provided by state law.

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

NAYS: Council member(s) none.

ABSTAIN: Council member(s) none.

ABSENT: Council member(s) none.

APPROVED: March 7, 2005.

**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

06968 (004) 236015.01

## 5.4 OUTDOOR FURNACE ORDINANCE

5.4.1 Definitions: "Outdoor Furnace" means a furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

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

- (a). The outdoor furnace shall be installed no less than 100 ft. (one hundred feet) from any principal residence.
- (b). The outdoor furnace shall not be installed in any front yard.
- (c). The outdoor furnace shall be installed no less than 300 ft. (three hundred feet) from any lot line.
- (d). 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.
- (e). 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 ft. (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.

5.4.3 The following materials may not be burned in an outdoor furnace:

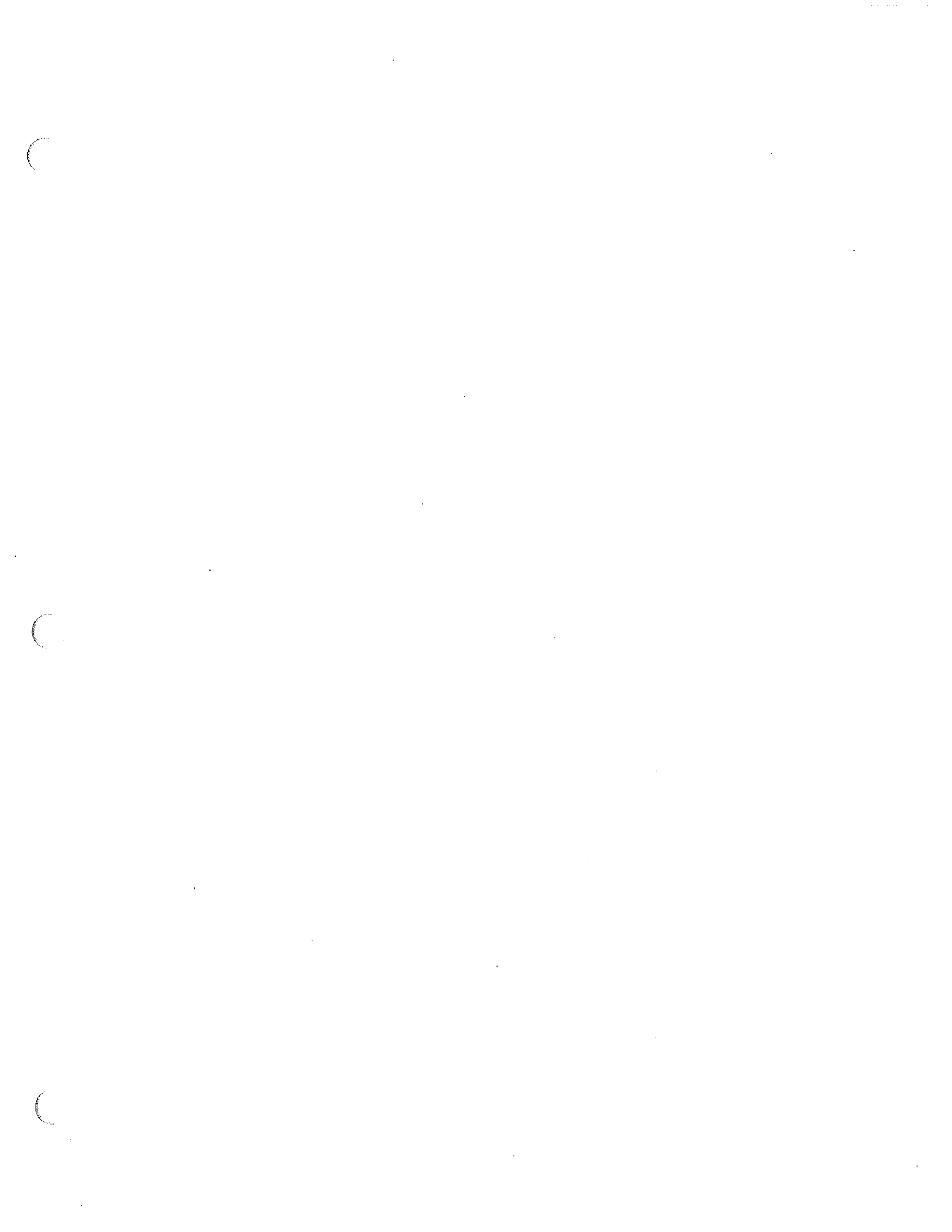
- a) Rubbish or garbage including but not limited to food wraps, packing, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- b) Waste oil or other oily wastes.
- c) Asphalt and products containing asphalt.
- 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 provisions 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 \$1000.00 (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 within 12 (twelve) 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.





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

Council member Towlsey, supported by Council member Simpson, moved the adoption of the following ordinance:

**ORDINANCE NO. 2007-1**

**AN ORDINANCE TO AMEND SECTION 6.1 OF THE CODE OF ORDINANCES, VILLAGE OF SAND LAKE, MICHIGAN, TO REQUIRE THE LICENSING OF PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS WITHIN THE VILLAGE; TO ESTABLISH PROCEDURES FOR GRANTING LICENSES; AND TO PROVIDE PENALTIES FOR VIOLATION OF THE LICENSING REQUIREMENTS**

**THE VILLAGE OF SAND LAKE ORDAINS:**

Section 1. Amendment to Chapter 6 Section 6.1. That Section 6.1 of the Code of Ordinances, Village of Sand Lake, Michigan, is amended in its entirety to read as follows:

6.1 Peddlers, Solicitors and Transient Merchants

6.1.1 Purpose. The purposes of this ordinance are to protect the interests of the public health, safety and welfare of the citizens of the Village by the regulation, licensing and control of peddlers, hawkers, solicitors and similar salespersons conducting business within the Village.

6.1.2 License Required. It is unlawful for any peddler, solicitor or transient merchant, whether a person, firm or corporation, to peddle, solicit, or engage in business as a transient merchant within the Village as to any merchandise, article or thing without having first secured a license from the Village.

6.1.3 Definitions.

(a) Solicitor. The term "solicitor" shall mean any person, except persons exempt under Section 6.1.5, traveling either by foot or vehicle from place to place, who takes or attempts to take orders for the sale of goods, wares, or merchandise for future delivery, or for services to be furnished or performed in the future. Such definition shall include any person who uses or occupies any building, structure, or other place in the Village for such purposes.

(b) Peddler. The term "peddler" shall mean any person traveling either by foot or vehicle from place to place, carrying goods, wares, or

merchandise, and offering the same for sale, or making sales and delivering articles to purchasers, or offering to provide services, either immediately or in the future, except exempt persons as stated in Section 6.1.5.

(c) Transient Merchant. The term “transient merchant” shall mean any person who engages in the temporary business of the retail sale and delivery of goods, wares, or merchandise within the Village, and who, for the purpose of conducting such business, uses or occupies any lot, premises, building, room or structure; provided, however, that such definition shall not include merchants having regularly established places of business within the Village, and shall not apply to persons making sales at any annual fair, street fair, festival, annual celebration or observance; and further provided that such definition shall not include exempt persons as stated in Section 6.1.5.

#### 6.1.4 License, Application and Fee.

(a) Application for a license for a peddler, solicitor or transient merchant shall be made to the Village Clerk. The application shall be in the form prescribed by the Village and shall include the following:

i. The name, address, and telephone number of the applicant, including both local information and permanent information, if different;

ii. The name, address, and telephone number of each employee or independent contractor who shall be operating as a peddler, solicitor or transient merchant, if any;

iii. A description of the nature of the business and the goods or services to be offered;

iv. The place where the goods, if any, are manufactured or produced, where they are located at the time the application is filed and the proposed method of delivery;

v. Such other information as the Clerk may reasonably determine is necessary to determine the nature and character of the proposed operations; including a valid driver's license or state identification card.

vi. The address of the place at which the business is to be conducted, if any; and

vii. The description, including license plate number, and number of vehicles to be used in such operations, if any.

(b) Any applicant for such a license shall pay the fee prescribed by the Village Council. The fee shall be twenty-five dollars (\$25); provided, however, the Village Council may by resolution amend the fee amount or prescribe a different fee.

(c) A license shall be for a duration not to exceed thirty (30) days; provided, however, the license may be renewed without payment of a further fee if the information contained in the renewal application remains unchanged from the original application. The Village Clerk shall review applications and issue licenses.

(d) A license shall be issued within five business days.

#### 6.1.5 Exempt Persons.

(a) This ordinance shall not apply to persons soliciting contributions to, or offering to sell goods or products in behalf of, churches or other organizations involving religious worship or observance, public or private schools, youth organizations, or other non-commercial entities such as the United Way; provided, however, that any such church, school, youth organization, or non-commercial entity shall be an exempt charitable organization under the U.S. Internal Revenue Code.

(b) Any person who is exempt from the licensing requirements of this ordinance, based on the terms of any state or federal law, shall be exempt from the licensing requirements of this ordinance, but such persons shall remain subject to the other provisions hereof.

6.1.6 Hours and Days of Business. No peddler, solicitor or transient merchant shall call at any dwelling, residence, or business except between the hours of 9:00 a.m. and 7:00 p.m. on Monday through Saturday without an appointment.

6.1.7 Obedience to Signs. No peddler, solicitor or transient merchant shall call without an appointment at any dwelling, residence, or business where a sign is displayed stating "no peddlers," "no solicitors," "no salesman," "no trespassing," or words of similar meaning or import.

6.1.8 Exhibition of License. If requested by a person, a peddler, solicitor or transient merchant shall exhibit the Village license issued to him or her.

6.1.9 Fraud. Any licensed peddler, solicitor or transient merchant who shall be guilty of any fraud, cheating or misrepresentation, whether directly or through any other person, while acting as a peddler, solicitor or transient merchant within the Village, shall be in violation of this ordinance.

6.1.10 Penalty.

(a) A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the first offense and not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) for a subsequent offense, in the discretion of the court, in addition to all other costs, damages, attorneys fees and expenses. For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense. The foregoing penalties shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

(b) The Village President, the Sand Lake Police Department, the Kent County Sheriff or Deputy Sheriff and such other officer or other official designated by the Village President are hereby authorized to issue citations for violation of the provisions of this ordinance if they have reasonable cause to believe that an infraction has occurred, based up on personal observation or the report of a person who has allegedly witnessed the infraction. If a citation is based solely on the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation shall be approved in writing by the Village President.

(c) Citations shall be numbered consecutively and shall be in a form approved by the state court administrator's offices.

(d) Citations shall be served upon the alleged violator as provided by law.

(e) Citations shall require the appearance at district court within a reasonable time after the citation has been issued. The procedures for admission or denial of responsibility, request for informal or formal hearings, and all matters related to the processing of citations for civil infractions shall be as provided by law.

6.1.11 Findings. The Village Council finds that the regulation of peddlers, solicitors and transient merchants, as provided in this ordinance, is a reasonable regulation of persons and property, and that the ordinance is necessary and helpful to the protection of the public health, safety and general welfare of the citizens of the Village and others.

Section 2. Repeal All ordinances and portions of ordinances inconsistent with this ordinance are repealed.

Section 3. Effective Date. This ordinance shall take effective 20 days after its adoption or upon its publication in a newspaper of general circulation within the Village, whichever occurs later.

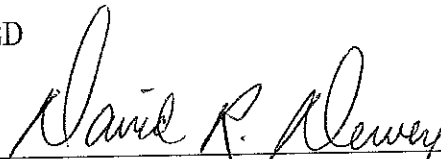
YEAS: Council member(s) Joyce Haywood, Tonia Parkhurst, Carol Simpson, Billi Thielke, Roger Towsley, and Dave Dewey.

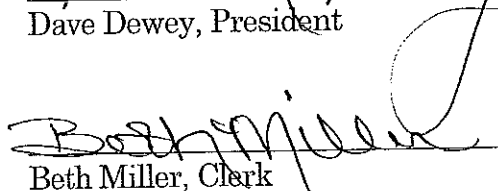
NAYS: Council member(s) none.

ABSTAIN: Council member(s) none.

ABSENT: Council member(s) Dave Tibbe.

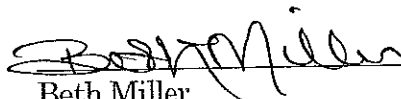
ORDINANCE NO. 2007-1 DECLARED ADOPTED

  
\_\_\_\_\_  
Dave Dewey, President

  
\_\_\_\_\_  
Beth Miller, Clerk

**CERTIFICATION**

I, Beth Miller, hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Village Council of the Village of Sand Lake on the 21<sup>st</sup> day of May, 2007, held pursuant to the required statutory procedures and notice.

  
\_\_\_\_\_  
Beth Miller  
Village Clerk

Introduced: April 16, 2007  
Adopted: May 21, 2007  
Published: May 31, 2007  
Effective: June 20, 2007

## 6.2 Auctioneers.

6.2.1 No person shall exercise the business of auctioneer, or sell or cry off at auction any real estate, or goods, wares, or merchandise of any description within said Village without having a license therefor.

6.2.2 The President and Clerk of said Village shall issue a license to person or persons to sell goods or auction within the limits of said Village for any specified time, upon being presented with the Certificate of the Village Treasurer certifying that such person or persons have paid to the Treasurer such sum (not less than nor more than fifteen dollars per day) as the President and Clerk of said Village shall from time to time direct.

6.2.3 No person so licensed shall receive for sale by auction any goods or commodities from any minor or apprentice nor shall he make use of any deception or fraud in such sales or deliver an inferior quality of goods as and for those sold at auction.

6.2.4 No auctioneer by himself or his agent shall sell or expose for sale at auction any goods, wares, or merchandise on any sidewalk, or in any street, lane, alley or public highway in said Village unless by written permission of the President of the Village in each case.

6.2.5 The Council may at any time by resolution remit a portion of such license money to the person or persons paying the same.

6.2.6 No license or permit granted under Sections 6.2.2 and 6.2.4 of this act shall be transferable without the consent of the Council evidenced by the Certificate of the Clerk thereto attached or authorize an auction at more than one place at the same time.

6.2.7 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 \$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.

*[Ord. No. 7, effective 10/8/1896; amended by Ord. No. 2000-03, adopted 11/20/00]*

### **6.3 Temporary Business and Outdoor Assembly.**

6.3.1 Purpose. The Village Council of the Village of Sand Lake finds and declares that in order to protect and further the public health, safety and welfare of the citizens of Sand Lake Village, it is necessary to provide for the regulation, permitting and control of temporary business uses and large outdoor assemblies.

6.3.2 Title. This ordinance shall be known and cited as the Village of Sand Lake Temporary Business Use and Outdoor Assembly Ordinance.

6.3.3 Definitions. As used in this ordinance, the following terms shall be defined as follows:

(a) "Outdoor Assembly" means any event attended by 50 or more people, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to music festivals, parades, carnivals, circuses, rodeos, block parties, parade of homes events, motorcycles and snowmobile rallies, climbs or races, or any similar type of event occurring on a temporary or sporadic basis, but does not include:

i. Residential social events such as family gatherings, reunions, weddings and other such events, or traditional agricultural activities and events such as farm tours, hayrides on farms and fall harvest events on farms;

ii. School activities and events, including youth athletic games and contests and youth sporting events;

iii. An event which is conducted or sponsored by a governmental unit or agency on publicly owned property;

iv. Activities and events conducted or sponsored by churches or other religious institutions; and

v. An event held entirely within the confines of a permanently enclosed and covered structure.

(b) "Temporary Business Use" means any concession, commercial business establishment or use operating on a temporary or sporadic basis out of a structure, facility or building for which zoning approval has not been obtained, or which is not accessory to and not normally associated with a permanent use or structure which is lawful and as to which all required zoning approvals have been obtained; such temporary business uses include, but are not limited to, retail or wholesale sales, provision of services or specialty services, and provision of food and/or beverages.



6.3.4 Permitted Locations. The following restrictions apply to the location of any temporary business use or outdoor assembly:

(a) Neither a temporary business use nor an outdoor assembly shall be permitted at any location zoned under the Village Zoning Ordinance for residential use.

(b) A temporary business use shall be permitted only at a location zoned under the Village Zoning Ordinance for commercial use, unless the temporary business use is to be associated with and incidental to an outdoor assembly otherwise permitted at a non-commercial location under this ordinance.

6.3.5 Permitting of Temporary Business Uses and Outdoor Assemblies. No temporary business use or outdoor assembly shall be allowed at any location unless and until a temporary use permit has been issued by the Village. The following requirements shall apply:

(a) All applications for a temporary use permit shall be filed with the Village at least 45 days prior to the commencement date of the proposed temporary use. This 45-day period can, however, be shortened in the discretion of the Zoning Administrator or Village Council. The application shall be accompanied by a non-refundable fee, to be determined by the Village Council by resolution, and shall include the following minimum information:

i. The name, age, residence and mailing address of the person making the application. Where the applicant is a partnership, corporation, limited liability company, association or other type of organization, this information shall be provided for each of the partners, directors, officers and members.

ii. A descriptive statement of the type of temporary business use or outdoor assembly proposed.

iii. The address and legal description and proof of ownership of the site at which the use is proposed. Where the applicant does not own the land, the applicant shall submit an affidavit from the owner indicating the owner's consent to use the property for the proposed use.

iv. The date(s) and hours of operation.

v. An estimate of the maximum number of attendants expected at the temporary business use or outdoor assembly for each day of operation.

vi. A diagram of the proposed site of the temporary business use or outdoor assembly showing the type and location of all temporary facilities and structures.

(b) The Village Zoning Administrator may issue a temporary use permit if all of the requirements of Section 6.3.5(c) of this ordinance are satisfied. If the Zoning Administrator determines that a proposed use could have a major impact on the area involved, or if

the Zoning Administrator determines that a hearing should be held before a temporary use permit is issued because of the scope or likely impact of the proposed use, then the Zoning Administrator shall refer the temporary use application to the Village Council for final approval or denial, in whole or in part. An applicant may appeal the Zoning Administrator's denial of a temporary use permit application to the Village Council. If a temporary use permit application is referred to the Village Council, the Council shall hold a hearing on the application at its next regular meeting, and provide the permit applicant with prior notice of the time, date and location of the meeting by first class mail, post-marked at least five days in advance of the meeting.

(c) A temporary use permit shall not be granted by the Zoning Administrator or by the Village Council unless all of the following requirements are satisfied:

i. The proposed use shall not result in any hazard or nuisance to adjacent lands or the uses thereof, nor otherwise be contrary to the public health, safety or welfare of the Village.

ii. The proposed use shall not create hazardous vehicular or pedestrian traffic conditions on or adjacent to the location of the proposed use, nor result in vehicular traffic in excess of the capacities of the streets serving the property. A temporary use permit shall not be issued if the Zoning Administrator or Village Council determines that the proposed use will:

(1) Unreasonably interfere with the use of a street for vehicular travel;

(2) Unreasonably interfere with the view of, access to or use of property adjacent to the street serving the proposed use;

(3) Cause a violation of any state laws or local ordinances;

or

(4) Reduce the effectiveness of or access to any utility pole, street lighting, sign or other traffic control device.

iii. Adequate utilities, drainage, refuse management, sanitary facilities, emergency services and access and other necessary facilities and services shall be available for the proposed use.

iv. The proposed use shall not have a substantially adverse impact on the natural environment.

v. The site of the proposed use shall be suitable for such use, giving consideration to possible flood hazards, stormwater drainage, soils and other conditions which may constitute a danger to life, health or property.

vi. The proposed use and all associated temporary improvements, including but not limited to tents, stands, temporary electrical systems, temporary heating systems and temporary lighting systems shall comply with all applicable provisions of the Village Mechanical Code, Building Code, Electrical Code, Plumbing Code and other applicable codes adopted or amended from time to time.

(d) A temporary use or outdoor assembly shall be permitted only for such period of time as is practical, given all of the circumstances. In no case shall a temporary use permit be issued for a period in excess of 10 days during any 12-month period, nor shall any property be used for a temporary use in excess of 10 days during any 12-month period.

(e) In connection with the approval of any temporary business use or outdoor assembly, the Zoning Administrator or Village Council may impose additional reasonable terms and conditions, in their discretion, such as requiring the applicant to provide security personnel, potable water facilities, restroom facilities, food service facilities, medical facilities, solid and liquid waste disposal facilities, traffic and parking coordination personnel, site illumination, fencing, and/or communications equipment. When any of these discretionary conditions are imposed, the applicant shall illustrate the required facilities on the diagram required under Section 6.3.5(a)(vi) of this ordinance and provide a written description of how the applicant will comply with the conditions.

(f) The Village may revoke or suspend a temporary use permit at any time upon the failure of the owner or any operator of the use to comply with the requirements of this ordinance, the conditions imposed upon the issuance of any such temporary use permit or any other applicable provisions of state law or local ordinance.

(g) A temporary business use or outdoor assembly shall not include a permanent structure or permanent building.

(h) Tattooing or body piercing services shall not be conducted at any temporary business use or outdoor assembly.

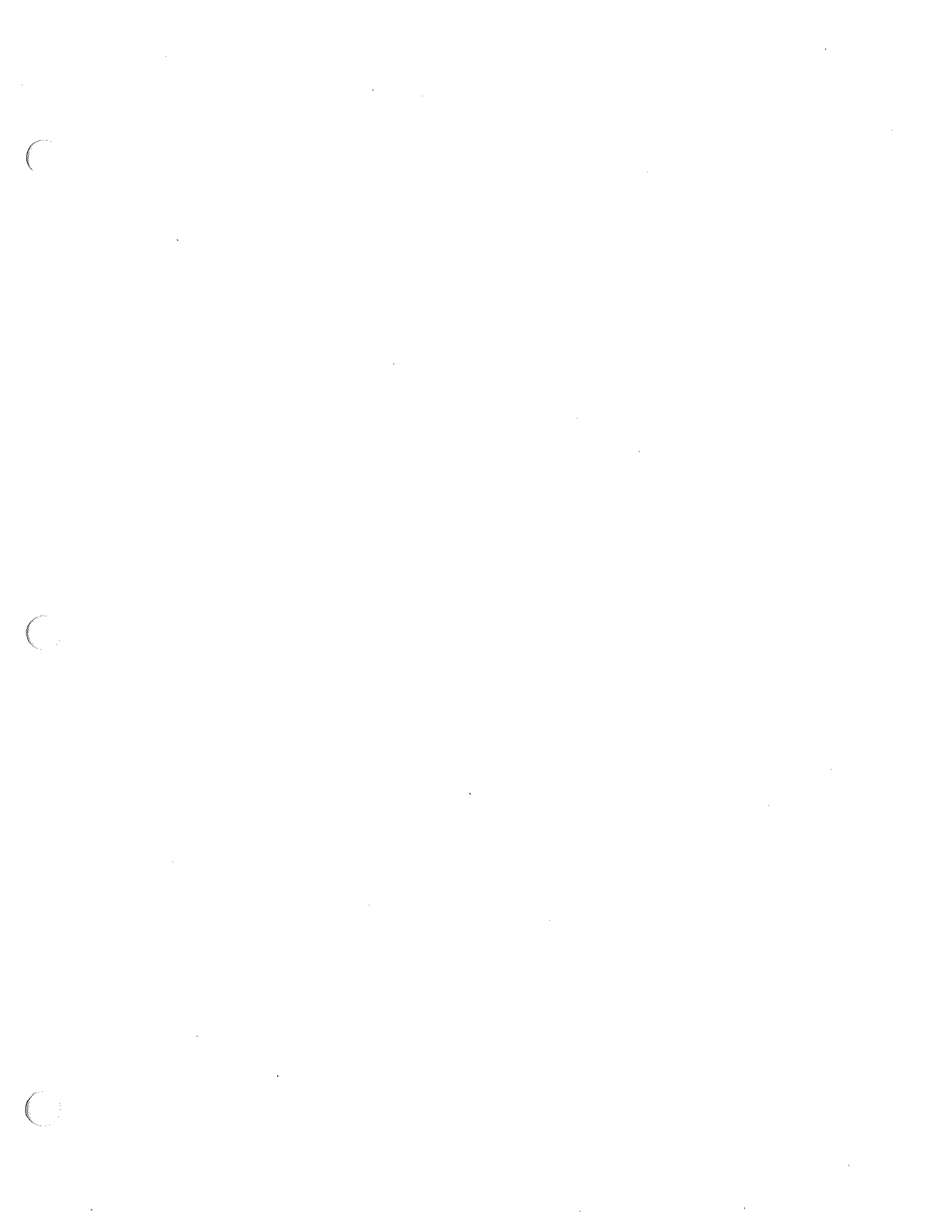
6.3.6 Penalties. Any person, corporation, firm, association or organization who disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit granted hereunder, shall be in violation of this ordinance. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$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; provided, however, that a violation of Section 6.3.5(h) shall be a misdemeanor. 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.

6.3.7 Non-Exclusivity. The prohibitions and penalties provided for in this ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by any other Village ordinance or other applicable law or regulation.

6.3.8 Severability. In the event that any provision of this ordinance is declared invalid, such decision shall not affect the validity or the enforceability of the remaining provisions.

6.3.9 Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

*[Ord. No. 2000-03, adopted 11/20/00]*



VILLAGE COUNCIL  
VILLAGE OF SAND LAKE  
KENT COUNTY, MICHIGAN

COPY

ORDINANCE NO. # 2015 - 7.1

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

Adopted: September 21, 2015  
Effective: October 21, 2015

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the VILLAGE OF SAND LAKE, KENT COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF SAND LAKE ORDAINS:

SECTION 1. GRANT TERM. The VILLAGE OF SAND LAKE, KENT COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the VILLAGE OF SAND LAKE, KENT COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

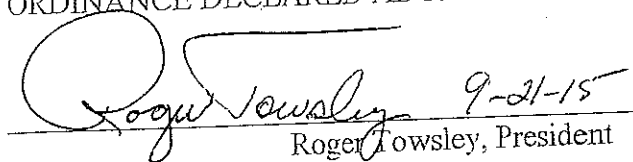
D. Dewey moved the adoption of the foregoing ordinance, which motion was supported by J. Ward.

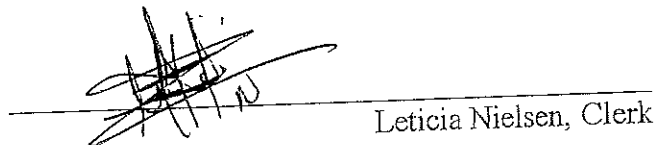
YEAS: James Ward, Thomas Norton, Adam Hill, Roger Towsley, Dave Dewey, Bette Towsley, Danielle Hardenburg

NAYS: None

ABSTAIN: None

ORDINANCE DECLARED ADOPTED:

 9-21-15  
\_\_\_\_\_  
Roger Towsley, President

  
\_\_\_\_\_  
Leticia Nielsen, Clerk

Introduced:	September 21, 2015
Adopted:	September 21, 2015
Published:	October 01, 2015
Effective:	October 21, 2015

ACCEPTANCE

TO THE VILLAGE COUNCIL OF THE VILLAGE OF SAND LAKE, KENT COUNTY, MICHIGAN:

The CONSUMERS ENERGY COMPANY hereby accepts the franchise granted to it by your Village Council on the 21<sup>st</sup> day of September, 2015, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the VILLAGE OF SAND LAKE, KENT COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By Catherine M. Reynolds  
Catherine M. Reynolds  
Senior Vice President and General Counsel

Dated: \_\_\_\_\_, 2015.

APV'D AS TO FORM  
mjj



## 7.2 Grant of Gas Franchise to Michigan Consolidated Gas Company.

7.2.1 Grant of Gas Franchise and Consent to Laying of Pipes, etc. Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in the Village of Sand Lake, Kent County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Village of Sand Lake for the purposes of conveying gas into and through and supplying and selling gas in said Village of Sand Lake and all other matters incidental thereto.

7.2.2 Gas Service and Extension of System. If the provision and conditions herein contained are accepted by the Company, as in Section 7.26 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

7.2.3 Use of Streets and Other Public Places. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Village of Sand Lake and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assign, shall use due care in exercising the privileges herein contained and shall be liable to said Village of Sand Lake for all damages and costs which may be recovered against Village of Sand Lake arising from the default, carelessness, or negligence of the company or its officers, agents, and servants.

No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Village of Sand Lake or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Village Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

7.2.4 Standards and Conditions of Service; Rules, Regulations and Rates. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Village of Sand Lake under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

7.2.5 Successors and Assigns. The words "Michigan Consolidated Gas Company" and "the Company," wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

7.2.6 Effective Date; Term of Franchise Ordinance; Acceptance by Company. This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within fifteen (15) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Village of Sand Lake at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Village Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after the date this ordinance takes effect, file with the Village Clerk its written acceptance of the conditions and provisions hereof.

7.2.7 Effect and Interpretation of Ordinance. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

*[Ord. No. 93-79, 11/8/93]*

### 7.3 Sewer Rate Ordinance.

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

(a) The term "Village" shall be construed to mean the Village of Sand Lake and the term "County" shall be construed to mean the County of Kent, both in the State of Michigan.

(b) The term "Council" shall be construed to mean the Village Council of said Village of Sand Lake, the legislative and governing body thereof.

(c) The term "sewerage disposal district" or "district" shall be construed to mean Sand Lake Sewage Disposal District, as described in the resolution of the Kent County Board of Supervisors, adopted September 8, 1965, or any amendments thereto.

(d) The term "sewage disposal system" shall be construed to mean the Sand Lake Sewage Disposal System established and constructed by the County under Contract with the Village dated October 1, 1965, and leased to the Village, and all extensions, enlargements and improvements thereto.

(e) The term "system" shall be deemed to refer to the said sewage disposal system as now or hereafter established and constructed by the County and leased to the Village to serve the residents of the Village.

(f) The term "sewage disposal services" shall be deemed to refer to the collection, transportation, treatment and disposal of sanitary sewage emanating from premises now or hereafter connected, directly or indirectly, to the sewage disposal system.

(g) The term "unit" or "units" shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size, as shall from time to time be defined by the County through its Department of Public Works and assigned to premises in the district.

(h) The term "connection fee" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided, to each premises in the Village for connection to the system and represents a proportionate part allowable to such premises of the costs of the sewer trunks, pumping and treatment facilities for occupied premises. The term "availability fee" shall be deemed to mean the amount charged at the time and in the amount hereinafter provided, to each premises in the Village for the immediate availability of the sewers of the system for direct connection thereto as a lateral by all premises abutting on such sewers.

(i) The term "charges for sewage disposal services" or "charges" shall be deemed to mean the amount charged to each premises in the Village connected to the system for sewage disposal services which may include a debt service factor. The amount shall be the sum total of O, M and R, local capital debt service, and any administrative or billing charge.

(j) The term "inspection and approval fee" shall be deemed to mean the amount charged to each applicant by the Village at the time an application is made to the Village to connect said premises to the system to cover the cost of inspecting and approving the physical connection to the system and the issuance of a connection permit.

(k) The term "service stub charge" shall be deemed to mean the amount charged to each premises in the Village for construction of a service stub from the sewer main to the lot line of said premises.

(l) The term "premises" shall 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 a taxpayer or taxpayers at one address but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

(m) The term "normal strength sewage" shall be construed to mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 200 mg/l.

(n) The term "debt service factor" shall be construed to mean that part of the total sewer service charge which is used to cover capital indebtedness.

(o) The term "operation and maintenance (O&M)" shall be construed to mean activities necessary to ensure adequate wastewater treatment on a continuing basis, to conform with all related federal, state, and local requirements, and to assure optional long term facility management.

(p) The term "replacement (R)" shall be construed to mean obtaining and installing equipment and plant appurtenances which are necessary during the service life of the treatment works to maintain the capacity and the performance for which such works were designed.

(q) The term "user charges" shall be construed to mean that portion of the charge for sewage disposal services which covers operation, maintenance and replacement costs.

(r) The term "classes of users" shall be construed to mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows:

i. "Residential user" shall be construed to mean an individual home or dwelling unit, including mobile homes, apartments, condominiums or multi-family dwellings, that discharges only segregated domestic wastes or wastes from sanitary conveniences.

ii. "Commercial user" shall be construed to mean any retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic wastes or wastes from sanitary conveniences.

iii. "Institutional user" shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other such user that discharges only segregated domestic wastes or wastes from sanitary convenience.

iv. "Governmental user" shall mean any federal, state or local governmental office or governmental service facility that discharges only segregated domestic wastes or wastes from sanitary conveniences.

v. "Industrial user" shall be construed to mean:

(1) Any non-governmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (GPD) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A - Agriculture, Forestry and Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electric,  
Gas and Sanitary Services

Division I - Services

a) In determining the amount of a user's discharge for the purposes of industrial cost recovery, the grantee may exclude domestic wastes of discharge from sanitary conveniences.

b) After applying the sanitary exclusion to subparagraph a) of this paragraph (if the grantee chooses to do so), discharges in the above divisions that have a volume exceeding 25,000 GPD or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 GPD of sanitary wastes are considered industrial users.

(2) Any non-governmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with the sewage treatment process, or which constitutes a hazard to humans or animals, create a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

(3) All commercial users of an individual system constructed with grant assistance under Section 201(h) of the Clean Water Act of 1977 (95-217) and Subpart E (see 35.918(a)(3)).

7.3.2 Premises within the Village on which are now or hereafter located any buildings or structures for which direct connection to the system is available shall not be used or occupied by persons, firms or corporations for any purpose, after the effective date hereof, unless said premises are connected to the sewage disposal system; provided, that premises within the Village so improved and used or occupied on the effective date hereof shall be connected to said system within twelve (12) months after the completion of the system, but in any event on or before October 1, 1967.

7.3.3 Plats for premises subdivided into three or more lots or parcels and permits to improve platted or unplatted premises, after the effective date hereof, shall not be approved or issued on behalf of the Village and none of said premises shall be improved by the erection of a building or structure for human use or occupancy thereon unless lateral sewers to serve all of said premises, as subdivided or to be occupied, and to connect same to the system are available as part of the system or shall be installed at private cost or by special assessment (or a bond furnished or the estimated cost thereof deposited with the Village as otherwise provided by law) unless the Village Council and the Board of Public Works of the County shall both determine by specific resolution that compliance with this section will work an unreasonable hardship on the owner of the premises involved.

7.3.4 Owners of premises within the Village which are used or occupied by persons, firms or corporations and for which direct connection to the system is available shall pay the following fees and charges at the time or times specified herein, to-wit:

(a) At the time application is made for a permit to connect, the sum of \$10 for inspection and approval fee.

(b) A connection fee of \$300 and an availability fee of \$300 and a service stub charge of \$200, per unit as determined by the County, which aggregate sum of \$800 per unit may be paid in cash, in whole or part, in advance, without interest on or before April 1, 1966, or said sum of \$800, or any unpaid part thereof, may be paid in 20 equal annual installments, payable on May 1st of each year commencing May 1, 1966, together with interest on the unpaid balance from time to time, at the rate of 6% per annum from March 1, 1966, payable annually on each said May 1st.

(c) A charge for sewage disposal services, payable quarterly in advance commencing with the quarter in which connection is made (with the understanding that the first payment will be prorated to the nearest full month) at the rate or rates per unit herein established. The amount of this charge shall be established by resolution of the Village Council and the amount of this charge may be adjusted from time to time by resolution of the Village Council.

(d) Upon application for connection to the Village's sanitary sewer system, the applicant, owner of any parcel of property located on Northland Drive (Third Street) in the Village from a point which is 750 feet south of Oak Street to the south Village limit, shall pay an availability charge of \$3,000 which includes connection fee required by this section but is in addition to any and all other costs imposed for connection to or use of the Village's sanitary sewer system.

7.3.5 Owners of premises within the Village for which direct connection to the system is available, but which premises are not used or occupied by persons, firms or corporations, as of the effective date hereof, shall pay the following fees and charges at the time or times specified herein, to wit:

(a) An availability fee of \$300 which may be paid in cash in advance, in whole or in part, or in installments with interest at the same time or times and in the same manner as is provided in Section 7.3.4(b) above.

(b) A service stub charge of \$200, if the owner of such premises requests the installation of a stub at the time of construction of the system or if construction costs and difficulties require such installation, in the opinion of the County, at the time of construction, which \$200 may also be paid in cash in advance, in whole or in part, or in installments with interest at the same time or times and in the same manner as is provided in Section 7.3.4(b) above.

An annual audit of the system shall be conducted to ensure the fiscal integrity of the system, as well as the proportionality and sufficiency amount the user classes. Notice of the availability of the annual audit results shall be posted in accordance with normal Village procedures.

7.3.6 Owners of premises within the Village which are not used or occupied by persons, firms or corporations, as of the effective date hereof, who hereafter improve the same by the erection of a building or structure thereon to be used or occupied by persons, firms or corporations, shall pay, at the time a construction permit is issued by the Village the following fees and charges, in cash in full at the said time, to wit:

(a) An inspection and approval fee of \$10.

(b) A connection fee of \$300, per unit.

(c) An availability fee of \$300, per unit, if direct connection of the premises to the system is to be made and if not theretofore paid or being paid on the installment basis, with interest, at the time.

(d) A service stub charge in the amount of the actual cost of installing such service stub as determined by the County, unless such charge was theretofore paid or is being paid on the installment basis, with interest, at that time.

In addition such owner shall commence payment of the sewage disposal service charges, at that time in effect, as applicable.

7.3.7 The number of units to be assigned to any particular premises used for other than single residence purposes shall be determined by the Board of Public Works of the County and its decision shall be final. Said Board of Public Works, 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 any premises has 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 improvements thereon) shall not abate the obligation to continue the payment of the fees and charges imposed against said premises pursuant to Section 7.3.4 hereof in the amount and for the period therein provided for the number of units assigned to said premises at the time of connection or for such lesser number of units as the changed character of the use or type of occupancy of the premises will justify but in no event for less than one unit. If subsequent changes at any time increase the amount of sanitary sewage emanating from any premises the County through its Board of Public Works may increase the number of units assigned to said premises and thereupon the fees and charges specified in Section 7.3.6 hereof, as applicable, shall be paid for each additional unit so assigned at the time a construction or other permit is issued by the Village for such changes in use or occupancy or at the time such change in use occurs, if no permit is issued or required.

7.3.8 Charges for sewage disposal services to each premises within the Village connected with the sewage disposal system shall be determined by the Council, as provided in the agreement with the County, and shall be fixed by ordinance or resolution adopted and amended from time to time by the Council and subject to any obligations and limitations set forth in such agreement pertaining to the system between the Village and the County, or any amendments thereto which charges shall include an amount of \$5.00 per unit per quarter for debt 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. Charges for services furnished by the system shall be billed and collected quarterly, the first such charges for each premises to be due and payable on the first day of the calendar quarter following by at least one month the date such premises are connected to the system and successive charges to be due and payable on the first day of each quarter annual period thereafter. Charges shall be billed at least one month before their due date.

7.3.9 If any charges for sewage disposal services are not paid on or before the due date then a penalty of 10% shall be added thereto and commencing ninety (90) days after said due date such charges for sewage disposal services and said penalty shall draw interest at the rate of six per cent (6%) per annum. In the event that the charges for any such services furnished to any premises shall not be paid within 120 days after the due date thereof, then all services furnished by the sewage disposal system may be discontinued. Service so discontinued shall not be restored until all sums then due and owing, including penalties and interest, shall be paid, plus a shut-off charge of \$25 and a turn-on charge of \$25 respectively.



7.3.10 If any installment of a connection fee, availability fee or service stub charge is not paid on or before the due date, the same shall draw interest at the rate of 1/2 of 1% per month until paid. In the event that any such installment remains unpaid for 120 days or more after the due date, service may be discontinued as provided in this section and shall not be restored until all amounts due are paid plus the shut-off and turn-on charges so provided are paid.

7.3.11 Charges for sewage disposal services furnished by the system to any premises and the connection fee, availability fee or service stub charge installments pertaining to any premises shall be a lien thereon as of the due date thereof, and on May 1st of each year the Village Clerk shall certify any such charges which have been delinquent ninety (90) days or more, plus penalties and interest accrued thereon, to the Council who shall cause the same with an additional penalty of 6% of the aggregate amount to be entered upon the next Village tax roll against the premises to which such services shall have been rendered and against which such connection fee, availability fee or service stub charge has been placed and said unpaid charges and fees, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

7.3.12 The system shall be operated upon the basis of a fiscal year beginning on July 1st of each year and ending on June 30th of the following year.

7.3.13 The operation, maintenance and management of the system, which is a county system, shall be under the immediate supervision and control of the Council or of the County, acting thru its Board of Public Works as the agent thereof, if it shall be so designated.

7.3.14 This ordinance shall be known and may be cited as the "Village of Sand Lake Sewer and Sewage Disposal Ordinance."

7.3.15 The provisions of this ordinance shall be enforceable 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.

7.3.16 Any person, firm or corporation found to be disposing of sewage in a manner contrary to this ordinance, or failing to connect to an available public sewer as provided herein, or violating any provision of this ordinance shall be responsible for a municipal civil infraction, for which the fine shall be not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 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 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.

A violation of this ordinance is also declared to be a public nuisance and the Village may enforce the same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore.

7.3.17 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.

7.3.18 All ordinances and resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed. The Village specifically reserves the right to amend this ordinance in whole or in part, at one or more times hereafter, or 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, with the understanding, however, that the adoption of this ordinance or its subsequent amendment or repeal shall in no wise change, relieve or release the contractual and legal obligation of the Village to make the required payments to the County of Kent under and as set forth in the contract pertaining to the Sand Lake Sewage Disposal System or under applicable law or the contractual and legal obligation pursuant to said contract and applicable law to levy a tax or to use any other means or available funds to make the required payments to said County, and this ordinance shall not be deemed to be a part of any contractual obligation or bond contract pertaining to said system.

*[Ord. No. 42, adopted 2/7/66; amended 4/11/88; amended by Ord. No. 93-78, adopted 12/3/92; amended by Ord. No. 2000-03, adopted 11/20/00]*

**RESOLUTION #2006-11**

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

Council member Dave Tibbe, supported by Council member Billi Thielke, moved to adopt the following resolution:

**RESOLUTION # 2006-11  
SEWER RATE RESOLUTION 2006  
A RESOLUTION TO ESTABLISH SEWER RATES**

WHEREAS, the Village of Sand Lake (the "Village") has previously enacted Section 7.3.4(c) of the Village's Code of Ordinances (the "Village Code") to provide for the establishment of sewer disposal service rates and fees by resolution of the Village Council and to assess certain minimum fees for all users connected to the Village's sewer system, and

WHEREAS, this Resolution is intended to establish fees in accordance with Section 7.3.4(c) of the Village Code, as amended.

NOW THEREFORE, BE IT RESOLVED THAT:

Section 1. In accordance with Section 7.3.4© of the Village code, all premises receiving sewage disposal services from the Village sewer system shall pay according to the following schedule:

(a) Rate per unit: \$42.00 quarterly.

Section 2. The rates established by this resolution shall become effective and shall apply to the 1<sup>st</sup> (first) quarterly billing of 2007.

Section 3. All resolution and parts of resolution are, to the extent of any conflict with this resolution, rescinded.

ROLL CALL VOTE:

AYES: Haywood, Parkhurst, Thielke, and Tibbe.

NAYS: Dewey, Simpson, and Towsley.

ABSTAIN: none.

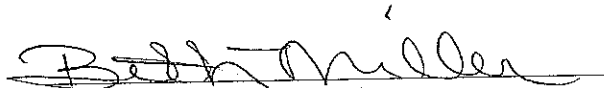
ABSENT: none.

RESOLUTION DECLARED ADOPTED.

  
Beth Miller, Village Clerk

I, Beth Miller, Village Clerk for the Village of Sand Lake, certify that this is a true and complete copy of a resolution adopted by the Village Council of the Village of Sand Lake at a regular meeting held on November 20, 2006.

Date: November 20, 2006

  
Beth Miller, Village Clerk

**7.4 Sewer Use Ordinance.**

**Article I-Definitions**

7.4.1 "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in parts per million by weight.

7.4.2 "Board of Public Works" as used herein refers to the Kent County Board of Public Works.

7.4.3 "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the sewage discharge inside the walls of a building and conveys it to the building sewer. It shall end five (5) feet outside the inner face of the building wall.

7.4.4 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

7.4.5 "Cesspool" is an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

7.4.6 "Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

7.4.7 "Department of Public Works" as used herein refers to the Kent County Department of Public Works.

7.4.8 "Engineer" shall mean the engineer of the Kent County Department of Public Works.

7.4.9 "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

7.4.10 "Grease trap" is a tank of suitable size and material located in a sewer line and so designed to remove grease and oily wastes from the sewage.

7.4.11 "Groundwater discharge permit" shall mean the permit issued pursuant to Act 245; Public Acts of 1929, as amended, for the discharge of treated wastewater into the groundwater of the State.

7.4.12 "Industrial wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary or household sewage.

7.4.13 "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

7.4.14 "Normal strength sewage" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 200 mg/l.

7.4.15 "NPDES permit" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of treated wastewater to the waters of the state.

7.4.16 "Nuisance" shall mean, but is not limited to, any condition where sewage or the effluent from any sewage disposal facility or toilet device is exposed to the surface of the ground, into any ditch, storm sewer, lake or stream, or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses and/or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property.

7.4.17 "Person" shall mean any individual, firm, company, association, society, corporation or group.

7.4.18 "pH" shall mean the logarithm of the reciprocal of the weight of hydrogenions in grams per liter of solution.

7.4.19 "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2) in any dimension.

7.4.20 "Public sewer" shall mean a sewer which is owned and controlled by public authority.

7.4.21 "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not admitted.

7.4.22 "Seepage pit" (or "dry well") is a cistern or underground enclosure constructed of concrete blocks, bricks, or similar material loosely laid with open joints so as to allow the septic tank overflow or effluent to be absorbed directly into the surrounding soil.

7.4.23 "Septic tank" is a water-tight receptacle receiving sewage and having an inlet and outlet designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.

7.4.24 "Sewage" shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

7.4.25 "Sewage disposal facilities" shall mean a privy, cesspool, seepage pit, septic tank, subsurface disposal system or other devices used in the disposal of sewage or human excreta.

7.4.26 "Sewage works" shall mean all facilities for the collection, pumping, treating and disposal of sewage and industrial wastes.

7.4.27 "Sewer" shall mean a pipe or conduit for carrying sewage.

7.4.28 "Shall" is mandatory; "may" is permissive.

7.4.29 "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

7.4.30 "Storm sewer" or "storm drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

7.4.31 "Subsurface disposal field" shall mean a facility for the distribution of septic tank overflow or effluent below the ground surface through a line, or a series of branch lines, of drain tile laid with open joints to allow the overflow or effluent to be absorbed by the surrounding soil throughout the entire field.

7.4.32 "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids.

7.4.33 "Toilet device" is a privy, outhouse, septic tank or septic toilet, chemical closet, or other device used for the disposal of human excreta.

7.4.34 "Treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

7.4.35 "Watercourse" shall mean a channel, natural or artificial, in which a flow of water occurs, either continuously or intermittently.

## **Article II—Use of Public Sewers Required**

7.4.36 It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of Sand Lake, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

7.4.37 It shall be unlawful to discharge to any natural outlet or watercourse within the Village of Sand Lake, or in any area under the jurisdiction of said Village, any sanitary sewage,

industrial wastes, or other polluted waters except where suitable treatment has been provided in accordance with the subsequent provisions of this ordinance.

7.4.38 Except as otherwise provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or industrial wastes.

7.4.39 The owners of all houses, building, or properties used for human occupancy, employment, recreation or other purpose situated within the Village and abutting upon any street, alley or right-of-way in which there is or may hereafter be located a public sanitary sewer shall, where such sewer is within 200 feet of the property line of such property, be required within ninety (90) days after receiving written notice from the Village, to install suitable toilet facilities therein and to connect such facilities directly to such public sewer in accordance with the provisions of this ordinance.

7.4.40 Without disregard to the above sections, no new connections shall be made to the public sanitary sewer unless there is sufficient capacity within the sewer system to handle the flows and/or loadings proposed to be connected. The capacity of the sewer system is limited by the requirements of Groundwater Discharge Permit No., issued on October, 1983.

### **Article III—Private Sewage Disposal**

7.4.41 Where a public sanitary sewer is not available so that the provisions of Section 7.4.39 do not apply, the building sewer shall be connected to a private sewage disposal system which shall comply with all regulations of the Village and the regulations of all other governmental agencies having jurisdiction.

7.4.42 At such time as a public sewer becomes available to a property previously served by a private sewage disposal system, a direct connection shall be made to such public sewer in compliance with Section 7.4.39 of this ordinance, and any septic tanks, cesspools and similar private sewage facilities shall be filled with sand and gravel and abandoned.

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

7.4.44 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Village Health Officer, or by any other governmental unit or body having jurisdiction or to which the Village of Sand Lake Council has delegated such jurisdiction.

### **Article IV—Building Sewers and Connections**

7.4.45 Only authorized persons shall uncover and make any connections with or openings into, use, alter, or disturb any public sewer or appurtenance thereof and then only after first obtaining a written permit from the Village and/or the Kent County Department of Public Works.



7.4.46 There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the Department of Public Works. Permit and inspection fees shall be paid to the Village at the time application is filed, and shall be in such amounts as the Village shall from time to time by resolution provide.

7.4.47 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Kent County Department of Public Works against any loss or damage that may directly or indirectly result from the installation of the building sewer.

7.4.48 A separate and independent sewer shall be provided for each building, except that, where one building stands at the rear of another on an interior lot and no private sewer is available nor can one be constructed to the rear building through an adjoining alley, courtyard, or driveway, the sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

7.4.49 Old building sewers may be used in connection with new buildings only when, on examination and test by the Kent County Department of Public Works, they are found to meet all requirements of this ordinance.

7.4.50 The building sewer shall be cast iron soil pipe ASTM A74, vitrified clay sewer pipe ASTM C-200 or cement asbestos pipe class 2400, except that in filled or unstable ground the pipe shall be extra heavy cast iron.

7.4.51 The size of the building sewer shall not be less than six inches (6") unless cast iron is used in which case four inch (4") may be used. The slope shall not be less than one-eighth inch (1/8") per lineal foot.

7.4.52 Whenever possible the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe or long-radius fittings. Each bend of 45 degrees or over shall have a cleanout.

7.4.53 In all buildings in which any building drain is too low to permit gravity flow to the building sewer, sanitary sewage carried by such drain shall be lifted by approved means and discharged to the building sewer.

7.4.54 All excavations which are made for the installation of building sewers shall be done in complete conformance with the requirements and standards of the Village Building Inspector and the Kent County Department of Public Works. Pipe laying and backfill shall be

performed in accordance with the applicable provisions of ASTM designated C-12, except that no backfill shall be placed until the work has been inspected and approved by the Engineer or his representative. Cinders shall not be used for backfill.

7.4.55 All joints shall be tight. Joints for cast iron piping shall be made with oakum or hemp and filled not less than one inch (1") deep with lead meeting Federal Specifications (QQ-L-156), or they shall be sealed with neoprene gasket of a type approved by the Engineer. Paint, varnish and putty shall not be permitted on the jointing material until after testing. Joints for clay and cement asbestos shall be resilient compression joints.

7.4.56 The applicant for the building sewer permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Engineer or his representative.

#### Article V—Connections

7.4.57 House service connections shall consist of one of the following:

(a) Type 1: Wye branches installed in the main sewer at the time of construction. Connections to existing wye branches shall be made with an approved type of joint material or an approved compression coupling. The connection shall be completely water-tight. No connection shall be allowed to any damaged wye. If damage occurs during the making of the connection, the wye shall be taken out of the main sewer by the plumber and replaced either by another undamaged wye or by straight pipe. If straight pipe is used in the replacement, other approved connection methods shall be used. Concrete encasement of the wye connection joint, or any other part of the connection shall not be deemed water-tight and shall not be allowed as a method of repairing a damaged joint.

(b) Type 2: Connections of the saddle type installed in the main sewer. Connections of this type shall be made in a smooth round hole, machine-drilled into the main sewer pipe or as otherwise approved by the Department of Public Works. The fittings used in the connection shall be of such a design as to insure that no part of the fitting shall protrude into the main sewer pipe. The connector shall fit perfectly the contour of the inside of the sanitary sewer and shall be specifically designed to fit the particular size main sewer pipe into which the connection is made. The hole shall be of such size as to provide one-eighth inch (1/8") clearance between the outside of the fitting and the hole. The space thus provided shall be completely filled with joint material. The space between the shoulder of the fitting and the face of the main sewer pipe shall be one-eighth inch (1/8") thick and this space shall also be completely filled with joint material.

i. Joint material used for Type 2 house service connections shall be completely waterproof and shall be capable of withstanding any condition of stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. Concrete encasement will not be considered waterproof.

ii. The fitting for Type 2 house service connection shall be manufactured of cast iron and shall be capable of receiving ASTM cast iron pipe.

iii. The Type 2 fitting and drilling machine herein described shall be of the type manufactured by Smith & Loveless, Division of Union Tank Car Co., Lenexa, Kansas, or an equal approved by the Engineer.

7.4.58 Type 1 connections may be used in existing sanitary sewers when wye branches previously installed are readily and conveniently available. If existing wye branches cannot be found readily or are not located properly for providing the needed service, Type 2 connections shall be used.

7.4.59 When new sanitary sewers are constructed, Type 1 connections may be made in cases where the connections to the lot line is made during construction and before backfilling of the sanitary main sewer trench. Type 2 connections shall be made in all cases where house services are installed subsequent to construction and backfilling.

#### **Article VI—Use of the Public Sewers**

7.4.60 No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to any sanitary sewer. No footing drains shall be connected to sanitary sewers. All footing drain water shall be discharged to storm sewers or dry wells.

7.4.61 Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the Kent County Road Commission, Kent County Drain Commissioner, Michigan State Water Resources Commission, and/or other interested governmental agencies. Industrial cooling water, unpolluted air-conditioning water, or unpolluted process waters may be discharged to a storm sewer or natural outlet upon approval of the Kent County Road Commission, and where appropriate, upon approval of the Kent County Drain Commissioner, Michigan State Water Resources Commission, and/or other interested governmental agencies.

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

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public

sewer. By reference, Section 304, P.L. 92-500, Clean Water Act, "Information and Guidelines," is hereby included in this section to ensure definition and understanding of prohibited substances.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

7.4.63 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Engineer that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of those wastes, the Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree or treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65) degrees C.

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0 degrees to 65 degrees C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Engineer.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Engineer for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction, or such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Engineer in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

i. Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

ii. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

iv. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

7.4.64 Any person, firm or corporation whose operations entail the discharge of wastes containing toxic, poisonous or objectionable substances shall file with the Department of Public Works a written statement setting forth the nature of the operation contemplated or currently being carried on, the amount of water required to be used and its source, the proposed point of discharge of said waste into the sewage system of the county, the maximum amount to be discharged per second, and a fair statement setting forth the expected bacterial, physical, chemical or other known characteristics of the wastes. Within thirty (30) days of receipt of said statement, the Board of Public Works shall make an Order of Determination setting forth the maximum limits for the substances listed in Section 7.4.62.

7.4.65 Any Order of Determination issued by the Board of Public Works may be reviewed annually, and the maximums set forth therein adjusted to compensate for increased flows in the entire sewer system, or increased contribution of toxic, poisonous or objectionable substances by other users of the county sewer system. It shall be the duty of the Board of Public Works to

apportion to each industry its fair share of toxic waste discharged in such manner that the combined waste of all users will not endanger the sewage system or treatment processes.

7.4.66 Any Order of Determination issued in pursuance of this ordinance shall be considered a part of this ordinance for the specific industrial user or other establishment involved, and shall be enforceable in the same manner as this ordinance.

7.4.67 The Board of Public Works, when advised by the Engineer that a particular industrial user is violating the terms of the Order of Determination, as herein referred to, may discontinue sewer service to such industrial user until such time as the industry shall conform to the provisions of the Order of Determination.

7.4.68 Where the wastes from an industrial user exceed the limits set forth in the Board of Public Works Order of Determination, said user may be required, as a condition precedent to his continued right to use the public sewer, to construct necessary pretreatment facilities to keep wastes discharged to the public sewers within the ordered limits. The Board of Public Works shall refer to the regulations of pretreatment standards contained in 40 CFR 403 (Pretreatment Standards) of the Federal Register for guidance in determining conditions for pretreatment facilities.

#### 7.4.69 Appeal Procedure.

(a) Any industrial user which is subject to an Order of Determination issued by the Board of Public Works shall have the right to appeal the rulings and findings of said Board of Public Works to a Board of Referees consisting of two (2) registered professional engineers, one of whom shall be selected by the user and one by the Board of Public Works. Neither of said referees shall be in the employ of the party selecting him.

(b) Within ten (10) days after receiving notice of the selection of the referees, the Board of Public Works shall file with the referees a copy of its determination and the results of its investigation supporting same. Within ten (10) days thereafter, appellant industrial user shall file its reply together with supporting documentation. The referees may thereafter require additional information and may, if they choose, hold a hearing at which both sides may present evidence and arguments. The referees shall render a written opinion within ten (10) days after the last documents are filed, and such opinion shall be binding upon all parties. If the referees cannot agree, they shall select a third referee having the same qualifications, and a decision of the majority shall be binding.

(c) The referees shall be entitled to reasonable compensation and expenses, and the cost thereof shall be borne equally by appellant and the Department of Public Works.

#### 7.4.70 Grease, Oil and Sand Interceptors.

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing

grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the Department of Public Works and shall be located so as to be readily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

(c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

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

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities, or additions to, or expansion of existing treatment facilities, shall be submitted for the approval of the Department of Public Works, and of the appropriate state agency. No construction of such facilities shall be commenced until such approval is obtained in writing.

7.4.72 When required by the Department of Public Works, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be located in a safe and accessible position and shall be constructed in accordance with plans approved by the Department of Public Works. The manhole shall be installed by the owner at his expense and shall be maintained by him so it is in a safe and accessible position at all times.

7.4.73 If a municipal water supply is available, all sewer customers shall either have approved meters on all water intakes which are the source of wastes ultimately discharged to the sanitary sewer system, or shall meter the liquid wastes in a manner acceptable to governing body and the Department of Public Works.

7.4.74 All analysis and testing procedures used to evaluate wastewater constituents shall be in accordance with procedures established in 40 CFR 136 as published in the Federal Register.

#### **Article VII-Charge for Use of Public Sewer**

7.4.75 The Village Council shall from time to time establish charges for the use and connection of the public sewer.

7.4.76 Should any user fail or neglect to pay the charges imposed by the Village for the use of the public sewer, the Village may collect same by suit in a court of competent jurisdiction. In addition, the Village may shut-off and discontinue any further sewer service to the premises in default and may also shut-off and discontinue any public water service to such premises.

#### **Article VIII—Protection From Damage**

7.4.77 No unauthorized person shall maliciously willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of any sewer system in the Village of Sand Lake. Any person found violating this provision shall be subject to immediate arrest and charged with disorderly conduct, and punished under Article X hereof.

#### **Article IX—Power and Authority of Inspectors**

7.4.78 The Engineer and other duly authorized employees of the County and Village bearing proper credentials and identification shall be permitted at all reasonable hours to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

7.4.79 It shall be the duty of the Building Inspector and the Village Council to enforce this ordinance.

#### **Article X—Penalties**

7.4.80 Any person who shall violate any provision of this ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a maximum of ten (10) days for the satisfactory correction thereof; provided, however, that in cases of serious danger to public health, or potential damage to the sewer system, a forthwith notice to cease the violation may be served, which notice shall have immediate effect.

7.4.81 A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 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 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.

A violation of this ordinance is also declared to be a public nuisance and the Village may enforce the same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the premises therefore.



### **Article XI--Repeal**

7.4.82 All ordinances, or parts of ordinances in conflict herewith heretofore adopted by the Village of Sand Lake are hereby repealed.

### **Article XII--Validity**

7.4.83 Each section of this ordinance is declared to be severable and, should any section or provision be declared unconstitutional or invalid, the same shall not affect the validity of the ordinance as a whole, nor of any other part thereof.

### **Article XIII--Restrictions Imposed By Other Village Ordinances and/or Statutes of the State of Michigan**

7.4.84 If any provision of any other ordinance of the Village of Sand Lake and/or the statutes of the State of Michigan imposes greater restrictions than herein set forth, then the provisions of such ordinances and/or statutes shall control.

### **Article XIV--Abatement of Nuisances**

7.4.85 Nothing stated in these regulations may be construed to limit the power of the Village Board of Health to order the immediate and complete abatement of a public nuisance or menace to the public health or of a condition which, in the opinion of the Village Council, acting as the Village Board of Health, may be a menace to the public health.

*[Ord. No. 45, adopted 10/6/66; amended 4/11/88; amended by Ord. No. 2000-03, adopted 11/20/00]*

VILLAGE COUNCIL  
VILLAGE OF SAND LAKE  
KENT COUNTY, MICHIGAN

Council member Towsley, supported by Council member Parkhurst, moved the adoption of the following ordinance:

ORDINANCE NO. 2007-2

AN ORDINANCE TO AMEND CHAPTER 7 UTILITIES, SECTION 7.5.2 OF THE CODE OF ORDINANCES TO CLARIFY WHICH MATERIALS MAY BE USED FOR THE WATER SERVICE LINE TO CONNECT TO THE VILLAGE WATER SYSTEM.

THE VILLAGE OF SAND LAKE ORDAINS:

Section 1. Amendment to Chapter 7 Section 7.5.2 That Section 7.5.2. of the Code of Ordinances, Village of Sand Lake, Michigan, is amended in its entirety to read as follows:

7.5.2. The connection from the building to the water main shall conform to the Michigan Plumbing Code and shall be subject to Village approval.

Section 2. Repeal All ordinances and portions of ordinances inconsistent with this ordinance are repealed.

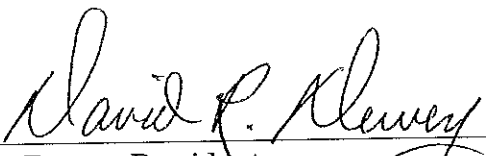
Section 3. Effective Date. This ordinance shall take effective 20 days after its adoption or upon its publication in a newspaper of general circulation within the Village, whichever occurs later.

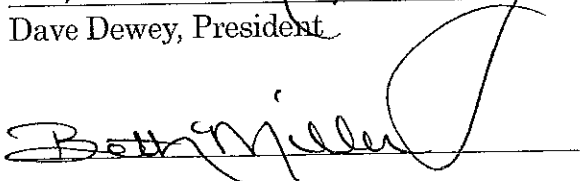
YEAS: Council member(s) Joyce Haywood, Tonia Parkhurst, Carol Simpson, Billi Thielke, Roger Towsley, and Dave Dewey.

NAYS: Council member(s) none.

ABSTAIN: Council member(s) none.

ORDINANCE NO. 2007-2 DECLARED ADOPTED

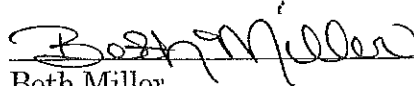
  
\_\_\_\_\_  
Dave Dewey, President

  
\_\_\_\_\_

Beth Miller, Clerk

**CERTIFICATION**

I, Beth Miller, hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Village Council of the Village of Sand Lake on the Twenty-first day of May, 2007, held pursuant to the required statutory procedures and notice.



\_\_\_\_\_  
Beth Miller  
Village Clerk

Introduced:            April 16, 2007  
Adopted:                May 21, 2007  
Published:             May 31, 2007  
Effective:              June 20, 2007

06968 (004) 332134.01

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

Council member Billi Thielke, supported by Council member Jim Ward, moved the adoption of the following ordinance

**ORDINANCE NO. 2005-A-7.5-7.7**

**AN ORDINANCE AMENDING SECTIONS 7.5 AND 7.7 OF THE  
GENERAL ORDINANCES OF THE VILLAGE OF SAND LAKE, KENT  
COUNTY, MICHIGAN**

**THE VILLAGE OF SAND LAKE ORDAINS:**

Section 1. Amendment to Section: 7.5 Section 7.5 of the General Ordinances of the Village of Sand Lake, Kent County Michigan, entitled "Connection to Village Water System," is amended to read in its entirety as follows:

7.5 Connection to Village Water System

7.5.1 Any parcel upon which a building, intended for use or occupancy, other than an accessory building incidental to a primary use, has been erected or shall be erected, for which direct connection to the Village water system is available, shall be connected to the system.

7.5.2 The connection from the building to the water main shall be by copper pipe of a one inch minimum diameter and shall be subject to Village approval.

7.5.3 Connections to the Village water system may only be made following approval of the connection by the Michigan Department of Environmental Quality ("DEQ") or a properly designated successor agency. Any proposed connection must be engineered to applicable DEQ standards and constructed or installed consistent with permits and plans granted by the DEQ.

7.5.4 A violation of this Section 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 \$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 subsection, "subsequent offense" means a violation of this Section committed by the same person within 24 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.

Section 2. Amendment to Section 7.7 Section 7.7 of the General Ordinances of the Village of Sand Lake, Kent County Michigan, entitled "Cross Connection with Village Water System," is amended to read in its entirety as follows:

## 7.7 Cross Connection with Village Water System.

7.7.1 The provisions in this Section are intended to regulate cross connections with the public water supply system; *i.e.*, a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes or other contaminants can enter the public water supply system.

7.7.2 The Village of Sand Lake adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

7.7.3 It shall be the duty of the Village of Sand Lake to cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Village of Sand Lake Water System as approved by the Michigan Department of Environmental Quality.

7.7.4 The representative of the Village of Sand Lake Water System shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Village of Sand Lake for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

7.7.5 The Village of Sand Lake is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

7.7.6 That all testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the Village of Sand Lake Water System and in accordance with Michigan Department of Environmental Quality requirements. Only individuals approved by the Village of Sand Lake Water System shall be qualified to perform such testing. Those individuals shall certify the results of his/her testing.

7.7.7 The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the state and the Village of Sand Lake plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE  
FOR DRINKING

7.7.8 This ordinance does not supersede the state plumbing code or Village of Sand Lake Ordinance No. 91-77, but is supplementary to them.

7.7.9 That any person or customer found guilty of violation any of the provisions of this Section or any written order of the Village of Sand Lake Water System, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$500 or shall be confined in the County Jail for not more than 90 days, or both such fine and imprisonment. Each day upon which a violation of the provisions of this ordinance shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

Section 3. 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 4. 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 5. 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, Jim Ward and Nile Hayden.

NAYS: Council member(s) none.

ABSTAIN: Council member(s) none.

ABSENT: Council member(s) none.

APPROVED: March 7, 2005.

**CERTIFICATION**

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

  
Beth Miller, Village Clerk

Introduced: November 15, 2004

Adopted: March 7, 2005

Published: March 10 2005

Effective: March 30, 2005

246969.01

**7.5 Connection to Village Water System.**

7.5.1 Any parcel upon which a building, intended for use or occupancy, other than an accessory building incidental to a primary use, has been erected or shall be erected, for which direct connection to the Village water system is available, shall be connected to the system.

7.5.2 The connection from the building to the water main shall be by copper pipe of a one inch minimum diameter and shall be subject to Village approval.

7.5.3 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. 89-70, adopted 11/6/89; amended by Ord. No. 2000-03, adopted 11/20/00]*

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

Council member Joyce Haywood, supported by Council member Tonia Parkhurst, moved the adoption of the following ordinance:

**ORDINANCE NO. # 2005—7.6.1**

**AN ORDINANCE AMENDING SECTION 7.6.1 OF THE CODE  
OF ORDINANCES, VILLAGE OF SAND LAKE, MICHIGAN**

Section 1. Amendment to Section 7.6.1. Section 7.6.1 of the Code of Ordinances, Village of Sand Lake, Michigan, is amended to read as follows:

7.6.1 Rates. All property upon which any building has been or may hereafter be erected having a connection with any mains or pipes which are now or may hereafter be used in connection with the Village water system shall pay according to the following schedule:

(a) Unmetered Rates. Unmetered users of the Village water supply system shall pay a flat fee, to be billed monthly or quarterly in arrears, in an amount established by resolution of the Village Council from time to time.

(b) Metered Rates. Metered users of the Village water supply system shall pay a minimum flat fee, to be billed monthly or quarterly in arrears, in an amount established by resolution of the Village Council from time to time. The minimum flat fee is for the first 9,000 gallons of water used per month. In addition, metered users of the Village water supply system shall pay an additional water use fee for each gallon of water used each month in excess of 9,000 gallons, to be billed monthly or quarterly in arrears, at a rate established by resolution of the Village Council from time to time.

(c) Outside Customers. The charges for water furnished to customers outside of the Village limits of the Village of Sand Lake shall be the amount of 2 times the charges to customers within the limits of the Village.

(d) Connection Fee.

i. Deferred Assessments. To reimburse the Village for its expenditures for construction of the facilities, each customer connection to the system shall pay a one-time deferred assessment fee in an amount established by resolution of the Village Council from time to time. The deferred assessment connection fee may be paid in



one installment upon connection or may be paid in annual installments, not to exceed a total of 15 installment payments, with interest on unpaid installments from the date of connection accruing at a rate of 9% annually.

ii. Non-Deferred. Connection fees for customers outside of the Village Limits of the Village of Sand Lake shall be paid at the time of application for connection to the system. Charges shall be in accordance with the charges to the Village customers.

(e) Meter Charge. Each new metered water service connection or tap to a water main shall pay for the actual cost of the meter and its installation.

(f) Upon application for connection to the Village's water supply system, the applicant, owner of any parcel of property located on Northland Drive (Third Street) in the Village from a point which is 750 feet south of Oak Street to the south Village limit, shall pay an availability charge of \$3,000 which includes connection fee requirement of Section 7.6.1(d) but is in addition to any and all other costs imposed for connection to or use of the Village's water supply system.

Section 2. Repeal Ordinance 7.9 adopted on November 19, 2001, which previously amended section 7.6.1 of the Code of Ordinances of the Village of Sand Lake, Michigan, is hereby repealed.

Section 3. Effective Date. This ordinance shall take effective 20 days after its adoption or upon its publication in a newspaper of general circulation within the Village, whichever occurs later.

YEAS: Council member(s) Joyce Haywood, Tonia Parkhurst, Carol Simpson, Nile Hayden.

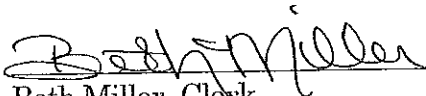
NAYS: Council member(s) none.

ABSTAIN: Council member(s) none.

ABSENT: Billi Thielke, Dave Tibbe

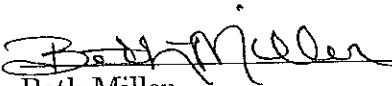
ORDINANCE NO. 2005-A-7.6.1 DECLARED ADOPTED

  
Nile Hayden, President

  
Beth Miller, Clerk

**CERTIFICATION**

I, Beth Miller, hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Village Council of the Village of Sand Lake on the Twentieth day of June, 2005, held pursuant to the required statutory procedures and notice.

  
Beth Miller  
Village Clerk

Introduced: June 20, 2005  
Adopted: June 20, 2005  
Published: June 23, 2005  
Effective: July 23, 2005

06968 (004) 150093.04

VILLAGE COUNCIL  
VILLAGE OF SAND LAKE  
KENT COUNTY, MICHIGAN

ORDINANCE NO. # 2015 —7.6.1 (e)

AN ORDINANCE AMENDING SECTION 7.6.1 (e) OF  
THE CODE OF ORDINANCES, VILLAGE OF SAND  
LAKE, MICHIGAN

Adopted: April 20, 2015  
Effective: May 16, 2015

Section 1. Amendment to Section 7.6.1 (e) Section 7.6.1 of the Code of Ordinances, Village of Sand Lake, Michigan, is amended to read as follows:

7.6.1 (e) Meter Charge

For each new metered water service connection or tap to a water main, the property owner shall pay for the actual cost of the meter and its installation. The corrosive properties of well water, weather conditions, or other incidents may damage the water meter, requiring the meter to be replaced. The cost for a replacement meter and its installation will be the responsibility of the property owner. The Village of Sand Lake shall have the right to make the needed repair or take any other necessary corrective action to repair or replace a meter and bill any responsible user for any costs incurred. Any cost that remain unpaid shall become a lien on the premises, served and entered upon the next tax roll, not later than June 1, for Village Tax collection of each year.

This ordinance shall be in full force and in effect 30 days after publication.

T. Norton moved the adoption of the foregoing ordinance amending which motion was supported by B. Towsley.

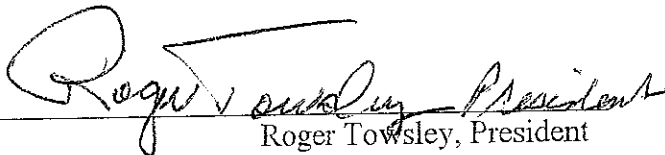
YEAS: Thomas Norton, Adam Hill, Roger Towsley, Dave Dewey, Bette Towsley,  
Danielle Hardenburg

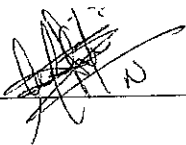
NAYS: None

ABSTAIN: None

ABSENT: James Ward

ORDINANCE DECLARED ADOPTED:

  
\_\_\_\_\_  
Roger Towsley, President

  
\_\_\_\_\_  
Leticia Nielsen, Clerk

Introduced:	April 20, 2015
Adopted:	April 20, 2015
Published:	April 16, 2015
Effective:	May 16, 2015

VILLAGE COUNCIL  
VILLAGE OF SAND LAKE  
KENT COUNTY, MICHIGAN

Council member B. Thielke, supported by Council member C. Simpson, moved the adoption of the following resolution:

RESOLUTION NO. 2011-6

A RESOLUTION TO ESTABLISH WATER AND SEWER RATES

WHEREAS, the Village Council has the responsibility under the ordinances of the Village of Sand Lake, and state and federal law, as applicable, to sufficiently provide for the costs associated with the use, operation, maintenance and depreciation of its water supply and sewage disposal systems; and

WHEREAS, the Village Council has adopted the Sand Lake Water Rate Ordinance and the Sand Lake Sewer Rate Ordinance, which require the imposition of rates and fees by Village Council resolution to cover such costs.

WHEREAS, this resolution is intended to establish rates and fees in accordance with Section 7.3.4(c), 7.3.8 and Section 7.6 of the Village Code.

NOW THEREFORE, BE IT RESOLVED THAT:

1. All premises receiving water services from the Village water supply system shall pay according to the following schedule:

(a) Ready to Serve charge per unit: \$55.38 quarterly, including first 15,000 gallons. This rate shall become effective and shall apply to the first quarterly billing of the Village's 2011/2012 fiscal year (April 1, 2011).

This rate shall increase 1% annually effective each April 1<sup>st</sup> as follows: effective April 1, 2012, the rate shall be \$55.93; effective April 1, 2013, the rate shall be \$56.49; April 1, 2014, the rate shall be \$57.06 and so forth in similar fashion for subsequent years.

(b) Water Commodity Rate: \$2.78 per 1,000 gallons over 15,000. This rate shall become effective and shall apply to the first quarterly billing of the Village's 2011/2012 fiscal year (April 1, 2011).

This rate shall increase 2% annually effective each April 1<sup>st</sup> as follows: effective April 1, 2012, the rate shall be \$2.84; effective April 1, 2013, the rate shall be \$2.89; April 1, 2014, the rate shall be \$2.95 and so forth in similar fashion for subsequent years.

2. All premises receiving sanitary sewer services from the Village sewage disposal system shall pay according to the following schedule:

(a) Ready to Serve charge per unit: \$69.00 quarterly, including first 15,000 gallons. This rate shall become effective and shall apply to the first quarterly billing of the Village's 2011/2012 fiscal year (April 1, 2011).

This rate shall increase 1% annually effective each April 1<sup>st</sup> as follows: effective April 1, 2012, the rate shall be \$69.69; effective April 1, 2013, the rate shall be \$70.39; April 1, 2014, the rate shall be \$71.09 and so forth in similar fashion for subsequent years.

(b) Sewer Commodity Rate: \$3.00 per 1,000 gallons over 15,000. This rate shall become effective and shall apply to the first quarterly billing of the Village's 2011/2012 fiscal year (April 1, 2011).

015 Water Flat rate

015 Water Comm. rate

2015 Sewer Flat rate

sewer

This rate shall increase 2% annually effective each April 1<sup>st</sup> as follows: effective April 1, 2012, the rate shall be \$3.06; effective April 1, 2013, the rate shall be \$3.12; April 1, 2014, the rate shall be \$3.18 and so forth in similar fashion for subsequent years.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Yeas: Council members: D. Tibbe, C. Simpson, B. Thielke, K. Thielke, D. Dewey, T. Parkhurst,  
R. Towsley

Nays: Council members: None

Abstain: Council members: None

Absent: Council members: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As the Clerk of the Village of Sand Lake, Kent County, Michigan, I certify this is a true and complete copy of a resolution adopted by the Village Council at its regular meeting of March 21, 2011.

Date: March 21, , 2011

Judy Howard, Village Clerk  
Judy Howard, Village Clerk

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# **PUBLIC NOTICE**

## **VILLAGE OF SAND LAKE**

### **Kent County, Michigan**

Council member Towsley, supported by Council member Dewey, moved the adoption of the following ordinance:

#### **ORDINANCE NO. 2008-01**

**An Ordinance to Amend Section 7.6.5, and to Repeal Chapter 7, Section 7.6.6 of the General Ordinance of the Village of Sand Lake, Kent County, Michigan**

#### **THE VILLAGE OF SAND LAKE ORDAINS:**

Section 1. Amendment to Chapter 7, Section 7.6.5. Section 7.6.5 of the General Ordinances of the Village of Sand Lake, Kent County, Michigan, is amended to read as follows:

7.6.5 Lien. The Village shall have as security for the collection of charges for water furnished by the Village water system, to any premises, and the connection fee, availability fee, and meter charge pertaining to any premises, a lien upon the house or building to which water was supplied, and upon the premises, lot or lots, or parcel or parcels of land upon which the house or building is situated, and on May 1st of each year the Village Clerk shall certify any such charges which have been delinquent ninety (90) days or more, plus penalties and interest accrued thereon, to the Council, which shall cause the same, with an additional penalty of 9% of the aggregate amount, to be entered upon the next Village tax roll against the premises to which such services were rendered and against which such connection fee, availability fee or meter fee has been placed, and the unpaid charges and fees, with penalties and interest accrued thereon, shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll.

Section 2. Repeal of Chapter 7, Section 7.6.6. Section 7.6.6 of the General Ordinances of the Village of Sand Lake, Kent County, Michigan, is hereby repealed as of the effective date of this ordinance. In addition, all other ordinances or portions of ordinances that conflict with this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall take effective 20 days after its adoption or upon its publication in a newspaper or general circulation within the Village, whichever occurs later.

*Dated: July 31, 2008*

*Beth Miller, Clerk  
Village Clerk  
Village of Sand Lake*



7.6.2 Bills. Bills for water used shall be dated and sent out as such times as may be directed by the Village Council.

7.6.3 Construction Contractors. During the construction of any building and before any water is installed as is herein provided the contractor so contracting such building may be permitted to use the Village water supply by making application therefor, and paying the flat fee prescribed by the Village.

7.6.4 Nonpayment. The water supply may be shut off from any premises for which the water bill remains unpaid for a period of ten days after the bill is rendered and mailed. When shut off, water shall not be turned on except upon the payment of the usual fee for turning on water.

7.6.5 Lien. Charges for water shall be a lien upon the premises as provided by statute. Whenever a bill for water service remains unpaid sixty days after it has been rendered, the clerk may file with the Register of Deeds, Kent County, a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the Village claims a lien for this amount as well as for all charges for water service subsequent to the period covered by the bill.

If the consumer of water whose bill is unpaid is not the owner of the premises, and the clerk has notice of this, then notice shall be mailed to the owner of the premise, if his address is known to the clerk, whenever such bills remain unpaid for a period of sixty days after it has been rendered.

The failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice shall not effect the right to foreclose the lien for unpaid water bills as mentioned in the following section.

7.6.6 Foreclosure of Lien. Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deduction costs as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the Village.

The Village attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matters, against any property for which water bill has remained unpaid sixty days after it has been rendered.

*[Ord. No. 88-68, adopted 1988; amended by Ord. No. 93-78, adopted 12/3/92;  
amended by Ord. No. 2000-03, adopted 11/20/00]*

## Chapter 7 Subsection 7.7

### Article I. In General

#### Cross Connections

##### **Purpose; intent**

A. The objectives of this chapter are:

- (1) To provide environmental protection to the drinking water of the Village of Sand Lake consistent with the Safe Drinking Water PA 399 and the standards set forth by the Michigan Department of Environment, Great Lakes, and Energy.
- (2) To eliminate all current and potential cross connections within the Village of Sand Lake's water system.
- (3) To require testing of all testable backflow prevention assemblies in the Village of Sand Lake's water system.
- (4) To establish legal authority to inspect and monitor the water users' facility (facilities) to ensure compliance with this chapter, and to establish sanctions for those who violate this chapter.

##### **Definitions**

For the purposes of this chapter, the following shall mean:

###### **A.S.S.E**

American Society of Sanitary Engineering - the governing body of standards that the State of Michigan has adopted

###### **Backflow**

The undesirable reversal of flow of water or other substances into the potable water distribution supply

###### **Backflow Preventer**

Either a device or assembly or means to prevent the reverse flow of water getting back into the water supply

###### **Certified Tester**

An individual who holds an A.S.S.E 5110 certification that is required by the State of Michigan

###### **Containment**

The existence of a backflow preventer that separates the water user from the public water system at the water meter of the water user

###### **Cross Connection**

Any actual or potential connection between the public water supply and a source of contaminant or pollutant

**High Hazard Facility**

A facility in which their water uses could present a significant health risk if the water use inside the building were to backflow into the public water system

**Inspection**

The act of which the Village's Department of Public Works or designated agent acting on their behalf reviews the internal water system of a public water user

**Isolation**

The existence of backflow prevention at each individual water use inside the water user's facility

**Low Hazard Facility**

A facility in which their water uses could present a nuisance or aesthetically questionable risk if the water use inside the building were to backflow into the public water system

**Non Potable Water**

Water that is not safe for human consumption

**Potable Water**

Water that can be consumed with no concern for adverse health effects

**Zone Isolation**

The installation of a backflow preventer on a common supply to multiple water uses

**Responsibility for administration of Cross Connection Control Program**

The Village's Department of Public Works shall administer, implement, and enforce the provisions of this chapter. The Village will use the Michigan Department of Environmental Quality Cross Connection Best Practices Manual 4<sup>th</sup> Edition and any updated version of said document, Michigan Safe Drinking Water PA 399, and the Michigan Plumbing Code as the guidelines of their Cross Connection Control Program. In addition, any other powers granted or duties imposed upon the Department may be delegated in writing by the Department Director to third parties as the Director deems appropriate.

**Authority to inspect**

Any facility that is connected to the Village's water system shall permit the Department to enter and inspect at reasonable times and in a reasonable manner to determine compliance with the Cross Connection Control Program. Such entry and inspection may include but not be limited to visual review of all piping systems on site, request of backflow test reports, request of prints of piping that may not be exposed, and request of specification sheets of equipment that may pose a possible cross connection threat to the Village's water supply.

## **Cross Connection prohibitions**

1. Any and all arrangement of piping or appurtenances through which backflow could occur must be eliminated from the water system. All facilities that are connected to the Village's water supply will be inspected to verify all connections inside are such that the Village's water supply is protected from any actual or potential backflow incident.
2. Facilities connected to the Village's water system will be categorized into two groups for inspection frequency, High Hazard and Low Hazard. The determination of which group facilities will be placed in will be determined based on water use within said facilities. High Hazard facilities will be inspected on an annual basis, while Low Hazard facilities will be inspected once every three to five years, or at the Department's discretion.
3. Facilities that have testable backflow preventer assemblies on their premises will be responsible for the testing of their backflow preventers based on the testing frequency the Village has set forth. All testing must be performed by an American Society of Sanitary Engineering 5110 Certified Tester as stated in Rule 325.11405 of the Safe Drinking Water PA 399.
4. All backflow preventers installed must meet the applicable A.S.S.E Standards.
5. All backflow preventer assemblies must be installed and repaired by a State of Michigan licensed plumber.

## **Enforcement**

- A. Whenever the Department finds that a person has violated a provision of this chapter, the Department may order compliance by issuing a written notice of violation to the responsible person. Such notice may require one or more of the following:
  1. Elimination of cross connection by means of disconnecting of specific piping arrangement or installation of backflow preventer assembly or device
  2. Testing of backflow prevention assembly or assemblies
  3. Labeling of non-potable piping
  4. Replacement of existing backflow prevention that does not meet A.S.S.E standards with that of which has A.S.S.E approval
  5. Provide documentation of existing A.S.S.E approved means of backflow prevention

## **Appeal of notice of violation**

- A. Any person receiving a notice of violation may appeal the determination to the Department Director. The notice of appeal must be received by the Department within thirty (30) days from the date of the notice of violation and identify the matter being appealed and the basis for the appeal. The Department shall address the appeal within thirty (30) days from the date of receipt of the notice of appeal. The Department will consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the Department may consider the recommendations of its staff and the comments of other persons having knowledge of the matter.

### **Suspension of Water to Facility**

- A. The Department may, after providing written notice, suspend water to a facility in violation of this chapter. Written notice shall describe the nature of the violation and the action necessary to correct the violation. If the violation continues for ten (10) calendar days after the notice was sent, the Department may suspend water use to the facility.
- B. The Department may suspend water to a facility in violation of this chapter, without prior notice, when such suspension is necessary to stop an actual or threatened connection that presents an imminent and substantial danger to the Village's water supply.

### **Violations deemed a public nuisance**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Village.

### **Remedies not exclusive**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the Department to seek cumulative remedies.

**Effective Date.**

- A. This Ordinance shall take effect 15 days after the date of its adoption.

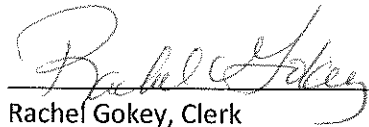
**Adoption and Publication.**

- A. This Ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the Village council.
- B. The Village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Yeas: Helton, Parkhurst, Baker, Jerome, Quinlan, Rau and Gokey

Nays: None

Ordinance declared adopted: December 1, 2020

  
\_\_\_\_\_  
Rachel Gokey, Clerk



## 7.8 Special Assessment Procedures.

7.8.1 Enabling Legislation. This ordinance is made pursuant to the authority granted in Chapter VIII of Act No. 3, Public Acts of Michigan, 1895, as amended (MCLA 68.1 *et seq.*).

### 7.8.2 Definitions.

(a) **Cost:** The term "cost" as used in this ordinance, when referring to the cost of any public improvement, shall include the cost of service and publication of notices, preparation of plans, condemnations, spreading of rolls, advertising, financing, construction and engineering, legal and other professional fees, interest on bonds for up to one year and all other costs incident to the making of such improvement, the special assessment therefor and the financing thereof.

(b) **Public Improvement:** The term "public improvement" as used in this ordinance shall mean any municipal improvement which is of such a nature as to result in special benefit to the real property in the vicinity of such improvement.

7.8.3 Authority to Assess. The Village Council shall have the power to determine the necessity of any public improvement and to determine that the whole or only part of the expense shall be defrayed by special assessment upon the property especially benefitted in the manner hereinafter provided.

7.8.4 Initiation of Special Assessment Project or District. Proceedings for making public improvements and defraying the entire cost or any part thereof by special assessment shall be initiated by the Village Council. The Village Council shall direct the Village staff to make an investigation of the proposed public improvement and to submit a report to the Village Council and to file a copy with the Village Clerk. The proceedings may be requested by the filing with the Village Clerk of petitions signed by at least fifty percent (50%) of the owners of the property to be assessed for the improvement requesting that the improvement be made and that the cost thereof be defrayed by special assessment upon the property benefitted. Such petition may be considered by the Village Council, but shall be advisory only.

7.8.5 Report by Village Staff. Upon request of the Village Council, the Village staff shall investigate the proposed public improvement and prepare a report which shall include:

- (a) The concept of the proposed project.
- (b) Cost estimates of the proposed project.
- (c) Proposed special assessment district boundaries.
- (d) Recommendation as to the portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the Village at large.

Upon completion of the report, the Village staff shall submit the report to the Village Council and file a copy of the report with the Village Clerk. The Village Council shall not finally determine to proceed with the making of any public improvement until such report of the Village staff has been filed nor until after a public hearing has been held by the Village Council for the purpose of hearing objections to the making of such improvement.

7.8.6 Tentative Determination of the Project. The Village Council, after review of the report of the Village staff concerning the proposed public improvement, may pass a resolution tentatively determining the necessity of the improvement, setting forth the nature thereof, prescribing what part or portion of the cost of such improvement shall be paid by special assessment upon the property benefited, and what part, if any, shall be paid by the Village at large, designating the limits of the special assessment district to be affected, placing the complete information concerning the proposed public improvement on file in the office of the Village Clerk, for public examination, and directing the Village Clerk to give notice, pursuant to Section 7.8.7, of a public hearing on the proposed improvement, at which time and place an opportunity will be given to interested persons to be heard.

7.8.7 Notice of Public Hearing. The Village Clerk shall schedule a public hearing to be held at a meeting of the Village Council, and shall give ten (10) days notice, which notice shall be given by publication in a newspaper circulated in the Village and by first-class mail to all property owners in the proposed special district as shown by the last general tax assessment rolls of the Village.

7.8.8 Hearing on Necessity. At the time of the public hearing, pursuant to Section 7.8.6, or any adjournment thereof, which may be without further notice, the Village Council shall hear any objections to the proposed public improvement and to the special assessment district, and may, without further notice, revise, correct, amend or change the plans, estimates and/or district; provided that if the amount of work is increased or additions are made to the district, then another hearing shall be held pursuant to notice as provided in Section 7.8.7.

If the determination of the Village Council is to proceed with the improvement, a resolution shall be passed approving the concept and cost estimates of the proposed project, the proposed assessment district, the recommendations as to the portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the Village at large, and directing the Village Assessor to prepare a special assessment roll and submit the same to the Village Council; provided that if prior to the adoption of the resolution to proceed with the making of the public improvement, written objections thereto have been filed by the owner of the property in the district, which according to the report of the Village staff will be required to bear more than fifty percent (50%) of the cost thereof, or by a majority of the owners of property to be assessed, no resolution determining to proceed with the improvement shall be adopted while such objections remain, except by the affirmative vote of five of the seven members of the Village Council.

7.8.9 Preparation of Special Assessment Roll. The Village Assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefited by the proposed improvement and assess to each lot or parcel of land the proportionate amount benefited



thereby. The amount in each case shall be based upon the cost estimates of the Village staff as approved by the Village Council. When the assessment roll is complete, the Village Assessor shall submit the roll to the Village Council and file the roll with the Village Clerk.

7.8.10 Tentative Approval of Special Assessment Roll. The Village Council shall review the special assessment roll and may pass a resolution tentatively approving such assessment roll, direct that the roll be open for examination in the office of the Village Clerk and direct the Village Clerk to give notice, pursuant to Section 7.8.7, of a public hearing on the proposed special assessment roll, at which time and place the Village Council will meet to review the roll and provide an opportunity to interested persons to be heard.

7.8.11 Hearing on Special Assessment Roll. At the time of the public hearing pursuant to Section 7.8.10, or any adjournment thereof, which may be without further notice, the Village Council shall hear any objections to the proposed assessment roll, and may, without further notice, correct the proposed assessment roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein or it may, by resolution, confirm the assessment roll or annul the assessment roll and direct that new proceedings be instituted.

No special assessment roll shall be confirmed by resolution of the Village Council except by affirmative vote of a majority of the Village Council members present at the hearing where the roll is presented. Any person objecting to the proposed assessment roll shall file his objections thereto in writing with the Village Clerk before the close of such hearing. Should there be written objections so filed by the owners of more than one-half of the property to be assessed, the assessment shall not be confirmed except that the affirmative vote of five of the seven members of the Village Council. Upon resolution confirming the special assessment roll, it shall become binding and conclusive. If the special assessment roll is annulled, the same proceeding shall be followed in making a new roll as in the making of the original roll.

7.8.12 Creation of Lien. Special assessments and all interest and charges thereon, shall, from the date of the confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land. Such lien shall be of the same character and effect as the lien created for Village taxes and shall include accrued interest and penalty.

7.8.13 Collection. Following approval of the special assessment roll, the Village Treasurer shall collect the same. Special assessments shall be payable in one (1) installment or in such number of approximately equal annual installments, not exceeding twenty (20) as the Village Council may determine. The first installment of a special assessment shall be due on or before such time after confirmation as the Village Council shall fix, and the subsequent installments shall be due at intervals of twelve (12) months from the due date of the first installment or from such other date as the Village Council shall fix.

All unpaid installments prior to the transfer to the Village tax roll shall bear interest payable annually at a rate to be fixed by the Village Council not exceeding eight percent (8%) per annum, such interest to commence at such time as shall be fixed by the Village Council. The whole

assessment against any lot or parcel of land may be paid to the Village Treasurer at any time in full with interest and penalties accrued to the date of the payment of the next installment. If any installment of a special assessment is not paid when due, then the same shall be deemed to be delinquent and there shall be collected thereon, in addition to the interest as provided above, a penalty at a rate of one percent (1%) for each month or fraction thereof if the same remains unpaid before being reported to the Village Council for assessment upon the Village tax roll. Statements of the several assessments to the respective owners of the several lots and parcels of land assessed, as indicated by the records by the Village Assessor, stating the amount of the assessment and the manner in which it may be paid shall be mailed by the Village Treasurer provided, however, that the failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

7.8.14 Certification of Total Costs. Upon completion of the improvement, the financing thereof and the payment of the cost thereof, the Village Clerk shall certify to the Village Council the total cost of said improvement, together with the amount of the original roll for said improvement.

7.8.15 Disposition of Excessive Special Assessments; Additional Assessments. Should the assessments in any special assessment roll prove insufficient for any reason to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection of such assessments, then the Village Council shall make additional pro-rata assessments to supply the deficiency.

Should the amount collected on assessments prove larger than necessary by five percent (5%) or less of the amount of the original roll, the Village Council may place the excess in any of the funds of the Village, but if such excess shall exceed five percent (5%), then the same shall be refunded pro-rata on the assessments against the several parcels of land according to the amounts thereof. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be applied toward the payment of the next Village tax levied against such property.

7.8.16 Division of Lots After Assessment. Should any lots or land be divided after confirmation of the special assessment roll, the Village Assessor shall apportion the uncollected amounts upon the several lots and lands so divided, and shall enter the several amounts as amendments upon the special assessment roll. The Village Treasurer shall, within ten (10) days after such apportionment, send notice of such action to the persons concerned at address shown on the last general tax assessment roll by first-class mail. Said apportionment shall be final and conclusive on all parties, unless protest in writing is received by the Village Treasurer within twenty (20) days of the mailing of the aforesaid notice.

7.8.17 Invalidity of Assessment or Assessment Roll. Whenever any special assessment shall, in the opinion of the Village Council, be invalid by reason of irregularity or informality in the proceedings, or if any court or competent jurisdiction shall adjudge such assessment to be illegal, the Village Council shall, whether the improvement has been made or not, have the power to cause a new assessment to be made for the same purpose for which the former

assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment. Payments already made and not refunded on premises included in the reassessment shall be applied upon the reassessment on said premises.

If the Village attorney submits a written opinion finding the assessment roll illegal, in whole or in part, the Village Council may revoke its confirmation, or correct the illegality if possible, and reconfirm the roll as amended, provided that no property which is not involved in the illegality shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

**7.8.18 Actions to Contest or Enjoin Collection of Special Assessment.** No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or reassessment:

(a) Unless, within fifteen (15) days after the confirmation of the special assessment roll, written notice is given to the Village Clerk for attention of the Village Council indicating an intention to file such suit or action and stating the grounds on which it is claimed such assessment or reassessment is illegal; and

(b) Unless such suit or action shall be commenced within thirty (30) days after the confirmation of the special assessment roll.

**7.8.19 Certain Postponements of Payments.** The Village Council may provide that any person who, in the opinion of the Village Council, because of an inability to pay the special assessments, may execute to the Village an instrument creating a lien for the benefit of the Village on all or any part of the real property owned by such person, which lien will mature and be effective from and after the execution of such instrument; shall be recorded with the Register of Deeds of Kent County, and shall not be discharged or released until the terms thereof are met in full. The Village Council shall establish the procedure for making this section effective.

**7.8.20 Independence of Provisions.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.

**7.8.21 Title.** This ordinance shall be known and may be cited as the "Special Assessment Ordinance" of the Village of Sand Lake, Kent County, Michigan.

**7.8.22 Repeal of Prior Inconsistent Ordinances.** All ordinances and part of ordinances inconsistent with this ordinance are hereby repealed.

*[Ord. No. 87-67, adopted 8/27/87]*

VILLAGE OF SAND LAKE  
COUNTY OF KENT  
STATE OF MICHIGAN

ORDINANCE NO. 2012-2  
AN ORDINANCE PROVIDING FOR  
WATER USAGE RESTRICTIONS

Adopted: December 17, 2012

Effective: This Ordinance shall become effective thirty (30) days  
after publication in the Cedar Springs Post.

WHEREAS, the Village of Sand Lake, supplies water to the citizens of the Village, and

WHEREAS, water is essential to serve the health and safety needs of our community, and

WHEREAS, unrestricted water use for non-essential purposes during water emergencies  
may endanger the adequacy of the Village's supply for essential services, and

WHEREAS, it is necessary to have the ability to implement water use restrictions and  
respond to Village water supply for essential needs and for fire fighting;

NOW THEREFORE, THE VILLAGE OF SAND LAKE, SAND LAKE, MICHIGAN,  
DO ORDAIN AS FOLLOWS:

1. The Village President or his/her designate may regulate, limit or prohibit the use  
of water for any purpose. Such regulations shall restrict less essential water uses to the  
extent deemed necessary to assure an adequate supply for essential needs and for fire  
fighting.

B. Thielke moved the adoption of the foregoing ordinance which motion was supported  
by D. Rogers.

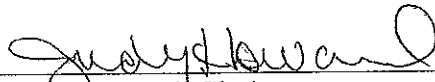
YEAS: Council member(s) J. Ward, B. Thielke, K. Thielke, D. Dewey, D. Rogers, R.  
Towsley

NAYS: Council member(s) \_\_\_\_\_

ABSTAIN: Council member(s) \_\_\_\_\_

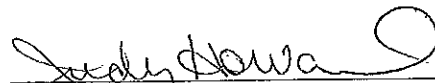
ABSENT: Council member(s) C. Simpson

RESOLUTION DECLARED ADOPTED:

  
\_\_\_\_\_  
Judy Howard, Clerk  
Village of Sand Lake

**CERTIFICATION**

I, Judy Howard, hereby certify the foregoing to be true copy of an Ordinance adopted at a regular meeting of the Village of Sand Lake of the 17<sup>th</sup> day of December, 2012, held pursuant to the required statutory procedures and notice.

  
\_\_\_\_\_  
Judy Howard, Clerk  
Village of Sand Lake

Introduced: December 17, 2012  
Adopted: December 17, 2012  
Published: December 27, 2012  
Effective: January 26, 2012

VILLAGE OF SAND LAKE  
ORDINANCE NO. 93-78  
NORTHLAND DRIVE WATER AND  
SEWER AVAILABILITY ORDINANCE

AN ORDINANCE TO PROVIDE THE CAPITAL IMPROVEMENT COSTS FOR WATER MAIN AND SANITARY SEWER LATERALS IN NORTHLAND DRIVE.

THE VILLAGE OF SAND LAKE ORDAINS:

PURPOSE: The Water Rate Ordinance and the Sewer Rate Ordinance provide for the connection fee and other costs imposed on users of the water system and sewer system where the principal capital cost of said System was paid by special assessments against the property benefitted by said system. The Village, at the request of property owners on Northland Drive (Third Street) south of Oak Street, will construct and install water mains and sanitary sewer laterals from Village funds which funds will be reimbursed to the Village by payment of an availability charge by the property owners upon request to connect to the water system or the sanitary sewer system, as the case may be.

Section 1. Enabling Legislation. This ordinance is made pursuant to the authority granted in Chapter VIII of Act No. 3, Public Acts of Michigan, 1895, as amended (MCLA 68.1 et seq).

Section 2. Availability Charge for Water Service. Section 1 of the Village Water Rate Ordinance shall be hereby amended by adding Section 1(f) to read in its entirety, as follows:

"Section 1(f). Upon application for connection to the Village's Water Supply System, the applicant, owner of any parcel of property located on Northland Drive (Third Street) in the Village from a point which is 750 feet south of Oak Street to the south Village limit, shall pay an Availability Charge of \$3,000 which includes Connection Fee requirement of Section 1(d) but is addition to any and all other costs imposed for connection to or use of the Village's Water Supply System."

Section 3. Availability Charge for Sewer Service. Section 3.01 of the Village's Sewer Rate Ordinance, Ordinance No. 42, shall be hereby amended by adding Section 3.01(d) to read in its entirety, as follows:

"Section 3.01(d). Upon application for connection to the Village's Sanitary Sewer System, the applicant, owner of any parcel of property located on Northland Drive (Third Street) in the Village from a point which is 750 feet south of Oak Street to the south Village limit, shall pay

an Availability Charge of \$3,000 which includes Connection Fee required by Section 3.01(b) but is in addition to any and all other costs imposed for connection to or use of the Village's Sanitary Sewer System.

Section 4. Title. This Ordinance shall be known and may be cited as the "Availability Charge Ordinance" of the Village of Sand Lake.

Section 5. Repeal of Prior Inconsistent Ordinances. All ordinances and part of ordinances inconsistent with this Ordinance are hereby repealed.

Section 6. Recordation. This Ordinance shall forthwith be recorded by the Village Clerk in the Ordinance Book of the Village of Sand Lake.

Section 7. Publication. The Village Clerk is hereby directed to forthwith publish this Ordinance once in the Advance, a legal newspaper of general circulation in the Village and to immediately thereafter enter in the Ordinance Book of the Village of Sand Lake following this Ordinance a certificate of publication of Ordinance made by the printer.

Section 8. Effective Date. This Ordinance shall take effect ten (10) days after publication thereof.

The above Ordinance is hereby duly adopted by the Village of Sand Lake by an affirmative vote of four (4) of the members elect of its Village Council and recorded by the Village Clerk in the Ordinance Book of the Village of Sand Lake.

VILLAGE OF SAND LAKE

By: 

Roger Towsley  
President of the Village  
Council of the Village  
of Sand Lake

and

By: 

Bette Towsley  
Village Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Village Council

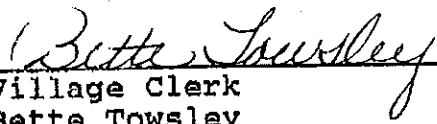
of the Village of Sand Lake, County of Kent, State of Michigan, at a regular meeting held on December 03, 1992, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

I further certify that the following Councilmembers Hula, Meadows, Simpson, Enter were present at said meeting, and that the following Councilmembers Gould Hossler were absent.

I further certify that Councilmember Hula moved adoption of said Ordinance, and that said motion was supported by Councilmember Meadows.

I further certify that the following Councilmembers Hula, Meadows, Simpson, Enter voted for adoption of said Ordinance, and that the following Councilmembers None voted against adoption of said Ordinance.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signature of the acting President of the Village Council and Village Clerk.

  
\_\_\_\_\_  
Village Clerk  
Bette Towsley



## RESOLUTION # 2014-06

### A RESOLUTION TO SET THE FEES FOR THE SAND LAKE CEMETERY GRAVE SITE(S) OR LOT(S)

WHEREAS, the Council of the Village of Sand Lake has the authority to set fees for grave site(s) or lot(s) in the Sand Lake Cemetery,

<u>RESIDENT*</u>		<u>NON-RESIDENT</u>	
1 grave	\$ 100.00	1 grave	\$ 250.00
1 lot (8 graves)	\$ 800.00	1 lot (8 graves)	\$ 2,000.00

\*Resident is defined as a person residing within the corporate limits of the Village of Sand Lake, Kent County, Michigan.

**NOW THEREFORE BE IT RESOLVED** that RESOLUTION NO. 2014-06: A RESOLUTION TO SET THE FEE FOR THE SAND LAKE CEMETERY GRAVE SITE(S) OR LOT(S) shall become effective immediately.

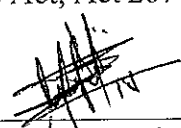
The foregoing resolution was offered by Council Member Roger Towsley, seconded by Council Member Dave Dewey.

#### ROLL CALL VOTE:

J. WARD	YES
C. SIMPSON	YES
B. THIELKE	YES
K. THIELKE	YES
D. DEWEY	YES
D. ROGERS	ABSENT
R. TOWSLEY	YES

The RESOLUTION TO SET THE FEE FOR THE SAND LAKE CEMETERY GRAVE SITE(S) OR LOT(S) declared adopted on July 21, 2014.

I certify that the forgoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Sand Lake at a regular meeting held on July 21, 2014, which was conducted in accordance with the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended.

  
\_\_\_\_\_  
Leticia Nielsen, Clerk

## VILLAGE OF SAND LAKE

### CEMETERY ORDINANCE NO. 2020-1 AN ORDINANCE TO AMEND SECTION 8.1

Purpose and Finding: An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of the Sand Lake Cemetery, owned by the Village of Sand Lake, Kent County, Michigan; to provide penalties for the violation of said Ordinance.

THE VILLAGE OF SAND LAKE, MICHIGAN ORDAINS:

Section 8.1 Village Cemetery.

A. Council of the Village of Sand Lake

- i. The Council of the Village of Sand Lake establishes the rules and regulations and reserves the right to adopt additional rules or to amend, alter or repeal any rule or regulation or parts thereof at any time.
- ii. Said Council shall hire the necessary sexton and/or employees for all the work at the cemetery and expend all money for the care and improvement of grounds, enforce the ordinances of the Village made for the management and care thereof, and make such regulations for the burial of the dead.

B. Cemetery Hours

- i. The cemetery is open from dawn to dusk and closed from dusk to dawn of the next day. Any person found on cemetery grounds while it is closed will be considered a trespasser and face penalties and prosecution.

C. Sale of Lots or Burial Spaces

- i. All sales shall be made on the form approved by the Council, of the Village of Sand Lake which grants a right of burial only and does not convey any other title to the lot or burial spaces sold.
- ii. No sale shall be made for the ownership of the land, only the right of burial.
- iii. The Council of the Village of Sand Lake reserves the authority to buy back unwanted cemetery sites or lots for the price paid at the time of the original purchase. The owner of such cemetery site(s) or lot(s) must prove ownership, which includes a copy of the Cemetery Lot Certificate/Cemetery Deed before a buy back will be considered.

D. Purchase Price for Graves Sites

- i. The charges for burial spaces shall be paid to the Village Clerk and shall be deposited into the General Fund savings accounts.
- ii. The cost of 1(one) individual grave or 1 (one) lot (8 (eight) graves) may be contracted for in advance.
- iii. The price of a cemetery burial space will be set by a Resolution adopted by the Council of the Village of Sand Lake.
- iv. The Council of the Village of Sand Lake by Resolution may periodically alter the burial space fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

E. Grave Openings Charges

- i. No burial space shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the Kent County Health Department.
- ii. Burial rates shall be as set forth in the contract between the Council of the Village of Sand Lake and the cemetery sexton, at a cost to the owner of the burial rights.
- iii. The cemetery sexton shall be not held responsible for errors in locations of graves on lots arising from improper instruction of lot owners or funeral directors. Orders from funeral directors shall be construed as orders from owners. Cemetery sexton must validate information from Village of Sand Lake Clerk, prior to any work being performed. No grave shall be opened, except by the sexton or by workmen employed by the cemetery sexton.
- iv. The fee for grave opening shall be as set forth in the contract between the Council of the Village of Sand Lake and the cemetery sexton at a cost to the owner of the burial rights.

F. Markers or Memorials

- i. All graves must have individual identifying markers or memorial of a stone or other quality durable composition.
- ii. Footings of all markers, memorials, headstones, or monuments shall be installed by the sexton of the cemetery and are to be constructed of concrete of sufficient size and depth so as to support said headstone, monument, marker or memorial and allow for a two inch border around the entire marker, memorial, headstone, or monument. Fees for said footings shall be as set forth in the contract between the

Council of the Village of Sand Lake and the cemetery sexton, at a cost to the owner of the burial rights.

- iii. Marker, memorial, headstone, or monument shall be located at the head of the gravesite.

#### G. Interment Regulations

- i. Only one person may be buried in a burial space; provided, however, that one burial space may be used for the burial of:
  - a. A parent and an infant
  - b. Two children
  - c. The cremated remains of up to four persons
- ii. One person and the cremation remains of one person.
- iii. Not less than 36 hour notice shall be given in advance of any funeral to allow for the opening of the burial space.
- iv. The appropriate permit for the burial is required.
- v. The appearance of all graves shall be neat and orderly within the confines of the burial spaces involved.

#### H. Ground Maintenance

- i. Urns, flower containers, statuary, and any other memorials are to be placed within twelve (12) inches of the headstones and in-line with the headstones. Shepherd hooks and urns are to be placed in-line with the headstones.
- ii. Maintenance of these items will be the responsibility of the family members of the interred.
- iii. No grading, leveling, excavating, mounding, and/or construction shall take place upon a burial space without the permission of the Council of the Village of Sand Lake.
- iv. No shrubs, trees, or perennial vegetation of any type shall be planted outside of an urn or hanging basket, without written permission of the Council of the Village of Sand Lake.
- v. Unsightly dead or dying plants shall be trimmed or removed.
- vi. The cemetery committee reserves the right to remove all flowers, wreaths or other decorations of any kind from burial spaces. The cemetery grounds shall be cleared of decorations twice a year, on or about April 1<sup>st</sup> and October 1<sup>st</sup>. In order to save

any decorations placed in the cemetery the decorations should be removed prior to those dates.

- vii. No decorations of any type are permitted in trees or cemetery plantings.
- viii. Permitted decorations shall not encroach on adjoining burial space(s).
- ix. No glass containers will be allowed to be left in the cemetery.
- x. No fences of any kind shall be placed around or near grave sites.
- xi. Surfaces other than earth or sod are prohibited.
- xii. All refuse of any kind such as dried flowers, artificial flowers, wreaths, papers, and flower containers must be taken from the premise or deposited in the waste containers located within the cemetery.
- xiii. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, or containers that have become unsightly or a maintenance problem.

I. Vault

- i. All burials are required to be placed in a concrete vault or concrete box installed or constructed within each burial space before interment.

J. Records

- i. The Village Clerk shall maintain records of Cemetery Lot Certificates and all burial permits submitted to the Village Clerk by the cemetery sexton.

K. Cremation

- i. The remains of a body that has been cremated and that is to be buried in the Sand Lake Cemetery, shall be contained in a concrete, metal, or other type of container so approved and sold for such purpose. Burial of such remains when properly contained shall be buried by the sexton of the cemetery. Fees for such burial shall be as set forth in the contract between the Council of the Village of Sand Lake and the cemetery sexton, at a cost to the owner of the burial rights. The remains of any body that has been cremated shall not be scattered upon the ground of the Sand Lake Cemetery.

L. Disinterment: General Restrictions

- i. No disinterment will be allowed except by authority of the person owning the lot in which the interment is made, except by order of the Court, when proper

receipt of the remains must be given. Graves shall not be opened for inspection except for official investigations. Interment and disinterment may be made only by the regular employees of the cemetery. The cemetery sexton and the Village of Sand Lake shall exercise the utmost care in making the removal, but shall assume no liability for any damages to any casket, burial case, or urn incurred when making the removal. Any markers or monuments designation the location of an interment shall be removed at the time of disinterment and replaced if and when upon reinterment.

M. Penalties

- i. Any person, firm, or corporation who violates any of the provisions within the Ordinance shall be guilty of a misdemeanor and shall be subject to the fine of up to \$500.00 (Five Hundred Dollars and no/100) and/or imprisonment of up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the complained activity.

N. Severability

- i. The provisions within the Ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared invalid or unconstitutional by any court of the competent jurisdiction, such decision shall only affect the particular provision, section or part thereof in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

This Ordinance shall take effect after publication in a newspaper of general circulation in the area of the Village of Sand Lake, Michigan, on August 1, 2020.

First Reading: June 15, 2020

Second Reading: July 20, 2020

Ayes: 7

Ayes: 6

Absent: 1

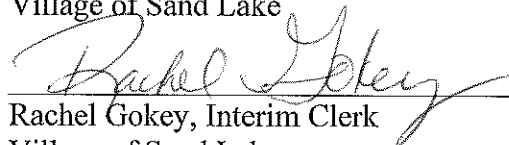
Nays: 0

Nays: 0

Ordinance Declared and Adopted:



Tracy J. Quinlan, President  
Village of Sand Lake



Rachel Gokey, Interim Clerk  
Village of Sand Lake

## 8.2 Village Park Rules and Regulations.

8.2.1 Title. This ordinance shall be known as the Park Rules and Regulations of the Village of Sand Lake.

### 8.2.2 Definitions.

(a) Employees: Employees shall mean any regular or part time employees of the Village or the official designates of the Village.

(b) Motor Vehicle: Motor vehicle shall mean any vehicle which is self-propelled including motorcycles and motor driven cycles.

(c) Officer: Officer shall mean any duly constituted law enforcement officer of the Village, County of Kent or State of Michigan or any duly elected officer of the Village.

(d) Park: Park shall mean any area designated by the Village as a public park.

(e) Person: Person shall mean any individual, partnership, corporation, association, club or any other group or combination acting as a unit and the individuals constituting such group or unit, or the agent of any of the above.

(f) Village: Village shall mean the Village of Sand Lake.

8.2.3 Preservation. No person shall injure, deface or disturb any part of a park or any building, sign, equipment or other property found in the park, or any tree, flower, shrub, rock or other part of a park.

8.2.4 Garbage. No person shall deposit, permit or allow to be deposited in any part of a park any garbage, ashes, sewage, refuse, water or other material except that ordinary refuse used by persons using the park shall be deposited in receptacles provided for such purpose. That no person shall dump any earth or dirt within the park without a specific written permit from the Village.

8.2.5 Hunting. No person shall without written permit from the Village hunt, pursue, trap or in any other way molest any wild bird or animal found within the confines of any park.

8.2.6 Fire. No person shall start or maintain any fire in a park except small fires for cooking purposes in such places and in such containers provided for such purpose. All such fires shall be thoroughly put out by the person or persons starting or using said fire prior to said persons leaving the immediate vicinity of the fire.

8.2.7 Firearms. No person other than authorized employees or officers of the Village shall carry or possess any firearms of any description or any air rifle, slingshot, or other throwing device within the park or possess or carry any other dangerous weapon, or discharge any firearms, fireworks or other explosive substances or air rifle within said park without a specific permit from the Village.

8.2.8 Camping. No person shall establish or maintain any camping unit, tent, trailer, or any other temporary lodging place in any park without a specific written permit from the Village.

8.2.9 Public Peace. No person shall engage in any loud boisterous or vulgar conduct or in any manner disturb the public peace and order within a park.

8.2.10 Gambling. No person shall engage in any gambling or games of chance of any kind within a public park except that certain games of chance may be allowed with specific written permit from the Village.

8.2.11 Conduct. No person shall engage in any indecent, insulting, immoral or obscene conduct in any public park.

8.2.12 Alcohol. No person under the influence of alcohol, narcotic drugs or any combination of the same shall enter or remain within a park nor shall any person possess or maintain any alcoholic beverages, beer or wine within the confines of a park.

8.2.13 Obedience to Rules and Regulations. All persons in or about any park shall comply with, obey or follow any posted rules, regulations or any verbal directive of a Village officer or employee. In the event that such person refuses to follow such posted rules, regulations or verbal directives, he shall not remain in said park and may be removed from the park by a duly authorized Village officer or employee.

8.2.14 Motor Vehicles. No person shall drive or cause to be driven, any motor vehicle within a park except where it is designated by the Village for such purposes.

8.2.15 Commercial Enterprise. No person shall offer for sale, any article, thing, privilege or service with them in the park without a specific permit from the Village nor shall any person solicit for any purpose within a park without such permit.

8.2.16 Signs. No person shall permit, place or display any signs, advertisement, circular, notice or statement or display any banner, emblem or design within the park without a specific permit from the Village.

8.2.17 Animals. No person shall allow any animal within a park except a dog which is held in control by a leash and under the control of a person, may be allowed into a park.



8.2.18 Hours. All parks shall close at dark except in such areas and for such events as designated by the Village.

8.2.19 Penalties. Any person who violates this ordinance or who remains in a Village park after dark shall be responsible for 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. 62, adopted 1978; amended by Ord. No. 2000-03, adopted 11/20/00]*

VILLAGE COUNCIL  
VILLAGE OF SAND LAKE  
KENT COUNTY, MICHIGAN

Councilmember Simpson, supported by Councilmember Thielke, moved the adoption of the following ordinance:

ORDINANCE NO. 8.3

AN ORDINANCE TO ADOPT ORDINANCE NO. 8.3,  
REGULATING THE USE OF VILLAGE RIGHTS-OF-WAY BY  
TELECOMMUNICATIONS PROVIDERS.

THE VILLAGE OF SAND LAKE ORDAINS:

8.3.001. Purpose.

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and to exercise reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) and other applicable law, and to ensure that the Village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

8.3.002. Conflict.

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

8.3.003. Terms Defined.

The terms used in this ordinance shall have the following meanings:

*Act* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

*Village* means the Village of Sand Lake.

*Village Council* means the Village Council of the Village of Sand Lake or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

*Village Clerk* means the Village Clerk or her or his designee.

*Permit* means a nonexclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

*Authority* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to the Act.

*MPSC* means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

*Person* means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

*Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

*Telecommunication Facilities* or *Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

*Telecommunications Provider*, *Provider* and *Telecommunications Services* mean those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 USC 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

- (a) A cable television operator that provides a telecommunications service.
- (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

- (c) A person providing broadband internet transport access service.

### 8.3.004. Permit Required.

(a) *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with the Act. A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village President, and one copy with the Village Attorney. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with the Act.

(c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from Michigan's Freedom of Information Act, Act No. 442 of the Public Acts of 1976, as amended, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application Fee.* Except as otherwise provided by the Act, an application shall be accompanied by a one-time nonrefundable application fee in the amount of \$500.00.

(e) *Additional Information.* The Village Clerk may request an applicant to submit such additional information which the Village Clerk deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Clerk. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan Telecommunications Act, Act No. 179 of the Public Acts of 1991, as amended, and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this ordinance.

(g) *Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with

facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, Act No. 179 of the Public Acts of 1991, as amended, shall submit to the Village an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority for good cause, as provided in Section 5(4) of the Act.

### 8.3.005. Issuance of Permit.

(a) *Approval or Denial.* The authority to approve or deny an application for a permit is delegated to the Village Clerk. Pursuant to Section 15(3) of the Act, the Village Clerk shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit in accordance with Section 8.3.004(b) of this ordinance for access to a public right-of-way within the Village. The Village Clerk shall notify the MPSC when the Village Clerk has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Village Clerk shall not unreasonably deny an application for a permit.

(b) *Form of Permit.* If an application for permit is approved, the Village Clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Secs. 6(1), 6(2) and 15 of the Act.

(c) *Conditions.* Pursuant to Section 15(4) of the Act, the Village Clerk may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and use of the public right-of-way.

(d) *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the Village Clerk may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

### 8.3.006. Construction/Engineering Permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Village without first obtaining a construction or engineering permit as required by law, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

### 8.3.007. Conduit or Utility Poles.

In accordance with the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

### 8.3.008. Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

### 8.3.009. Repair of Damage.

A telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

### 8.3.010. Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the Village set forth in Section 8.3.004(d) above, a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

### 8.3.011. Modification of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and use of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared

to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.

### 8.3.012. Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section \_\_\_\_\_.011 above shall be void from the date the modification was made.

### 8.3.013. Use of Funds.

Pursuant Section 10(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

### 8.3.014. Annual Report.

Pursuant to Section 10(5) of the Act, the Village Clerk shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

### 8.3.015. Cable Television Operators.

Pursuant to Section 13(6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

### 8.3.016. Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the Village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.

### 8.3.017. Compliance.

The Village declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions of this ordinance should be

construed in such a manner as to achieve that purpose. The Village shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (a) Exempting certain route maps from disclosure consistent with the Act and state law as provided in Section 8.3.004(c) of this ordinance;
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 8.3.004(f) of this ordinance;
- (c) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 8.3.005(a) of this ordinance;
- (d) Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 8.3.005(a) of this ordinance;
- (e) Not unreasonably denying an application for a permit, in accordance with Section 8.3.005(a) of this ordinance;
- (f) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 8.3.005(b) of this ordinance;
- (g) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and use of the public right-of-way, in accordance with Section 8.3.005(c) of this ordinance;
- (h) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 8.3.005(d) of this ordinance;
- (i) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 8.3.006 of this ordinance;
- (j) Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this ordinance, in accordance with Section 8.3.011 of this ordinance;
- (k) Submitting an annual report to the Authority, in accordance with Section 8.3.014 of this ordinance; and
- (l) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 8.3.015 of this ordinance.



**8.3.018. Reservation of Police Powers.**

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the Village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety, and welfare of the public.

**8.3.019. Severability.**

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

**8.3.020. Authorized Village Officials.**

The Village Clerk is hereby designated as the authorized Village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal violations bureau) for violations under this ordinance as provided by the Village Code.

**8.3.021. Municipal Civil Infraction.**

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a separate municipal civil infraction, and shall be subject to civil infraction costs in addition to fines as follows: for a first offense \$500, for a second or subsequent offense \$1,000. Nothing in this Section 8.3.021 shall be construed to limit the remedies available to the Village in the event of a violation by a person of this ordinance or a permit.

**8.3.022. Repealer.**

All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

8.3.023. Effective Date.

This ordinance shall take effect following its publication on February 20, 2003.

YEAS: Enter, Haywood, Simpson, Thielke, Ward.

NAYS: None.

ABSENT: Ducat

ORDINANCE NO. 8.3 DECLARED ADOPTED

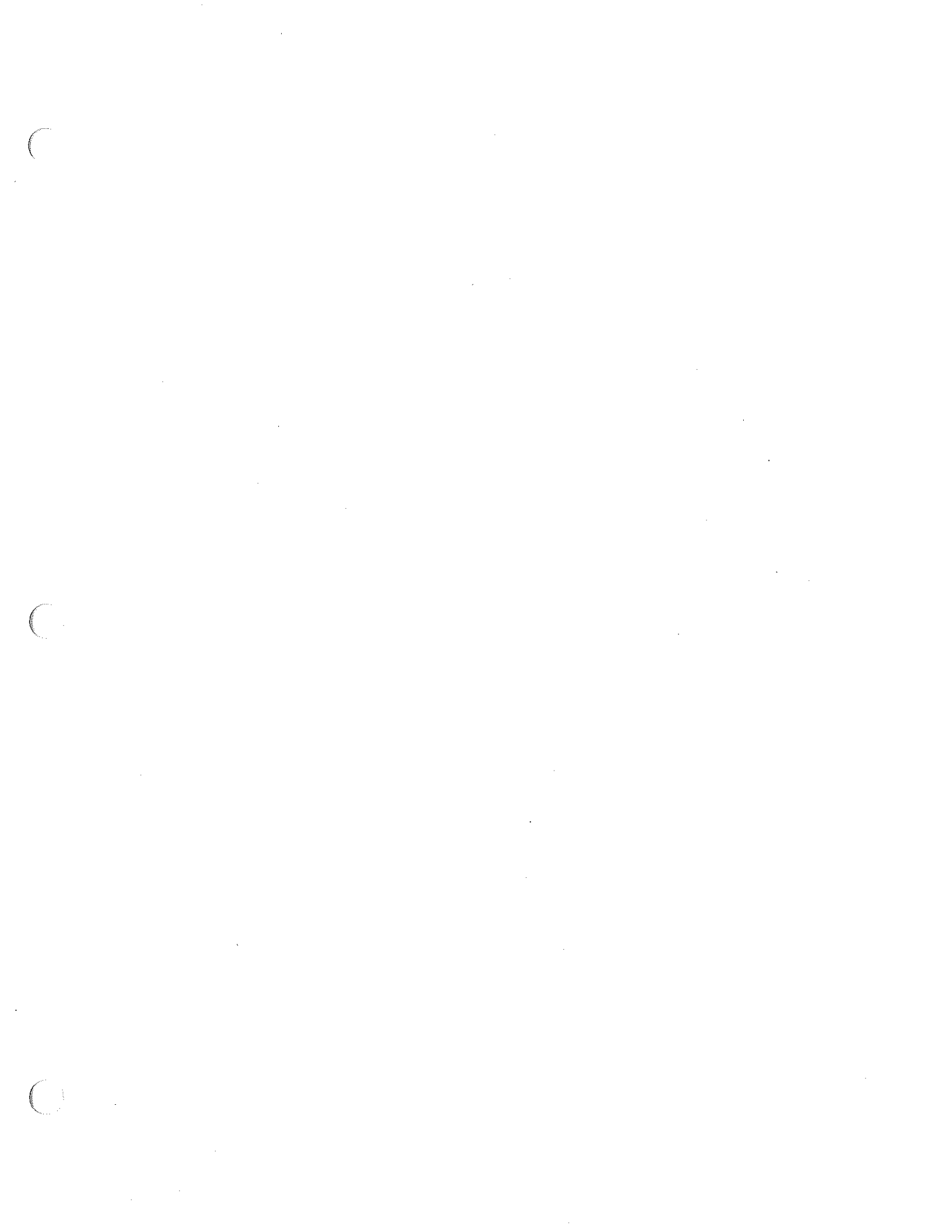
Nile Hayden  
Nile Hayden, President

Beth Miller  
Beth Miller, Clerk

CERTIFICATION

I, Beth Miller, hereby certify the foregoing to be a true copy of an Ordinance adopted at a regular meeting of the Village Council of the Village of Sand Lake on the 17<sup>th</sup> day of February, 2003, held pursuant to the required statutory procedures and notice.

Beth Miller  
Beth Miller  
Village Clerk



CHAPTER IX  
VILLAGE PERSONNEL

AN ORDINANCE to provide for compensation of Village President, Village Councilmember, Village Clerk and Village Treasurer.

The Village of Sand Lake ordains:

9.1 Compensation for the Village President.

9.1.1 The President of the Village of Sand Lake shall receive the following compensation from all budgeted accounts:

- (a) Nine Thousand Dollars (\$9,000) annually to be paid in monthly payments of Seven Hundred Fifty Dollars (\$750) on the second pay period of each month.
- (b) The President shall receive no pay for attending any committee meetings.
- (c) The Village Council may adopt a resolution requiring a certain number of hours per week the Village President is expected to spend engaged in Village of Sand Lake business.
- (d) The Village President shall provide the council with a monthly President's Report. The President's report shall be submitted to the council for accepting and filing.

9.2 Compensation for Village Council Members.

9.2.1 The Council Members of the Village of Sand Lake shall receive the following compensation from all budgeted accounts:

- (a) Thirty-Eight Dollars (\$38.00) for each regular council meeting actually attended during their term of office.
- (b) Thirty Dollars (\$30.00) for each special council meeting actually attended during their term of office.
- (c) Five Dollars (\$5.00) for each committee meeting actually attended during their term of office.
- (d) The Village Council may adopt a resolution requiring each council member to serve on at least two sub committees.
- (e) The Village Council will be paid quarterly (March 31st, June 30th, September 30th and December 31st).

9.3 Compensation for Village Treasurer.

9.3.1 The treasurer of the Village of Sand Lake shall receive compensation from all budgeted accounts, as the council shall determine annually.

9.4 Compensation for Village Clerk.

9.4.1 The clerk of the Village of Sand Lake shall receive compensation from all budgeted accounts, as the council shall determine annually.

9.5 Amendment by Resolution.

9.5.1 The rate of compensation as set forth herein may be amended by resolution of the Village Council.

9.6 Attendance Required for Compensation.

9.6.1 The President and Council Members shall receive no compensation for any meetings not attended.

9.7 Repeal of Inconsistent Ordinances or Resolutions.

9.7.1 All other ordinances and resolutions inconsistent with this Ordinance are hereby repealed.

9.8 Severability Clause.

9.8.1 The sections of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

9.9 Applicability.

9.9.1 This Ordinance shall **not be applicable** to the President or Council Members of the Village now holding office, **during their present term of office**.

9.10 Effective Date.

9.9.1 This ordinance shall take effect 15 days after the date of its adoption.

9.11 Adoption.

9.11.1 This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the Village council.

9.12 Publication.

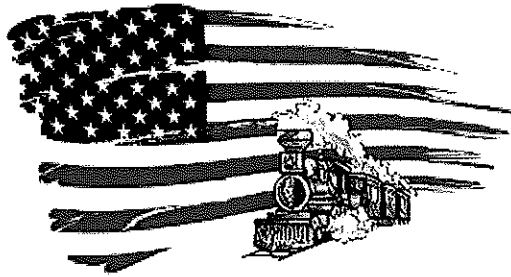
9.12.1 The Village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Yeas: Quinlan, Parkhurst, Jerome, Baker, Rau and Gokey

Nays: Helton

Ordinance declared adopted: November 3, 2020

  
Rachel Gokey, Interim Clerk



## Village of Sand Lake

2 E. Maple St., PO Box 139

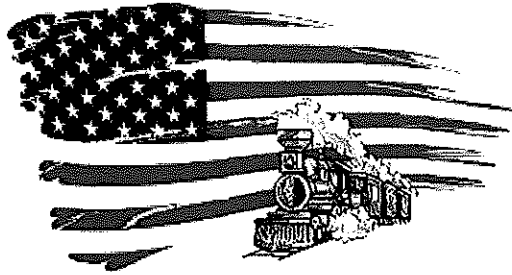
Sand Lake, MI 49343

(616) 636-8854

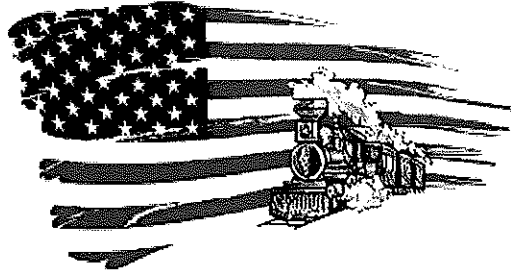
[www.villageofsandlake.org](http://www.villageofsandlake.org)

### VILLAGE PRESIDENT DUTIES AND RESPONSIBILITIES

- Serve as chief executive officer, with supervisory powers over affairs and property of the village (MCL 64.1)
- Serve as voting member of the council on all issues (MCL 64.1, 65.2)
- Gives the council information concerning the affairs of the village (MCL 64.1)
- Recommends appropriate actions to the council concerning the affairs of the village (MCL 64.1)
- Presides over council meetings (MCL 64.1, 65.2)
- Sees that laws relating to the village and ordinances and regulations of the council are enforced (MCL 64.1)
- Conserves the peace and may exercise power to suppress disorder (MCL 64.2)
- May command citizen assistance to help enforce ordinances in emergency and disaster situations (MCL 64.3)
- May remove any appointed officer (MCL 64.3)
- May suspend any police officer for neglect of duty (MCL 64.3)
- Examine all books, records or papers of the village (MCL 64.3)
- Perform all duties prescribed by village ordinances (MCL 64.3)
- Calls special meetings of the council (MCL 65.4)
- Prepares notices for public hearings and other meetings for publication
- Prepares agenda for regular council meetings and for special meetings
- Authenticates, by signing, all ordinances (MCL 66.3)
- Prepares Resolutions
- Nominates the clerk and/or treasurer for council appointment (MCL 62.1)
- Signs certification of assessment roll and amount required to be raised by general tax and special assessment (MCL 69.13)
- Warrants the treasurer to collect taxes (MCL 69.15)



- Countersigns disbursement warrants
- Develop "best practices" to deliver services the governing body has determined to provide
- Countersigns payroll checks
- Execute the budget as enacted by the council
- Directs the Fire Chief (MCL 70.4)
- Appoints police officers and personnel with the consent of council (MCL 70.18)
- Nominates a chief of police for council appointment (MCL 70.15)
- Nominates a director of public works for council appointment (MCL 71.14)
- Nominates non-elected officers for council appointment in accordance with the ordinance/resolution creating the position (MCL 62.2)
- Fills vacancies of non-elected officials, with the consent of council (MCL 62.13)
- Concurs with the fire chief to order the destruction of a building, if necessary, to arrest the progress of a fire (MCL 70.11)
- Prepare budget for presentation to the council (Michigan Uniform Budgeting and Accounting Act)
- Educate citizens in regard to matters of public interest
- Legal liaison between the council and the village attorney
- Be professional. Don't turn village issues into personal issues. Don't turn personal issues into village issues
- Supervisory responsibilities over accounting, budgeting, personnel, and purchasing
- Negotiate contracts for approval by council
- Work with contractors
- Figure-head for the village
- Sign licenses
- Nominate members for planning commission and zoning board of appeals for council appointment
- Prepare a monthly President's Report
- Prepare quarterly newsletter
- Receive and respond to requests for information from various sources
- Public Safety Liaison
- Conduct research, compile information and prepare reports on a variety of subjects, as needed
- Prepare correspondence as needed
- Freedom of Information Act coordinator
- Maintain village office hours as stipulated by the council
- Answer questions of residents, employees and others
- Perform any additional office duties as requested by the council



- Oversee investments
- Secondary approval of financial and accounting transactions; and review monthly financial reports
- Directly supervises the clerk/treasurer
- Carry out supervisory responsibilities in accordance with the Village's policies and applicable laws.
- Thorough knowledge of the laws, ordinances and other regulations pertaining to Village management.
- Thorough knowledge of the rules of public meeting conduct and the Open Meetings Act
- Ability to effectively communicate and exercise a high degree of diplomacy
- Ability to attend meetings scheduled at night or at times other than regular business hours, as well as meetings during regular business hours
- Ability to establish effective working relationships and use good judgment, initiative and resourcefulness when dealing with the public, elected officials, vendors and other employees
- Skilled in maintaining complex record keeping and document retention system
- Physical Demands: the physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job the employee is regularly required to communicate with other employees and the public. Some mobility within the office and the ability to operate various office equipment is required. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.



## **9.2 Creation of Village Planning Commission.**

9.2.1 The Sand Lake Planning Commission, hereinafter referred to as the Commission, is hereby established in accordance with Act 285 of the Public Acts of 1931 as amended.

9.2.2 The Commission shall consist of nine members who shall represent insofar as is possible different professions and occupations, and it shall consist of the mayor of the Village of Sand Lake, one of the administrative officials of the Village of Sand Lake selected by Mayor, one member of the Sand Lake Village Council to be selected by it as members ex officio and six other persons who shall be appointed by the Mayor, with said six appointments to be subject to the approval by a majority vote of the members elect of the Sand Lake Village Council.

9.2.3 All members of the Commission shall serve as such without compensation, and the six members of the Commission appointed by the Mayor shall hold no other municipal office except that one of such six appointed members may be a member of the zoning board of adjustment or appeals. The terms of ex officio members of the Commission shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting him. The term of each appointed member, where six are appointed, shall be three years or until his successor takes office except that the respective terms of two of the members first appointed shall be for one year and two for two years. Members of the Commission, other than the member selected by the Council, may, after public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. The Sand Lake Village Council may for like cause remove the member selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor in the case of members selected or appointed by him, and the Sand Lake Village Council in the case of the councilmanic member.

9.2.4 The duties and powers of the Sand Lake Planning Commission shall be in accordance with said Act 285 of the Public Acts of 1931 as amended.

*[Ord. No. 44, adopted 7/11/66]*

CHAPTER IX  
VILLAGE PERSONNEL

AN ORDINANCE to provide the term of office for the Village Treasurer.

The Village of Sand Lake ordains:

01-9.3 Section Two – Term.

The term of the Village treasurer shall be for an indefinite period which shall terminate either upon the submission of a written notice of resignation from the Village treasurer to the Village council or upon removal of the Village treasurer, **for cause**, from office by a vote of two-thirds of the members of the council.

Section Three – Adoption.

This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the Village council.

Section Four – Publication.

The Village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Section Five – Severability Clause.

The sections of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Section Six – Effective Date.

This ordinance shall take effect 15 days after the date of its adoption.

**First Reading:** August 17, 2020

Yeas: Baker, Quinlan, Parkhurst, Jerome and Rau

Abstain: Gokey because this amendment directly affects the treasurer, the position she currently holds.

Nays: Helton

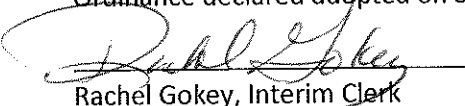
**Second Reading:** September 21, 2020

Yeas: Baker, Quinlan, Parkhurst and Rau

Abstain: Gokey because this amendment directly affects the treasurer, the position she currently holds.

Nays: Helton

Ordinance declared adopted on September 21, 2020 and is effective on October 6, 2020:

  
Rachel Gokey, Interim Clerk



CHAPTER IX  
VILLAGE PERSONNEL

AN ORDINANCE to provide the term of office for the Village Clerk.

The Village of Sand Lake ordains:

01-9.4 Section Two – Term.

The term of the Village clerk shall be for an indefinite period which shall terminate either upon the submission of a written notice of resignation from the Village clerk to the Village council or upon removal of the Village clerk, **for cause**, from office by a vote of two-thirds of the members of the council.

Section Three – Adoption.

This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the Village council.

Section Four – Publication.

The Village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Section Five – Severability Clause.

The sections of this Ordinance shall be deemed to be severable and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Section Six – Effective Date.

This ordinance shall take effect 15 days after the date of its adoption.

**First Reading:** August 17, 2020

Yeas: Quinlan, Baker, Jerome, Parkhurst and Rau

Abstain: Gokey because this amendment directly impacts the clerk position, which she currently holds.

Nays: Helton

**Second Reading:** September 21, 2020

Yeas: Quinlan, Baker, Parkhurst and Rau

Abstain: Gokey because this amendment directly impacts the clerk position, which she currently holds.

Nays: Helton

Ordinance declared adopted on September 21, 2020 and went into effect on October 6, 2020:

  
Rachel Gokey, Interim Clerk



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

Minutes of a regular meeting of the Village Council of the Village of Sand Lake, Kent County, Michigan, held at the Village Hall, 2 Maple Street, within the Village, on the 17 day of September, 2001 at 7:00 p.m.

PRESENT: Members: Ducat, Hayden, Hayward, Simpson

ABSENT: Members: Enter, Thielke, Randall

The following ordinance was offered by Member Hayden and supported by Member Ducat.

**ORDINANCE NO. 01-9,4**

**AN ORDINANCE to Provide That the Office of Village Clerk Shall Be Filled by Nomination by the Village President and Appointment by the Village Council, for a Two-Year Term.**

THE VILLAGE OF SAND LAKE ORDAINS:

Section 1. As authorized by Chapter II, Section 2(3) of the General Law Village Act, being Act 3 of the Public Acts of Michigan of 1895 as amended, the Village Clerk shall be chosen by nomination by the Village President and appointment by the Village Council.

Section 2. The term of office of the Village Clerk shall be two years from the second Monday in March of each even-numbered year and until a successor is appointed; provided, however, that the person first appointed as Village Clerk under this Ordinance shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the Village, together with the filing of any bond required by law, but such initial term of office shall not commence earlier than the second Monday of March, 2002.

Section 3. This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than 10% of the registered electors of the Village is filed with the Village Clerk or Village office within such 45 days. If any such valid petition is filed within such period of time, this Ordinance shall then take effect only upon its approval at a Village election held on the question whether the Ordinance shall be approved. Notice of any delayed effect of this Ordinance and the right of petition under this section shall be published separately, at the same time and in the same manner as this Ordinance or a notice of this Ordinance is published in a local newspaper of general circulation. In the event any such valid petition is filed, the question of approval of this Ordinance shall be submitted at the next general Village election or at a special election.

Section 4. The Village Clerk or the designee of the Clerk shall arrange for the required publication of a notice of adoption of this Ordinance and publication of notice of the right of petition, as stated above.

Section 5. This ordinance shall be adopted by an affirmative vote of at least two-thirds of the members of the Village Council.


AYES: Ducat, Hayden, Haywood, Simpson

NAYS: NONE

ORDINANCE DECLARED ADOPTED.

  
Beth Miller, Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Sand Lake, at a regular meeting held on the date first stated above.

  
Beth Miller, Village Clerk

VILLAGE COUNCIL  
VILLAGE OF SAND LAKE  
KENT COUNTY, MICHIGAN

ORDINANCE NO. # 2015 - 9.5

Adopted: April 20, 2015  
Effective: May 16, 2015

AN ORDINANCE SECTION 9.5 OF THE CODE OF  
ORDINANCES, VILLAGE OF SAND LAKE, MICHIGAN

Section 9.5. Attendance at Meetings. Section 9.5 of the Code of Ordinances, Village of Sand Lake, Michigan. In order to facilitate Village Council operations, this attendance policy is set in place:

1. Three (3) absences in 12 months, as recorded in the minutes, may be cause for removal from the Village Council. Such removal will be made upon the motion of a council member and approved by a majority vote of the Village Council. Exceptions will be made in the case of family emergencies, work situations, illness or prior approved excused absences.
2. Any absence necessitates a call to the Village President. If unable to contact the President, a call must be made to any one of the following people: Village Clerk, Village Treasurer or another Council Trustee. The reason for the absence must be given. Notification should be made as soon as possible prior to the scheduled meeting, even up to the day of a meeting.
3. Any absence of the Village President requires notification to the President Pro Tem. This contact can be made to the President Pro Tem directly, or through the Village Clerk or Village Treasurer.
4. Continued absenteeism may be viewed by the Village Council as affecting the conducting of Village business, and the Council may enact a resolution of censure or request the councilmember's resignation, or both.

This ordinance shall be in full force and in effect 30 days after publication.

T. Norton moved the adoption of the foregoing ordinance, which motion was supported by B. Towsley.

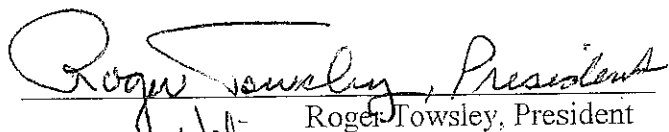
YEAS: Thomas Norton, Adam Hill, Roger Towsley, Dave Dewey, Bette Towsley,  
Danielle Hardenburg

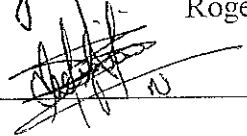
NAYS: None

ABSTAIN: None

ABSENT: James Ward

ORDINANCE DECLARED ADOPTED:

  
\_\_\_\_\_  
Roger Towsley, President

  
\_\_\_\_\_  
Leticia Nielsen, Clerk

Introduced:	April 20, 2015
Adopted:	April 20, 2015
Published:	April 16, 2015
Effective:	May 16, 2015

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**CHAPTER X**  
**ENFORCEMENT**

**10.1 Municipal Civil Infractions.**

10.1.1 Authority to Issue Municipal Civil Infraction Citations. The Village President is authorized to issue citations for violation of any Village Ordinance which is designated to be a municipal civil infraction if the President has reasonable cause to believe an infraction has occurred, based upon either personal observation or the report of a person who has allegedly witnessed said infraction.

10.1.2 Other Authorized Officers. If the Village President is absent or otherwise unable to issue civil infractions, the Village Clerk or Zoning Administrator will have the authority to issue such citations. The Village Building Inspector shall have the authority to issue citations for violations of the Village Building Codes, including the construction code, electrical code, plumbing code and mechanical code. The Zoning Administrator shall have the authority to issue citations for violations of the Village Zoning Ordinance. The Village Fire Chief shall have the authority to issue citations for violations of all ordinances pertaining to the fire department, fire regulations, and otherwise relevant to the authority of the Fire Chief. Said authorized officers may issue citations if the officers have reasonable cause to believe an infraction has occurred, based upon either personal observation or the report of a person who has allegedly witnessed said infraction.

10.1.3 Form of Citations. Municipal civil infraction citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.

10.1.4 Service of Citations. Municipal civil infraction citations shall be served upon the alleged violator as provided by law.

10.1.5 Appearance. Municipal civil infraction citations shall require appearance at the district court within a reasonable time after the citation has been issued.

10.1.6 Procedure. The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

*[Ord. No. 2000-03, adopted 11/20/00]*

**10.2 Misdemeanors.**

10.2.1 Appearance Tickets. The issuance of appearance tickets, pursuant to Act 175 of the Public Acts of Michigan of 1927, as amended, for those violations of the Village Ordinance which have been designated to be misdemeanors, is hereby authorized as follows:

(a) The Village President, unless absent or otherwise unable to issue appearance tickets, in which case the responsibility shall fall on the Village Clerk or Village Manager, may issue an appearance if the President or other designated official has reasonable cause to believe that a person has violated any Village Ordinance.

(b) The Village Building Inspector may issue an appearance ticket if that official has reasonable cause to believe that a person has violated a Village building code for which such official is responsible for enforcement.

(c) The Village Zoning Administrator may issue an appearance ticket if the Administrator has reasonable cause to believe that a person has violated the Village Zoning Ordinance.

*[Ord. No. 2000-03, adopted 11/20/00]*

VILLAGE OF SAND LAKE  
COUNTY OF KENT  
STATE OF MICHIGAN

ORDINANCE NO. 2012-1  
Adopted: July 16, 2012  
Effective: August 26, 2012

An Ordinance to regulate those individuals within the Village of Sand Lake, Michigan, that are qualified patients or acting as primary caregivers pursuant to the provisions of the Michigan Medical Marihuana Act and to provide penalties for violations thereof.

**THE VILLAGE OF SAND LAKE, MICHIGAN ORDAINS:**

**SECTION 1**

**FINDINGS.** The Village of Sand Lake, Michigan, adopts this Ordinance based on the following findings of fact:

1. Voters in the State of Michigan approved the referendum authorizing the use of marihuana for certain medical conditions.
2. The Intent of the referendum was to enable certain specific persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use and distribute marihuana and to assist specific registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
3. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marihuana is still a controlled substance under Michigan Law and the legalization of obtaining, possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored and to the extent permissible regulated by local authorities.
4. If not closely monitored or regulated, the presence of marihuana even for the purposes legally permitted by the legislation can present an increase for illegal conduct and/or activity and this threat affects the health, safety and welfare of the residents of the Village of Sand Lake.

It is the intention of the Village Council of the Village of Sand Lake, Michigan, that nothing in this ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or allow activity relating to cultivation/growing, distribution or consumption of marihuana that is otherwise illegal.

**SECTION 2**

**PURPOSE.** It is the purpose of this Ordinance to impose specific requirements for those individuals registering with the State of Michigan as “qualifying patients” or a “primary caregiver” as those terms are defined in MCLA 333.26421, the Michigan Medical Marihuana Act, and to regulate the conduct of activity pursuant thereto in the Village of Sand Lake, Michigan so as to protect the health, safety and welfare of the general public.

**SECTION 3**

**DEFINITIONS.** For purposes of the Ordinance, the words and phrases as contained herein shall have the meanings as set forth in MCLA 333.26423 and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of Initiated Law 1 of 2008.

**SECTION 4**

**COMPLIANCE REQUIRED.** Those individuals within the Village of Sand Lake, Michigan who are “qualifying patients” or “primary caregivers” as those terms are used in the Michigan Medical Marihuana Act shall comply with the requirements set forth herein for qualifying patients, Section 5, for primary caregivers, Section 6.

**SECTION 5**

**REQUIREMENT FOR QUALIFYING PATIENTS.** A person within the Village of Sand Lake, Michigan, who has been issued and possesses a registry identification card as a qualifying patient as set forth in MCL 333.26421 shall comply with the following requirements:

1. Consumption of marihuana shall not occur in any public place.
2. Growing of marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.

**SECTION 6**

**REQUIREMENTS FOR PRIMARY CAREGIVER.** A person within the Village of Sand Lake, Michigan who has been issued and possesses a registry identification card as a primary caregiver as set forth in MCL333.26421 shall comply with the following requirements:

1. Growing of marihuana shall only be allowed inside of an enclosed structure or building with walls and roof and secured with locks to prevent unintended or uninvited access.
2. The location from which a primary caregiver provides services to a

qualifying patient shall be under the control, through written lease, contract or deed, in favor of the primary caregiver.

3. The location from which a primary caregiver grows cultivates or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver's services as allowed under the Michigan Medical Marihuana Act.
4. The location from which a primary caregiver provides services to a qualifying patient shall not be within 500 feet of a drug-free school zone.
5. Cultivation / growing or distribution of marihuana shall not occur in connection with or at a location at which any other commodity, product or service is also available.
6. No consumption of marihuana shall occur at a primary caregiver's location for cultivation / growing, or a primary caregiver's legal residence address, unless the primary caregiver is a qualifying patient and then such consumption shall only be by the qualifying patient / primary caregiver.

## SECTION 7

### **MEDICAL MARIHUANA DISPENSARIES.**

*Medical marihuana dispensary.* Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

1. A primary caregiver (i.e., a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
2. A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
3. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed by three or more persons at one time.

A medical marihuana dispensary shall not include the dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients in accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marihuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Chapter as well as all other applicable City ordinances and applicable laws, rules and regulations.

**SECTION 8**

**PROHIBITION ON MEDICAL MARIHUANA DISPENSARIES**

No medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the village. Any person, firm, corporation, trust, partnership or other legal entity who shall commence, conduct, operate, or utilize a medical marihuana dispensary within the City shall be guilty of a criminal misdemeanor and shall, upon conviction, be subject to spending up to 93 days in jail, paying a fine of up to a \$500.00, or both such fine and jail, as well as any other fines, costs, or penalties imposed by law.

**SECTION 9**

**VIOLATIONS AND PENALTIES.** Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 and/or imprisonment in the county jail for a period not to exceed 90 days. Further, a person who violates the provisions of this ordinance in addition to penalties set forth herein shall be presumed to be operating a nuisance *per se* and shall be subject to suit or injunction to enjoin further conduct.

**SECTION 10**

**SEVERABILITY.** If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

**SECTION 11**

**EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after publication in the Cedar Springs Post.

Dated: July 16, 2012

This Ordinance was enacted by the Village Council of the Village of Sand Lake, State of

Michigan on the 16th day of July, 2012 and approved by the Village President and Clerk on said date.

Village of Sand Lake

By: 

Kirk H. Thielke

Its: Village President

Village of Sand Lake

By: 

Judy A. Howard

Its: Clerk

**VILLAGE OF SAND LAKE  
COUNTY OF KENT  
STATE OF MICHIGAN**

**CERTIFICATION**

I, hereby certify that the foregoing is a true and complete copy of Ordinance No. 2012-1 duly adopted by the Village of Sand Lake at a regular meeting of the Village Council held on the 16th day of July, 2012, at which all Council Members were present and that public notice of said meeting was given pursuant to Act No. 267 of the Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by publication and posting at least 18 hours prior to the time set for the meeting.

I further certify that the Councilperson R. Towsley, moved and that Councilperson D. Rogers, supported the adoption of said ordinance.

I further certify that the following Councilpersons voted for adoption of said Ordinance

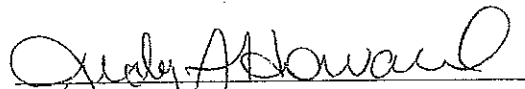
J. Ward, C. Simpson, B. Thielke, K. Thielke, D. Dewey, D. Rogers, R. Towsley.

I further certify that said ordinance has been recorded in the Ordinance Book of the Village of Sand Lake and that such recording has been authenticated with the signatures of the Village President and the Clerk.

This ordinance may be purchased or inspected at the Village of Sand Lake office, 2 Maple St Sand Lake, Michigan, between 9:00 a.m. and 3:00 p.m. Tuesday through Thursday.

Dated this 16 day of July, 2012.

VILLAGE OF SAND LAKE

  
\_\_\_\_\_  
JUDY A. HOWARD  
ITS: Clerk



**VILLAGE OF SAND LAKE  
KENT COUNTY, MICHIGAN  
(ORDINANCE NO. 2011-01)**

At a regular meeting of the Village Council held at the Village offices on March 21, 2011, beginning at 7:02 p.m., the following Ordinance was offered for adoption by Council Member R. Towsley, and was seconded by Council Member D. Tibbe:

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE  
ISSUANCE OF VILLAGE PERMITS, LICENSES OR  
APPROVALS FOR MEDICAL MARIHUANA AND TO  
PROHIBIT THE SALE OF MEDICAL MARIHUANA**

THE VILLAGE OF SAND LAKE (the "Village") ORDAINS:

**Section 1.** Findings. In accordance with Act No. 110 of the Public Acts of 2006, as amended, and Act No. 3 of the Public Acts of 1895, as amended, the Village of Sand Lake has determined that:

1. The provisions of the Village's Zoning Ordinance and other ordinances (collectively, "Ordinances") have not kept pace with recent developments and the passing into law of Initiated Law 1 of 2008, the Michigan Medical Marihuana Act.
2. It is within the rights and authority of the Village to establish reasonable regulations to control the sale, consumption, distribution and dispensation of medical marihuana in order to protect the public health, safety and welfare in a manner consistent with the Michigan Medical Marihuana Act.
3. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to the Ordinances.
4. During this moratorium period, the Village Council and Planning Commission will investigate potential modifications to the Ordinances that may establish reasonable regulations to control the possession, sale, and dispensation of medical marihuana in order to protect the public health, safety and welfare.

**Section 2.** Administrative Action. A moratorium is hereby imposed upon the issuance of any Village permit, license, variance, or similar approval for the sale, distribution or dispensation of medical marihuana within the Village, so long as this Ordinance is in effect. During the moratorium term specified in this Ordinance, no Village official, employee, body, or agent shall issue any such permit, license, variance or other approval.

**Section 3.** Prohibition on the Sale or Dispensation of Medical Marihuana. No sale, distribution or dispensation of medical marihuana shall occur within the Village pursuant to the

Michigan Medical Marihuana Act (or any other law or statute) while the moratorium imposed by this Ordinance is in effect. Such prohibition shall not apply to the sale, distribution or dispensation by a primary caregiver of medical marihuana to that primary caregiver's registered qualifying patient if fully lawful under the Michigan Medical Marihuana Act as well as all other applicable state and federal statutes.

**Section 4.** Term of This Ordinance. The moratorium imposed by this Ordinance shall remain in effect for one year following the effective date of this Ordinance or until amendments to Village's Ordinances regarding the sale, distribution or dispensation of medical marihuana become effective, whichever occurs first.

**Section 5.** Effective Date. This Ordinance shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Village.

The vote in favor of this Ordinance was as follows:

YEAS: D. Tibbe, K. Thielke, R. Towsley, D. Dewey

NAYS: C. Simpson, B. Thielke, T. Parkhurst

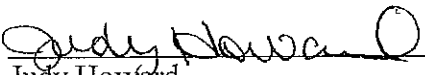
ABSENT/ABSTAIN: None

#### CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Village Council of the Village of Sand Lake at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: March 21, 2011

By   
Judy Howard  
Village Clerk

Adopted: March 21, 2011  
Published: March 31, 2011  
Effective Date: April 1, 2011