# TAXING AND REGULATING OF SHOWS

No. 001

Being an ordinance to provide for the taxing and regulating of Shows, Theaters, Concerts, Auctioneers, Auction Sales, Gift Enterprises, Hawkers, Hucksters, Peddlers, and Pawn Brokers in the Village of Pellston.

The Village of Pellston ordains:

SECTION 01. It shall be unlawful for any person or persons to sell any goods, wares or merchandise in said Village at auction, without previously obtaining a license therefore as hereinafter provided excepting the Sheriff of Emmet county, his deputies and constables in judicial sales.

SECTION 02. It shall be unlawful for any person or persons who is not a resident of said village whose business is vending goods, wares and merchandise, to peddle from house to house within the corporate limits of said village with having previously obtained a license therefore as hereinafter provided.

SECTION 03. It shall be unlawful for any person or persons to hold or produce in said village, any Show, Concert, Theater or exhibition of any kind, for which admission fee is charged, or for reward taken, without having previously obtained a license therefore as hereinafter provided; this section shall not be construed to apply to any local entertainment, concert or exhibition.

SECTION 04. The application for the license provided for in the preceding sections shall be made in writing by the person or persons desiring the same or there proper agents, to the clerk of the said village, and said clerk upon receiving said application shall refer the same to the President of said village, and all licenses issued in pursuanoe of said application shall be signed by the clerk and countersigned by the president, and said president shall endorse said application the amount to be paid for said license which said amount shall be paid to said clerk at the time of issuing said license.

SECTION 05. For every license issued under the provisions of the preceding sections the person or persons desiring the same shall pay to the clerk of said village such sum of money as shall be endorsed by the said president on the application therefore not exceeding the sum of thirty dollars, and which said license money the clerk of said village shall at once pay to the treasurer of said village taking his receipt therefor and said treasurer shall place the same to the credit of the general fund.

Ordinance No. 001 (continued)

SECTION 06. In case of the absence or sickness of the clerk the application for a license provided for by this ordinance may be made to the president of said village and in case of his absence or sickness and that of the clerk, then said application is to be made to any of the trustees of said village one of whom shall sign said license, and fix the amount of same and one of whom shall countersign the said license, collect the amount endorsed upon said application therefore, and pay the same to the village clerk, taking his receipt therefore.

SECTION 07. Every person violating any of the provisions of the preceding sections shall forfeit and pay not less than twenty five dollars nor more than one hundred dollars and oost of suit or prosecution and the penalty for this section may be recovered in an action of debt or assumpsit, and suit for the recovery of the same may be commenced by summons or by warrant upon executing and filing with the justice issuing said warrant an affidavit setting forth the facts and circumstances of said violation.

SECTION 08. This ordinance shall take effect and be in full force on the ninth day of September 1907. Approved by the Common Council of the Village of Pellston, County of Emmet, State of Michigan, this 19th day of August, 1907.

George Grove President said Village
T.W. Irwin Clerk said Village

I hereby certify that the foregoing ordinance (No.001) has been published on the Thursday following August 19th, 1907 in the Pellston Journal, a weekly newspaper of general circulation, the same paper is published in Pellston in the English language.

T.W. Irwin, Village Clerk

## OBSTRUCTION OF STREETS, ALLEYS, LANES ETC.

No. 002

Being an ordinance to prevent the obstruction of Streets, Alleys, Lanes, Public Parks and Sidewalks in the Village of Pellston, and to punish persons for violating the same.

The Village of Pellston ordains:

SECTION 01. That is shall be unlawful for any person or persons, to obstruct any sidewalk, street, alley, lane, park or public ground of said village in any manner without having first obtained permission in writing from the president of said village and said permission so granted by the president shall be submitted to the trustees of said village at the next meeting of the same and shall then be revoked unless approved by a majority of the trustees present.

SECTION 02. The piling of wood, the piling of lumber, boxes, barrels or any kind of merchandise, vehicles of other things on any sidewalk or in any street, alley, lane, park or public grounds in said village and allowing same to remain on said sidewalk, or in said street, alley, lane, park or public grounds for a continuous period of 48 hours, shall be deemed a violation of this ordinance unless permission has been previously obtained as provided in Sec. 01.

SECTION 03. Any person duly convicted of violating this provisions of either section one or section two of this ordinance, shall be punished by a fine of not less than five dollars or more than fifty dollars and cost of suit, or by imprisonment for not less than ten days nor more than sixty days, or by both such fine and imprisonment, at the discretion of the court.

This ordinance shall take effect and be in full force on the ninth day of September, 1907. Approved by the Common Council of the Village of Pellston, County of Emmet, State of Michigan, this 19th day of August, 1907.

George Grove President said Village
T. W. Irwin Clerk said Village

I hereby certify that the foregoing ordinance (No. 002) has been published on the Thursday following August 19th, 1907, in the Pellston Journal, a weekly newspaper of general circulation, the same paper is published in Pellston, Mich, in the English language.

T. W. Irwin, Village Clerk

# ANIMALS RUNNING AT LARGE

No. 003

Being an ordinance to prohibit Cattle, Horses, and other animals from running at large in the Village of Pellston.

The Village of Pellston ordains:

SECTION 01. It shall be unlawful for any Cattle, Horses, Mules, Sheep, or Swine, to run at large in any public street, lane, alley, park place or highway, within the village of Pellston, and is shall be the duty of the poundmaster or marshall of said village to seize and impound any such animals found running at large contrary to the provisions of this ordinance.

SECTION 02. The poundmaster or other persons having charge of the pound of said village shall receive and keep therein any animal mentioned in section one of this ordinance that may be found running at large contrary to said section and it shall be lawful for any person to seize, take into his possession and deliver to the poundmaster of said village any animal mentioned in said first section of this ordinance which may be trespassing upon premises owned or occupied by such person, to be kept in said pound as herein provided.

SECTION 03. Whenever any animal shall have been impounded under the preceding sections, such animal shall be received and kept in such pound, if there be one, and if not, the same may be kept by any such officer in any other convenient and suitable place, and if such animal shall not be claimed and the fees hereafter provide for paid with in two days thereafter, such officer in charge of such animals shall advertise the same for sale at public auction to the highest bidder, by three written or printed notices to be posted in three public places in said village, describing the property and specifying the time and place of such sale and he shall also personally serve a like notice upon the owner of such animal if known to him, such sale to be made in not less than six nor more than ten days from the date of such notice.

SECTION 04. The said poundmaster shall on the day and at the time and place specified in the notice of sale as provided in the preceding section, expose for sale and sell the property so impounded; for which services he shall be entitled to the following fees:For every horse, mule or colt, one dollar; For every cow, calf or other cattle, fifty cents; for every sheep or swine, twenty-five cents, such fees to be in addition to the fees of impounding and for care of the property as hereinafter provided. The officer making the sale shall keep a record of each animal sold and the price for which same was sold, and an itemized statement of his fees for the care and sale of each animal, which statement shall be certified by him under oath, and filed with the treasurer of said village, for which certificates such officers shall be entitled to a fee of fifty cents and in case any animal shall be sold for more than sufficient to pay all such cost, fees and charges the surplus shall accompany such certificate and shall be paid by the village treasurer to the owner of said property, provided such ownership and claim thereof be made within one year from the date of such sale. If no person shall make claim for such surplus within one year then such surplus shall be placed to the credit of the contingent fund of said village.

SECTION 05. The owner of any animal which shall have been impounded under the foregoing provisions, may at any time, prior to sale thereof, demand and be entitled to possession thereof on payment or tender to the poundmaster or any person in charge, of the following fees: For every horse, mule, or colt, one dollar; for cows, calf or other cattle, fifty cents; for every sheep or swine twenty-five cents, and the further sum of seventy five cents a day for the keeping of every such horses, mules, colt, cow, calf or other cattle and fifty cents a day for the keeping of every sheep or swine, for every day since and including the day of impounding the same, providing that in case such demand be not made until after such property has been advertised for sale then the person making such demand shall pay in addition to the fees above named, one half the fee as here in provided for the sale of such animal.

SECTION 06. If any person shall rescue any animal mentioned in this ordinance when impounded or while being driven or taken to the pound or other place custody, by any officer, he shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than twenty dollars nor less than five dollars, with cost and prosecution, or by imprisonment in the county jail of Emmet County, not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

Ordinance No. 003 (continued)

SECTION 07. This ordinance shall take effect and be in full force on the ninth day of September, 1907.

Approved by the Common Council of the Village of Pellston, County of Emmet, State of Michigan, this 19th day of August, 1907.

George Grove President said Village
T.W. Irwin Clerk said Village

I hereby certify that the foregoing ordinance (No. 003) has been published on the Thursday following August 19th, 1907 in the Pellston Journal, a weekly newspaper of general circulation, the same paper is published in Pellston, Mich. in the English language.

T.W. Irwin, Village Clerk

# BICYCLE ORDINANCE

No. 004

Being an ordinance to restrain and prevent the riding of bicycles upon sidewalks in the Village of Pellston.

The Village of Pellston ordains:

SECTION 01. It shall be unlawful for any person on and after the ninth day of September, 1907, to ride a bicycle upon any sidewalk in the village of Pellston except as hereinafter provided.

SECTION 02. Any person desiring to ride a bicycle on the sidewalks of the said village, shall apply to the president of the village, who may a his discretion, issue a permit to such person, allowing him or her such privileges for a period specified therein.

SECTION 03. It shall be unlawful for any person on and after the ninth day of September, 1907, to ride a bicycle at a speed faster than six miles and hour upon any public street or highway within the corporate limits of the village of Pellston.

SECTION 04. Any person riding a bicycle on any of the streets of the Village of Pellston shall have his or her bicycle provided with an alarm which shall be sounded on approaching any crosswalk at a distance not less than forty nor more than fifty feet therefrom, and loud enough to warn any person or persons on said crosswalk of the approach of such bicycle.

SECTION 05. Any person or persons violating any of the provisions of this ordinance shall upon conviction thereof, be punished by a fine of not less than one dollar or more than twenty-five dollars, and cost of prosecution, or by imprisonment in the county jail of Emmet County, Michigan, or the lock up of the village of Pellston for a period or not exceeding thirty days, or both such fine and imprisonment in the discretion of the ccurt before whom the offender is tried and convicted.

Ordinance 004 (continued)

SECTION 06. This ordinance shall take effect and be in full force on the ninth day of September, 1907.

Approved by the Common Council of the Village of Pellston, County of Emmet, State of Michigan, this 19th day of August, 1907.

George Grove President said Village
T.W. Irwin Clerk said Village

I hereby certify that the foregoing ordinance (No.004) has been published on the Thursday following August 19th, 1907, in the Pellston Journal, a weekly newspaper of general circulation, the same paper is published in Pellston, Mich. in the English language.

T. W. Irwin, Village Clerk

## RAILROAD CARS AND ENGINES

No. 005

Being an ordinance to prohibit railroad cars and engines from standing across or otherwise obstructing any street or highway within the village of Pellston, Michigan, for a longer period of five minutes at any one time.

The Village of Pellston ordains:

SECTION 01. It shall be unlawful for any person having the management or control of any railroad engine, railroad car or train of cars to permit the same to stand across or otherwise obstruct any street or highway within the limits of the village of Pellston for a longer period than five minutes at any one time.

SECTION 02. Any person violating the provisions of section one of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars, or by imprisonment in the Village lock up or in the county jail of Emmet County, Michigan, for a period not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

SECTION 03. This ordinance shall take effect and be in full force on the ninth day of September, 1907.

Approved by Common Council of the Village of Pellston, County of Emmet, State of Michigan, this 19th day of August, 1907.

George Grove President said Village
T.W. Irwin Clerk said VIllage

I hereby certify that the foregoing ordinance (No.005) has been published on the Thursday following August 19, 1907, in the Pellston Journal, a weekly newspaper of general circulation, published in Pellston, in the English language.

T.W.Irwin, Village Clerk

## PRESERVATION OF SHADE TREES

No. 006

The Village of Pellston ordains:

SECTION 01. That any person who shall cut, kill, destroy, damage or injure, either directly or indirectly, any tree or shrub set or growing in the streets, parks, or public grounds of this village, except it be done by order or permission of the council; or who shall in any way be responsible for such damage or injury either negligently or otherwise; or who shall hitch or tie any horse,horses or cattle thereto, or permit the same to be so attached by his order or consent shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offence by a fine of not to exceed ten dollars and costs of suit, or imprisonment for not to exceed twenty days, or both, at the discretion of the court; and for a second or subsequent offence shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars and cost of suit or imprisonment for not less than ten days nor more than ninety days, or both at the discretion of the court.

SECTION 02. This ordinance shall take effect and be in full force on the ninth day of September, 1907.

Approved by the Common Council of the Village of Pellston, County of Emmet, State of Michigan, this 19th day of August, 1907.

George Grove President said Village
T.W. Irwin Clerk said Village

I hereby certify that the above ordinance (No. 06) has been published on the Thursday following August 19th, 1907 in the Pellston Journal, a weekly newspaper of general circulation, the same paper is published in Pellston, Michigan in the English language.

T.W. Irwin, Village Clerk

# SIDEWALKS

No. 007

The Village of Pellston ordains:

SECTION 01. That whenever the Common Council of said village shall order a sidewalk laid on any street within said village the same shall be laid by the person or persons owning real estate or joining which said sidewalk was ordered laid within twenty days (20) from the time of the service of notice of said order upon the owner of such real estate.

SECTION 02. Whenever the village trustees shall order any sidewalk laid the Marshall shall within two (2) days from the time the said order was made, serve or cause to be served a written notice of said order upon the owner of real estate adjoining which said walk is ordered laid. Service of said notice shall be made by delivering the same personally to the owners of said real estate, his agent or attorney and when the owner of said real estate adjoining which sidewalks have been ordered laid is a non resident of said village said notice may be served by posting the same in a conspicuous place on said premises.

SECTION 03. All sidewalks hereafter built and constructed in any of the streets of said village shall be built and constructed of natural stone, artificial stone or cement provided that the railroad company use such other material between their track and for a distance of three (3) feet from the outer rail thereof as shall be approved by the common council.

SECTION 04. The width of all sidewalks hereafter built and constructed shall be as follows: All walks on the west side of Milton Street., between Mill St. and Edgar St. and all walks on the east side of Stimpson St. between Mill St. and Edgar St. shall be ten (10) feet wide. All walks on Main St. between Wacktel St. and Milton St. shall be six (6) feet wide. The width of all walks not hereinbefore specified as otherwise shall be five (5) feet wide.

SECTION 05. The material used in the construction of all cement sidewalks in said village shall be of quality equal to the best Portland Cement. Said sidewalks shall not be less than four (4) inches in thickness where laid upon ground and six (6) inches where laid over or above an excavation.

SECTION 06. The street Commissioner shall have supervision of the construction and repairing of all sidewalks hereafter built or constructed or repaired in any of the streets of said village and all sidewalks hereafter built shall be laid on the

Ordinance No. 007 (continued)

SECTION 07. It shall be the duty of all owners of real estate on the streets where sidewalks have been ordered laid or now exist to keep and maintain the sidewalks adjoining their premises in good repair. Whenever any sidewalks shall be out of repair the Marshall shall immediately notify the owner of the adjoining premises which said sidewalk is laid, to repair the same within five (5) days after the service of said notice. Said notice shall be in writing and shall be served in the manner prescribed by section two.

SECTION 08. In case any owner of real estate adjoining which sidewalks have been ordered laid or repaired shall neglect or refuse to build or repair said sidewalk in conformity to this ordinance with the time specified therein, it shall be lawful for the Village to build or repair said sidewalk. Whenever the village shall repair or build any sidewalk as herein provided, a just and accurate account of the expenses of same shall be kept and cost thereof shall be assessed against the property adjoining said sidewalk.

SECTION 09. Any violation of this ordinance shall be punished by a fine not less than two (2) dollars nor by more than twenty-five (25) dollars or by imprisonment in the county or village jail for not less than five (5) days nor more than thirty (30) days or by both such fine and imprisonment.

SECTION 10. This ordinance shall take effect and be in force on the 9th day of September, 1907.

Approved by the Common Council of the Village of Pellston, County of Emmet, STate of Michigan, this 19th day of August, 1907.

George Grove President said Village
T.W. Irwin Clerk said Village

I hereby certify that the foregoing ordinance (No.007) has been published on the Thursday following August 19th, 1907, in the Pellston Journal, a weekly newspaper of general circulation, the same paper is published in Pellston, Michigan in the English language.

T.W. Irwin, Village Clerk

Footnote:
The action of the village council in adopting this ordinance No.007 at a special meeting held August 19, 1907 is hereby rescinded by action of Village Council at a regular meeting (adjourned) held June 2, 1914. E.G. Stevenson, Village Clerk

The Village Council of the Village of Pellston hereby adopts ordinance No. 007 at a third reading according to action of said village Council at an adjourned regular meeting held June 2, 1914. E.G. Stevenson, Village Clerk - Dated June 2, 1914.

# VILLAGE MARSHALL

No. 008

SECTION 01. The village marshall shall be appointed by the village president by and with the advice and consent of the village trustees, on the first Monday in May of each year or as soon thereafter as may be.

SECTION 02. The village marshall of said village shall be the chief of the Police department and shall hold his office for the term of one year or until his successor shall be appointed and qualified.

SECTION 03. He shall before entering upon the duties of his office, execute a bond to the village of Pellston in the penal sum of $250.00 with such sureties as the village trustees shall approve conditioned for the faithful performance of the duties of his office and the payment of all moneys that may be received by him according to law and the ordinance of said village.

SECTION 04. He shall devote his entire time to the discharge of the duties of his office and shall be charged with the preservation of the peace, order, safety and cleanliness of the village and with the duty of protecting the rights of persons and property and enforce all the ordinances of the village.

SECTION 05. It shall be the duty of the village marshall to execute all processes issued by any justice of the peace, in any case, suit or proceeding within the village as a plaintiff or defendant.

SECTION 06. It shall be the duty of the village marshall to collect all dog taxes imposed by said village of Pellston

SECTION 07. It shall be the duty of the village marshall to examine under the direction of the village president or committee on fire and water, every house, store, shop, or other building or premises and all places used for the keeping of ashes and any and all other combustible materials.

SECTION 08. It shall be the duty of the village marshall to remove or abate any cause from which danger by fire may be apprehended at the cost of the party whose duty it may be to remove or abate the same.

SECTION 09. The village marshall shall be the keeper and shall have the care and the control of the village calaboose and of all persons confined therein.

Ordinance No. 008 (continued)

SECTION 10. The village marshall shall at not time absent himself from the village without the consent of the president or in case of the president's absence any three of the trustees.

SECTION 11. The village marshall, shall on the first Monday in each month, make a written report to the village trustees showing the number of arrest made by any officer in the village of Pellston during the preceding month, the name of each person arrested, the officer making the arrest, the offence charged, the justice of the peace before whom tried, the disposition of the case, the amount of fine imposed if any, and the amount of fine collected, if any.

This ordinance shall take effect and be in force on the 20th day of September 1907.

Approved by the Common Council of the Village of Pellston, County of Emmet, State of Michigan this 9th day of September 1907.

George Grove President said Village
T. W.Irwin Clerk said Village

I hereby certify that the foregoing ordinance (No.009) has been published on the Thursday following the 4th day of November 1907, in the Pellston Journal, a weekly newspaper of general circulation, the same paper is published in Pellston, Michigan in athe English language.

T. W. Irwin, Village Clerk

## MISDEMEANORS

No. 009

That whoever shall commit an assault or an assault and battery upon the person of another or shall be guilty of an affray within the limits of the village of Pellston or whoever shall disturb the peace of the Village of Pellston or the quiet of any private family or person therein, by loud or unusual noises tumultuous carriage, or by shouting, cursing, quarreling, challenging to fight or fighting or any other disorderly conduct; or whoever shall use any profane, obscene or offensive language or indulge in any conduct towards another or others tending to provoke a disturbance or breach of the peace; or whoever shall together with others assemble for any unlawful purpose or who being assembled shall act in concert to do an unlawful, act against the property of the village or to the person or property of another, or against the peace or to the terror of citizens or other persons or who shall make any movement or preparation therefor; or whoever shall knowingly or wittingly suffer or permit any assemblies for the purpose of committing any unlawful act or breach of the peace or any riotous offensive or disorderly conduct in or upon any premises owned or occupied by him or under his control within said village; or whoever shall in said village interrupt or disturb any congregation or assembly met for the purpose of religious worship or for any lawful purpose; of whoever shall within said village wear or carry concealed about his person any dangerous or deadly weapon except such person be a police officer or some other peace officer in the discharge of his duties or some person summoned to assist such officer; or whoever shall be drunk and intoxicated in the streets or public places of the said village or any place open to public view within the same; or whoever shall accost or force his attention upon any lady against her will upon any street or in any public place in the Village of Pellston; or whoever shall within the said Village of Pellston inhumanly unneoessarily, or cruelly, beat, injure or otherwise abuse any dumb animal or overload any horse or other animal or animals; or whoever within corporate limits of the Village of Pellston shall spit or expectorate upon the floor or walls of any public building or upon the approach or entrance thereto or upon the sidewalks of said village; or whoever shall within the Village of Pellston unlawfully take and carry away any personal property or thing of value belonging to another from any store, shop, house, vehicle, or any place where such thing may lawfully be with intent to deprived the owner thereof of his property therein or whoever shall within said Village of Pellston drive any team, automobile or other vehicle, or ride any hose through the streets at greater speed than eight miles per hour; or whoever shall within the Village of Pellston discharge any firearms; or whoever shall within the Village of Pellston run away or threaten to run away and leave his wife and children a burden on the public or who being of sufficient ability, refuse or neglects to support his family or who leaves

Ordinance No. 009 (continued)

Or whoever shall within the Village of Pellston pretend to tell fortunes or with whom lost or stolen goods are found; or whoever within the Village of Pellston commits prostitution, or who keeps a bawdy house or house for the resort of prostitutes; or whoever shall within the Village of Pellston knowingly sell or give intoxicating liquors to drunkards and tipsters or other disorderly persons, or who for the most part support themselves by gaming, all vagrants to be deemed disorderly persons, shall be guilty of a misdemeanor and upon due conviction thereof may be punished by imprisonment for not to exceed ninety days or by a fine of not to exceed fifty dollars and costs of suits or by both such fine and imprisonment at the discretion of the court.

This ordinance shall take effect and be in full force on the 25th day of November 1907.

Approved by the Common Council of the Village of Pellston, County of Emmet, State of Michigan this 4th day of November 1907.

George Grove President said Village
T.W. Irwin Clerk said Village

I hereby certify that the forgoing ordinance (No.009) has been published on the Thursday following, November 4th, 1907, in the Pellston Journal, a weekly newspaper of general circulation, published in Pellston, Michigan in the English language.

T.W. Irwin, Village Clerk

## POOL TABLES, BOWLING ALLEYS ETC.

No. 010

SECTION 01. No person shall keep within the Village of Pellston any pool and billiard, bagatelle or pigeon hole table or any ball or ten pin alley to be used or played upon by others for hire or gain without first having obtained a license therefore from the president of the village council. The fees to be paid for such license shall be $2.50 per annum for each, pool, billiard, bagatelle or pigeon hole table and $2.50 per annum for each bowling alley in a bowling room.

SECTION 02. All billiard and pool rooms and ten pin and bowling alleys within the Village of Pellston shall be closed for the transaction of business on Sunday, and on week days they shall be closed at or before the hour of 10:30 o'clock in the evening of each day and shall be kept closed until 5:00 o'clock in the morning of the following day. The word "closed" as used herein, shall not be construed to prevent the carrying on of any other lawful business which may be conducted or carried on in the same room or rooms with the games aforesaid.

SECTION 03. No keeper or person conducting any pool or billiard room or ten pin alley within the Village of Pellston shall permit any person under the age of 18 years to play at any game room any table or alley kept by him, nor shall he permit any such person to frequent his place of business or loiter or remain therein, except upon the written consent of the parent or guardian of such person.

SECTION 04. Any person violating any of the provisions of this ordinance shall upon conviction thereof be subject to a fine of not to exceed fifty ($50.00) dollars and cost of suit and until such fine shall be paid shall be imprisoned in the village calaboose, but such imprisonment for failure to pay fine shall not exceed the term of ninety days.

This ordinance shall take effect and be in full force on the 25th day of December 1907.

Approved by the common council of the Village of Pellston, Emmet County, Michigan, this 4th day of December, 1907.

George Grove President said Village
T.W. Irwin Clerk said Village

I hereby certify that the foregoing ordinance (No.010) has been published on the Thursday following the 4th day of December, 1907 in the Pellston Journal, a weekly newspaper of general circulation, published in Pellston, Michigan in the English language.

T. W. Irwin, Village Clerk

# DOGS

No. 011

SECTION 01. Who shall be considered keeper of owner of dog. Any dog that is allowed to stop at or be around any residence or any place of business shall be considered as being kept by the person having control of such place of business or residence.

SECTION 02. Every person owning, possessing, keeping or harboring any dog within the limits of the Village of Pellston shall within 15 days after the first day of May in each year, or within 10 days after having first come into possession or control of any dog within said village, upon which a village tax has not been paid, shall pay to the village marshall a tax or fee of one dollar for dog and three for bitch so owned, possessed, kept or harbored by him, and shall cause such dog to be registered in the office of village clerk for taxation. Any person who shall violate the provisions of this section shall be fined not less than three dollars, nor more than ten dollars for each offence.

SECTION 03. It shall be the duty of the village marshall to collect all dog taxes; or fees and to issue receipts therefore, and he shall also keep a correct record of all such taxes collected and shall register each dog upon which tax shall be paid in a register provided for that purpose, giving a brief description of the dog, the name of the owner and date upon which tax was paid.

SECTION 04. The Village Marshall is hereby authorized and empowered, and it is hereby made his duty to shoot, kill, and destroy all such dogs that may be found running at large in said village in violation of the provisions of this ordinance, and all dogs upon which the tax or license fee has not been paid provided that the mayor may appoint some person to assist or act in said marshall's place in enforcing the provisions of this ordinance.

Approved by the common council of the Village of Pellston, Emmet County, Michigan this 6th day of April, 1908.

This ordinance shall take effect on April 27, 1908.

George Grove President said Village
James D. Robinson Clerk said Village

I hereby certify that the foregoing ordinance was published in the Pellston Journal, a weekly newspaper of general circulation, on April 9th, 1908, the said Pellston Journal being a paper published in the English language.

James D. Robinson, Village Clerk

## NUISANCE

No. 012

SECTION 01. Whoever shall suffer the carcass of any dead animal which at its death was controlled by him to remain unburied in said village for more than twenty-four hours after death shall be guilty of creating nuisance, and no animal of the species of horse, cow, sheep, dog or swine shall be buried in said village except by permission of some member of the health committee.

SECTION 02. The slaughtering of any animals of the cattle, sheep, or swine species, or the rendering of any tallow or lard within said village is hereby declared a nuisance. Provided, this section shall not apply to the slaughtering of any animal, or to the rendering of any tallow or lard for private use or consumption. Provided further that permits for the slaughtering of such animals or rendering lard or tallow, may be issued by the Mayor or health committee.

SECTION 03. Any person violating any one or more of the provisions of this ordinance shall for each offence be fined not less than ten ($10.00) dollars nor more than fifty ($50.00) dollars.

Approved by the common council of the Village of Pellston, Emmet County, Michigan this 6th day of April A.D. 1908.

This ordinance shall take effect April 27, 1908.

George Grove President said Village
J. D. Robinson Clerk said Village

I hereby certify that the following ordinance (No .012) has been published on April 9th, 1908 in the Pellston Journal, a weekly newspaper of general circulation: the same paper is published in Pellston in the English language.

James D. Robinson, Village Clerk

GRANTING OF LICENSE UNDER ORDINANCE NO. 010

No. 013

SECTION 01. No license shall be issued as directed in ordinance number ten (010) of the village of Pellston the same being an ordinance relative to Pool Table, Bowling Alleys,etc. passed by the common council of this village on December 4, 1907; unless the following conditions are complied with.

SECTION 02. Each person desiring license as specified in ordinance No. ten aforesaid shall present to the Village Council an application in writing in manner and form as the council may require requesting the same, setting forth the kind of business which the applicant desires to carry on and the building in which it is to be conducted. Such application shall be signed by the applicant and approved and countersigned by four property holders, is so many there be , on the same street and block where the business is to be carried on.

This ordinance shall take effect and be in full force at once.

Approved by the common council of the Village of Pellston, Emmet County, Michigan, this twentieth (20) day of April, A.D., 1908.

George Grove President said Village
James D. Robinson Clerk said Village

I hereby certify that the foregoing ordinance, Number 013 was published on the twenty-third (23) day of April, 1908 in the Pellston Journal, a weekly newspaper of general circulation, published in the English language in Pellston, Emmet County, Michigan.

James D. Robinson, Village Clerk

# LICENSING OF TRANSIENT TRADERS AND DEALERS

No. 014

The Village of Pellston ordains:

SECTION 01. No transient trader or dealer shall engage in carrying on his trade or business within the corporate limits of the Village of Pellston without first obtaining license therefore, as hereinafter specified.

SECTION 02. The application for a license provided for in the preceding section shall be made in writing by the person or persons desiring the same, or their proper agents, to the clerk of the said Village, and said clerk, upon receiving said application shall refer the same to the president of said village, and all licenses issued in pursuance of said application shall be signed by the clerk and countersigned by the president shall endorse on said application the amount to be paid for said license, which said amount shall be paid to said clerk at the time of issuing the license.

SECTION 03. For every license issued under the provisions of the preceding section, the person or persons desiring the same shall pay to the clerk of said village such sum of money as shall be endorsed by the said president on the application therefor, not exceeding the sum of ten ($10.00) per day and which said license money the clerk of said village shall at once pay to the treasurer of said village, taking his receipt therefor, and said treasurer shall place the same to the credit of the general fund.

SECTION 04. In case of the absence or sickness of the clerk, the application for license provided for by this ordinance may be made to the President of said village, and in case of his absence or sickness and that of the clerk, the said application is to be made to any of the trustees of said village, one of whom shall sign said license, and fix the amount of same, and one of whom shall countersign the said license, collect the amount endorsed upon said application therefor, and pay the same to the village clerk taking his receipt therefor.

SECTION 05. Any person violating any of the provisions of this ordinance upon due conviction thereof, shall be punished by fine of not to exceed one hundred ($100.00), or imprisonment for not to exceed ninety days, or both such fine and imprisonment at the discretion of the court, and costs of suit. If the defendant be sentenced to pay a fine and costs, and fails to pay the same he may be imprisoned for not to exceed ninety days or until such fine and costs are paid.

No. 014 (continued)

SECTION 06. Any person sentenced to imprisonment under this ordinance may be kept at labor during such imprisonment.

SECTION 07. This ordinance shall take effect and be in full force on and after the twenty-fourth (24) day of August A.D., 1908.

Approved by the common council of the Village of Pellston, Emmet County, Michigan, this third day of August A.D. 1908.

| | | |
|---|---|---|
| George Grove | President | said Village |
| James D. Robinson | Clerk | said Village |

I hereby certify that on August 6th, 1908, the foregoing ordinance No.(014) was published in the Pellston Journal a weekly English newspaper of general circulation published in the Village of Pellston, Emmet County, Michigan.

James D. Robinson, Village Clerk

# BUILDINGS AND STRUCTURES

No. 015

Relative to limits and districts within wnich wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such district with respect to protection against fire and the material of which the outer walls and roofs shall be constructed.

SECTION 01. That the land within the Village of Pellston founded and described as follows: to wit; Beginning of the North-east corner of lot seven (7) in Block two (2) thence south to the South-east corner of Lot twenty (20) in Block ten (10) thence West to South-west corner of lot eight (8) OF subdivision of Block "C" thence North to the North-west corner of Lot seven (7) in Block six (6) thence East to the North-east corner of lot seven (7) in Block six (6) thence North to the North-east corner of lot seven (7) in Block three (3) thence East to place of beginning all in the Village of Pellston, Emmet County, Michigan, as shown on the recorded plat of Pellston, Michigan with Bogardus addition and subdivision of Block "C", shall be set aside and designated, and the same is hereby set aside and designated as a special fire area or district within which from and after the passage of this ordinance it shall be unlawful to construct place or enlarge any wooden building, or make any substantial oar material addition to those already constructed.

SECTION 02. All buildings hereafter constructed or placed within the said area or district and all additions hereafter made to buildings therein shall have the outer walls thereof constructed of brick, concrete, or stone, and the roofs thereof covered with slate, metal, asbestos, or other uninflammable material.

SECTION 03. Any person desiring to construct place or enlarge any building within the above designated area or district shall before commencing to construct the same submit the plans and specifications thereof to the village council for its approval, as being in accordance with the terms of this ordinance.

Ordinance No. 015 (continued)

SECTION 04. This ordinance shall take effect and be in full force at once.

Approved by the common council of the Village of Pellston, Emmet County, Michigan this twentieth day of April A.D., 1909.

G. W. Priest President said Village
James D.Robinson Clerk said Village

I do hereby certify that on April 22, A.D., 1909, the foregoing ordinance (No. 015) was published in the Pellston Journal, a weekly English newspaper of general circulation, published in the village of Pellston, Emmet County, Michigan.

James D. Robinson, Village Clerk

# LICENSING AND REGULATIONS OF BILLIARD TABLES, POOL TABLES, BAGATELLE TABLES PIGEON-HOLE TABLES AND BALL ALLEYS

No. 016

The Village of Pellston Ordains:

SECTION 01. No person shall keep a billiard table, pool table, bagatelle table, pigeon-hole table or ball alley within the limits of Village of Pellston without first obtaining a license therefor, as hereinafter provided.

SECTION 02. The keeper of a billiard table, pool table, bagatelle table, pigeon-hole table or ball alley, is defined to be one who owns, possesses or keeps a billiard table, pool table, bagatelle table, pigeon-hole table, or ball alley, whereon others are permitted to play for hire.

SECTION 03. The Village council may, upon the written application of any person or persons, setting forth the kind of business which the applicant desires to carry on and the building in which said business is to be conducted, said application to be signed by the applicant and approved and countersigned by four property holders, if so many there be on the same street and block where the proposed business is to be carried on, grant a license to any person or persons to keep a billiard table, pool table, bagatelle table, pigeon-hole table or a ball alley in the Village of Pellston, upon the payment, in advance, of the sum of two dollars and fifty cents for each billiard table, pool table, bagatelle table, pigeon-hole table or ball alley proposed to be kept by such person or persons, and on his, her, or their executing a bond to the Village of Pellston in the penal sum of $500 with two or more sufficient sureties, to be approved by the village council, conditioned that he, she or they will well and faithfully observe the charter and ordinances of the Village of Pellston.

SECTION 04. Licenses issued under the provisions of this ordinance shall, unless sooner revoked, be good and remain in force for one year from the date of issue.

No. 016 (continued)

SECTION 05. No person licensed as aforesaid shall at any time permit or suffer any person or persons to gamble for money or any other thing of value on any billiard table, pool table, bagatelle table, pigeon-hole table, or ball alley kept by him, nor shall any person so licensed permit or suffer in or about any room or place where any such table or ball alley is kept by him, any drunkenness, quarreling, fighting, gaming, for money or any other thing of value, or any disorderly conduct.

SECTION 06. No person licensed as aforesaid shall suffer or permit any such table or ball alley to be used or played upon on the first day of the week, commonly called Sunday, nor shall any such licensee permit or suffer any room or place where any table or ball alley is kept for hire to be open or any playing therein after the hour of ten-thirty o'clock at night or before the hour of five o'clock in the morning of any day, nor shall any such licensee suffer or permit any minor or minors under the age of eighteen years to play at any game at or upon any such table or ball alley, nor shall any such licensee suffer or permit any minor under the age of eighteen years to loiter or remain in any room or place where any such table, tables or ball alley as aforesaid, are kept.

SECTION 07. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than $10 and not exceeding $50, or by imprisonment in the county jail of Emmet County for a period not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court, and in default of the payment of any fine, the court may imprison such person in said jail until such fine is paid, not, however, exceeding ninety days.

SECTION 08. Ordinance No. 010, relative to Billiard tables, pool tables, bagatelle tables, pigeon-hole tables, and ball alleys, and Ordinance No. 013 amendatory thereof, and all other ordinances and parts of ordinances in any way contravening the provisions of this ordinance are hereby repealed.

This ordinance shall take effect and be in full force on the twenty-sixth day of February A.D. 1915.

Approved by the Common Council of the Village of Pe[illegible]on, Emmet County, Michigan, this fourth day of February A. D. 1915.

John W. Beadle, President
Elliot G. Stevenson, Clerk

# LICENSE AND REGULATE ROLLER SKATING RINKS

No. 017

The Village of Pellston Ordains:

SECTION 01. That no person, firm or corporation shall keep, maintain or conduct a roller skating rink within the limits of the village of Pellston without having first obtained a license therefor, as hereinafter provided.

SECTION 02. Every person, firm or corporation desiring to procure a license to keep, maintain or conduct a roller skating rink in the said village shall make written application therefor to the village council, which application shall state the name and place or residence of the applicant, and the plaoe within said village where it is proposed to keep, maintain and operate said skating rink; and with such application shall file with the village council a bond in the penal sum on one hundred dollars, with surety or sureties to be approved by the village council, conditioned for the observance by such applicant of all of the provisions of the charter and ordinances of the said village. Upon filing such application and bond with the village council and upon simultaneous payment to the village council of such license fees as the village council fix and determine, the said village council may issue a license to conduct such roller skating rink in the place specified in such application.

SECTION 03. No licensee under this ordinance shall permit or suffer in or about his place of business any drunkenness, quarreling, fighting, profane or obscene language, or any other disorderly conduct; not shall any licensee under this ordinance permit or suffer any person to skate in his said place of business on the first day of the week, commonly called Sunday, or after the hour of nine o'clock p.m. or before the hour of seven o'clock a.m. of any day; nor shall any licensee under this ordinance permit or suffer any minor to remain in or about his place of business after the parent or guardian of such minor shall have notified such licensee, or his agent, in writing, not to permit such minor to remain in or about leis place of business.

SECTION 04. No licensee under this ordinance shall permit or suffer any mechanical musical instrument to be played or operated in or about his roller skating rink, except between the hours of two o'clock p.m. land five o'clock p.m. and between the hours of seven o'clock p.m. and nine o'clock p.m.

No. 017 (continued)

SECTION 05. If default be made in the payment of any fees fixed for issuance of such license by said council; or if any of the provisions of this ordinance be violated; or when said council may deem it for the public good; the said council may revoke any such license, which revocation shall be in addition to the other penalties provided in this ordinance, and licensee shall not be entitled to recover any part of the license fees paid by him on account of such revocation.

SECTION 06. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than one hundred dollars, and the costs of prosecution, or by imprisonment in the common jail of Emmet County for a period of not exceeding ninety days, or both such fine and imprisonment in the discretion of the Court, and the court may, in default of the payment of any fine and cost, sentence the offender to imprisonment in said county jail until such fine and costs shall be paid, not, however, exceeding ninety days.

SECTION 07. This ordinance shall take effect and be in full force on the fourth day or May 1A.D.1915.

Passed an approved by the common council, in council assembled, this twelfth day of April, A.D. 1915.

A.G.Grayson, President of said Village of Pellston
Elliott G. Stevenson, Clerk of said Village of Pellston

## HEALTH, SAFETY AND WELFARE

No. 018

An ordinance to protect the health, safety and welfare of the residents of the Village of Pellston by prohibiting the keeping of livestock and other domestic animals in certain portions of the Village and to prescribe penalties therefore.

The Village of Pellston Ordains:

SECTION 01. It shall be unlawful for any person within the boundaries of any recorded plat in the Village of Pellston to harbor, keep, maintain, breed or raise any horse, mule, swine, sheep, goat, cow or other cattle, chickens, ducks, geese, or other domestic fowl.

SECTION 02. Violation of this ordinance shall constitute a misdemeanor, punishable by a fine not to exceed one hundred dollars ($100.00) or imprisonment in the County Jail for the County of Emmet for a period not to exceed ninety (90) days, or both such fine and imprisonment.

SECTION 03. This ordinance shall be posted at three (3) of the most public places in the Village of Pellston within one (1) week after its passage and shall become effective twenty (20) days after its passage.

Donald Gardner, Village President
Paul D. Robinson, Village Clerk

Enacted and ordained at a regular meeting of the village council of the Village of Pellston, Emmet County, Michigan on the 13th day of June, 1967.

Ayes: Five (5)
Nays: None (0)
Absent: One(1)

# DOG ORDINANCE

No. 019

An ordinance to protect the health, safety and welfare of the residents of the Village of Pellston by providing for the control and destruction of loose or stray dogs.

The Village of Pellston Ordains:

SECTION 01. All dogs in the Village of Pellston running loose and not under the control of the owner shall be subject to seizure and removal to the Emmet County Humane Society if easily caught.

SECTION 02. If the dog is reclaimed from the Humane Society and is again found running loose, it shall be subject to immediate destruction.

SECTION 03. If a dog is not easily caught and the owner is know, the owner shall be served with a written notice to restrain the dog, and thereafter if the dog is running loose again, it shall be subject to immediate destruction.

SECTION 04. Any loose dog that cannot be easily caught, and the owner not readily identified shall be subject to immediate destruction.

Francis Forton, Village President
Paul D. Robinson, Village Clerk

Enacted and ordained at the regular meeting of the Pellston Village Council, April 13, 1971.

Ayes: Six (6) Nays: None (0)

Paul D. Robinson, Clerk

# ANIMAL ORDINANCE

No. 020

An ordinance to protect the health, safety and welfare of the residents of the Village of Pellston by prohibiting the keeping of livestock or other domestic animals in certain portions of the Village of Pellston and to prescribe penalties therefore.

The Village of Pellston Ordains:

SECTION 01. It shall be unlawful for any person within the boundaries of any recordec plat in the Village of Pellston to harbor, keep, maintain, breed or raise, any horse, mule swine, sheep, goat, cow or other cattle, rabbit, chicken, ducks, geese, or other domestic fowl.

SECTION 02. Violation of this ordinance shall constitute a misdemeanor, and upon conviction thereof be punishable by a fine not to exceed $100 or imprisonment in the Emmet County jail for a period not to exceed 90 days, or both such fine and imprisonment.

Francis Forton, Village President
Paul D. Robinsor, Village Clerk

Enacted and ordained at a special meeting of the Pellston Village Council, April 24, 1971.

Ayes: (5) Nays: (0) Absent (1)

Paul D. Robinson, Clerk

# VEHICLE TRAFFIC ORDINANCE

No. 21

An ordinance to provide for the health, welfare and safety of the residents and visitors of the Village of Pellston by designating uniform traffic regulations to be observed, and to provide the penalties for violations thereof.

The Village of Pellston Ordains:

SECTION 01. The "Uniform Traffic Code for Cities, Townships and Villages" as published by the Michigan State Police, is adopted by the Village of Pellston and shall govern traffic in the Village of Pellston.

SECTION 02. The Michigan Snowmobile Laws shall govern the use and operation of Snowmobiles in the Village of Pellston.

SECTION 03. Violations of the above ordinance shall be considered a misdemeanor and upon conviction thereof punishable by a fine of not more than $100 or confinement in the Emmet County jail for not more than 90 days, or both such fine and imprisonment. Copies of the above laws are on file and are to be available for public use and inspection in the office of the Village Clerk.

Francis Forton, Village President
Paul D. Robinson, Village Clerk

Enacted and ordained at a special meeting of the Pellston Village Council, April 24, 1971.

Ayes: (5) Nays: (0) Absent: (1)

# NUISANCE ORDINANCE

No. 022

The Village of Pellston ordains that is shall be unlawful to maintain a nuisance in the Village of Pellston, Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public, offends public decency, interferes with, obstructs, or renders dangerous any street, highway or navigable stream, or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance.

Public nuisances shall include by not be limited to the following:

SECTION 01. Any public nuisance know as common law or in equity jurisprudence.

SECTION 02. Any attractive nuisance which may prove detrimental to children whether it is a building, or on the premises of a building. This includes any abandoned wells, shafts, basements or excavations abandoned refrigerators and motor vehicles: or any structurally unsound fences or structures, or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

SECTION 03. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Village Marshall.

SECTION 04. Accumulations of weeds, vegetation, junk, inorganic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials, and similar materials, or conditions constituting fire, health or safety hazards.

SECTION 05. Inadequate or unsanitary sewage or plumbing facilities.

SECTION 06. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the Village Marshall.

Any person, firm or corporation not correcting or abating a nuisance shall be guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this code is committed, continued or permitted, and upon conviction of any such violations, such person shall be punishable by a fine or not more than $100 or by imprisonment in the Emmet County jail for not more than 90 days or by both such fine and imprisonment.

Francis Forton, Village President
Paul D. Robinson, Village Clerk

Enacted and ordained at a special meeting of the Pellston Village Council April 24, 1971 - Ayes: (5) Nays: (0) Absent: (1)

# BUILDING PERMITS

No. 023

An ordinance to provide for the issuance of building permits and to determine the location of all proposed buildings in relation to property lines and city streets.

The Village of Pellston Ordains:

SECTION 01 Permit required.
Before any building is constructed, extended, or moved, it shall be necessary to obtain a permit therefor from the Village Council.

SECTION 02 Definition
"Building" is hereby defined in this ordinance to mean any structure, framed, or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, office, factory, sign, shelter, or for some other useful purpose. "Building" in this sense includes a mobile home, component home, trailer, tent or vehicle used as a dwelling. It does not include a fence.

SECTION 03 Requirements for permit.
Before obtaining a permit, the applicant therefor shall submit an application to the Village Council with a plot plan showing the legal description of the property upon which the building is to be erected or moved, the dimensions of the property, including all corners, the location where the building will be placed, and the size of the building. If the plan is based on a survey or plat, the plan shall give the name, date and identifying number of the survey or plat as well as the name of the surveyor. If the plan is for one of the older plats in the Village, it shall show the location of all corner stakes. All plans shall show the location of all streets adjoining the premises.

SECTION 04 Fees.
The fee for each permit shall be $5.00

SECTION 05 Penalties.
For every and any violation of the provisions of this ordinance, the owner, agent, architect, builder, lessee or tenant of the land or building or part thereof where a violation has been committed or exists, shall be guilty of misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not more than $100.00 for each offense, or shall be punished by imprisonment in jail for a period not to exceed ninety days, or by both such fine and imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

No 023 (continued)

SECTION 06 Effective Date.
This ordinance shall take effect twenty (20) days after its adoption and posting.

Adopted by the Village Council of Pellston, Michigan on September 11, 1973.

Francis Forton, Village President
Robert J. McCabe, Village Clerk

I hereby certify that the attached is a true and complete copy of the Ordinance for Building Permit of the Village of Pellston, County of Emmet, and State of Michigan, duly adopted at a regular meeting of the Village Council of said Village held on the 11th day of September, 1973. I further certify that said ordinance has been recorded in the minutes of the meeting of the Village Council at which it was adopted and that such recording has been authenticated by the signatures of the Village President and Village Clerk.

Robert J. McCabe, Village Clerk

# ABANDONED CARS

No. 024

An ordinance to regulate the outdoor storage of abandoned, dismantled, partially dismantled or inoperable motor vehicles on private property within the Village of Pellston, and to provide for the issuance of permits and further to provide for penalties for the violation thereof.

The Village of Pellston ordains:

SECTION 01. Definitions

a. Motor vehicle is hereby defined as any wheeled vehicle, having more than two wheels, which is self-propelled or intended to be self-propelled by means of some type of engine or motor.

b. Abandoned, dismantled, partially dismantled or inoperable motor vehicles are defined as motor vehicles, which by reason of dismantling, disrepair or other cause, are incapable of being propelled or driven under their own power, or which do not qualify for licensing by the State of Michigan, or which do not, in fact, have such licenses.

SECTION 02. Acts Prohibited

No person, firm or corporation owning or occupying any lot or premises in the village shall allow abandoned, dismantled, partially dismantled or inoperable motor vehicles to stand, accumulate, or remain upon said lot or premises for a period of time in excess of thirty days; nor shall any person, firm or corporation place, park, or in any manner whatsoever put upon any public or private premises, including any street or right-of-ways, any such abandoned, dismantled, partially dismantled or inoperable motor vehicle without the permission of the owner in the case of private property or without the permission of the Village in the case of public rights-of-way or streets.

SECTION 03. Dismantling

It shall be unlawful for any person, firm or corporation to dismantle, cut up, remove parts from, or otherwise disassemble any motor vehicle except in a completely enclosed building, or upon the premises of an authorized junk yard as may be otherwise permitted by the ordinances of this village.

No. 024 (continued)

SECTION 04. Exceptions

This ordinance does not prohibit the storage on private premises of vehicles designed for, or modified for, racing and not intended or licensed for use on the public highways, nor for genuine antique automobiles, nor for any special vehicles designed for use by handicapped person, nor does this ordinance prohibit the storage on private premises of any vehicles classified as all-terrain vehicles. The owner or occupant of any premises on which said vehicles are stored shall obtain a permit therefor from the Village Council, which permit shall set forth the number of said vehicles allowed to be stored on the premises and the conditions of storage. Failure to obtain such a permit before the expiration of thirty days from the first storage of any such motor vehicle upon the premises shall constitute a violation of this ordinance.

SECTION 05. Indoor Storage

The provisions of this ordinance do not apply to the storage of any motor vehicle oompletely within an enclosed building.

SECTION 06. Severability

This ordinance is hereby declared to be severable and if any clause, sentence, paragraph, section or sub-section is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

SECTION 07. Penalties

Any person, firm or corporation who shall violate or assist in the violation of any provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars ($100) or by imprisonment in the county jail for a period of not exceeding ninety days (90), or by both such fine and imprisonment. Each and every day that such violation shall continue shall constitute a separate and distinct violation and offense under the provisions of this ordinance.

SECTION 08. Repeal

The former abandon oar ordinances passed at the Village Council meeting of November 19, 1970, is hereby repealed.

This ordinance shall take effect twenty (20) days after its adoption and posting.

Adopted by the Village Council of Pellston, MI on May 8, 1973.

Francis Forton, Village President - Robert McCabe, Village Clerk.

No. 024 (continued)

I hereby certify that the attached is a true and complete copy of the Ordinance Regarding Abandoned Cars of the Village of Pellston, County of Emmet, and State of Michigan, duly adopted at a regular meeting of the Village Council of said Village held on the 8th day of May, 1978. I further certify that said ordinance has been recorded in the minutes of the meeting of the Village Council at which it was adopted and that such recording has been authenticated by the signatures of the Village President and the Village Clerk.

Robert J. McCabe, Village Clerk

# DISORDERLY PERSONS

No. 025

An ordinance to protect the health, safety and welfare of the residents and visitors of the Village of Pellston by prohibiting conduct of a disorderly and/or offensive nature and to provide penalties for violations thereof.

The Village of Pellston Ordains:

SECTION 01 Definition
The term public place as used herein shall mean any street, sidewalk, alley, public building, or any place of business opened to or frequented by the public.

SECTION 02 Acts Prohibited.
No person shall engage in any indecent, insulting, immoral, or obscene conduct in any public place; utter vile, vulgar, or obscene language in any public place; insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person in any public place; engage in any disturbance, fight or quarrel in any public place; collect or stand in crowds, or arrange, en courage, or abet the collection of persons in crowds for illegal or mischievous purposes in any public place; loiter on any street or sidewalk or in any park or public building, or conduct himself in any public place so as to be offensive to other persons or so as to obstruct the free and uninterrupted passage of the public.

SECTION 03 Penalty.
Violation of this ordinance by a commission of any of the above described prohibited acts shall constitute a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed $100.00, or imprisonment in the Emmet County jail for a period not to exceed ninety (90) days, or both such fine and imprisonment.

SECTION 04 Effective date.
This ordinance shall take place twenty (20) days after its adoption.

Enacted and ordained at a regular meeting of the Pellston Village Council held on the 9th day of May 1978. Ayes: 06, Nays: 00, Absent: 00

Randolph L. Bricker, Village President
Bettejune Croff, Village Clerk

I hereby certify that the above ordinance was posted at the following three places in the Village of Pellston, at such times herein set forth: B & P Marker, Village Hall, McCabe Grocery, Citizens National Bank, on the 10th day of May, 1978

Bettejune Croff, Village Clerk

# REFUSE COLLECTION ORDINANCE

No. 26

An ordinance to provide for the collection of refuse and method of payment for such service.

The Village of Pellston Ordains:

SECTION 01 Definition.
For the purpose of this ordinance, refuse shall mean putrescible and nonputrescible solid wastes, except body wastes and includes garbage, rubbish and ashes.

SECTION 02 Refuse Service.
The Village may furnish refuse collection. The charges for such collection shall be fixed by the trustees and shall be collected on a quarterly basis from the premises receiving service.

SECTION 03 Collection of Charges.
The Village Clerk is hereby authorized to enforce the payment of charges for refuse collection by discontinuing service to the premises, and an action in assumpsit may be instituted by the Village against the customer. Such charges shall be a lien on the premises for which the services have been provided, and amounts delinquent for three months or more may be certified annually to be entered upon the next tax roll against the premises to which the services have been rendered.

SECTION 04 Effective Date.
This ordinance shall take effect twenty (20) days after its adoption and posting.

Adopted by the Village Council of Pellston, Michigan on the 19th day of January, 1982.

Randolph L. Bricker, Village President
Wendy Kent, Village Clerk

MICHIGAN CONSOLIDATED GAS COMPANY

No. 27

The Village of Pellston Ordains:

SECTION 01. 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, 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 Pellston, Emmet County, Michigan, and a franchise is hereby granted to Michigan Consolidated Gas Company, its successors and assigns, to transact a local business in said Village of Pellston, for the purpose of conveying gas into and through, and supplying and selling gas in said village and all other matters incidental thereto.

SECTION 02. If written acceptance of the franchise is filed, Michigan Consolidated Gas Company shall commence construction of a gas distribution system within the boundaries of the Village of Pellston, as more particularly shown on a map to be filed with the Village Clerk at the same time the Company files its written acceptance of the franchise. The Company shall commence the installation of its gas distribution system within ninety (90) days following the issuance of all necessary certificates and approvals by the Michigan Public Service Commission for the Company's proposed gas distribution system and for the transmission of gas to the Village of Pellston. Upon commencement of the installation of a gas distribution system within the time specified, the Company will proceed to complete the same as soon thereafter as reasonably practicable; provided, however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, breakage or repair of pipelines, machinery or equipment, governmental laws, rulings or regulations, or any other causes beyond its control; and provided further, that such initial installation and all extensions shall be subject to the Main Extension provisions contained in the Company's Rules and Regulations for Gas Service as approved by the Michigan Public Service Commission.

No. 027 (continued)

SECTION 03. Michigan Consolidated Gas 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 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 assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Village for all damages and cost which may be recovered against said Village 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 Village Council, 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 Village Council, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

SECTION 04. 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 standard and conditions of service and operation hereunder, shall be the same as now set forth in the Company's Schedule of Rules, Regulations and Rates as applicable in the City of Petoskey, or that shall hereafter be validly prescribed for the Village of Pellston under the orders, rules land regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

SECTION 05. 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.

No. 027 (continued)

SECTION 06. This ordinance shall take effect immediately after the date of publication thereof, which shall be 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 at any time during said thirty (30) year period and subject to acceptance by Michigan Consolidate Gas Company; 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 that Michigan Consolidate Gas Company shall, if it accepts the conditions and provisions thereof, within sixty (60) days after the date of the adoption of this ordinance, file with the Village Clerk its written acceptance of the conditions and provisions hereof. Upon the filing of such acceptance, this ordinance shall have the effect of a contract in accordance with the terms and conditions hereof, between the Village and the Company, and their successors and assigns, respectively.

By order of the Pellston Village Council

Dated: April 30, 1985

Randolph Bricker, Village President
Wendy Kent, Village Clerk

Filed May 9, 1985
Irene Granger, County Clerk

# ORDINANCE AMENDMENTS

No 028

An ordinance to amend certain other ordinances by re-numbering according to the date of their adoption by the Pellston Village Council.

The Village of Pellston Ordains:

SECTION 01. The ordinance known as the "Dog Ordinance" which was enacted by the Village Council on April 13, 1971, is hereby amended by deleting No. 1 and issuing No. 019. Hereafter the Ordinance shall be know as Ordinance No. 019, Dog Ordinance.

SECTION 02. The Ordinance known as the "Animal Ordinance" which was enacted by the Village Council on April 24, 1971, is hereby amended by deleting No. 2 and issuing No. 020. Hereafter the Ordinance shall be know as Ordinance No. 020, Animal Ordinance.

SECTION 03. The Ordinance known as the "Vehicle Traffic Ordinance" which was enacted by the Village Council on April 24, 1971, is hereby amended by deleting No. 3 and issuing No. 021. Hereafter the Ordinance shall be know as Ordinance No. 021, Vehicle Traffic Ordinance.

SECTION 04. The Ordinance known as the "Nuisance Ordinance" which was enacted by the Village Council on April 24, 1971, is hereby amended by deleting No. 4 and issuing No. 022. Hereafter the Ordinance shall be known as Ordinance No. 022, Nuisance Ordinance.

SECTION 05. The Ordinance known as the "Building Permit Ordinance" which was enacted by the Village Council on September 11, 1972, is hereby amended by deleting No. 5 and issuing No. 023. Hereafter the Ordinance shall be known as Ordinance No. 023, Building Permit Ordinance.

SECTION 06. The Ordinance known as the "Abandoned Cars Ordinance" which was enacted by the Village Council on May 8, 1973, is hereby amended by deleting No. 6 and issuing No. 024. Hereafter the Ordinance shall be known as Ordinance No. 024. Abandoned Car Ordinance.

SECTION 07. The Ordinance known as the "Disorderly Persons Ordinance" which was enacted by the Village Council on May 9. 1978, and never given a number shall be issued No. 025. Hereafter the Ordinance shall be known as Ordinance No. 025. Disorderly Persons Ordinance.

Ordinance No. 028 (continued)

SECTION 08. The Ordinance known as the "Refuse Collection Ordinance" which was enacted by the Village Council on January 19, 1982, is hereby amended by deleting No. 101 and issuing No. 026. Hereafter the Ordinance shall be known as Ordinance No. 026. Refuse Collection Ordinance.

SECTION 09. The Ordinance known as "Michigan Consolidated Gas Company Ordinance" which was enacted by the Village Council April 30. 1985, is hereby amended by deleting No. 105 and issuing No. 027. Hereafter the Ordinance shall be know as Ordinance No. 027, Michigan Consolidated Gas Company Ordinance.

Adopted by the Village Council of Pellston, Michigan on the 5th day of March 1990.

Randolph L. Bricker
Village President

Wendy Kent
Village Clerk

I hereby certify that the attached is a true and complete copy of the Ordinance duly adopted at a regular meeting of the Village Council. I further certify that said Ordinance has been recorded in the minutes of the meeting of the Village Council at which it was adopted and that such recording has been authenticated by the signatures of the Village President and the Village Clerk

Wendy Kent, Village Clerk

VILLAGE OF PELLSTON
ORDINANCE NO. 30

AN ORDINANCE TO PROHIBIT OVERNIGHT PARKING DURING THE WINTER MONTHS ON STREETS WITHIN THE VILLAGE OF PELLSTON AND PROVIDE PENALTIES FOR ITS VIOLATION.

THE VILLAGE OF PELLSTON ORDAINS:

1. It shall be unlawful for the owner or operator of any motor vehicle to park said vehicle on any street in the village between the first of December of each year and the first day of April of the following year between the hours of twelve o'clock midnight and eight o'clock a.m.

2. This ordinance shall become effective twenty (20) days after its passage.

3. This ordinance shall be published once within fifteen (15) days after its passage in the Petoskey News-Review, a newspaper circulating within the village.

4. If any provisions of this ordinance shall conflict with the provisions of any other ordinance of the village or the Uniform Traffic Code, then this Ordinance shall be controlling.

5. Violation of this Ordinance shall constitute a civil infraction for which a fine of twenty-five dollars ($25.00) shall be assessed for a first offense; fifty dollars ($50.00) for a second offense and one hundred ($100.00) dollars for a third offense. In addition, the village may tow away or cause to be towed away and impound an offending vehicle pursuant to state statutes in such cases made and provided.

Enacted and ordained by the Village Council of the Village of Pellston on the day of , 1990.

VILLAGE PRESIDENT

VILLAGE CLERK

AYES:

NAYES:

I hereby certify that the foregoing is a true and correct copy of an Ordinance enacted by the Village Council of the Village of

Pellston on the day last above written. This Ordinance was published in the Petoskey News Review, Petoskey, Michigan on the day of , 1990.

_____
VILLAGE CLERK

Dated:

VILLAGE OF PELLSTON
ORDINANCE NO. -031

AN ORDINANCE TO REGULATE AND REQUIRE PERMITS FOR OUTDOOR FIRES OF ANY KIND IN THE VILLAGE OF PELLSTON AND TO PRESCRIBE PENALTIES FOR ITS VIOLATION.

THE VILLAGE OF PELLSTON ORDAINS:

1. Outdoor burning permit required. No person, firm or corporation shall burn any wood, brush, trash, rubbish, papers or garbage out of doors anywhere in the village without a permit from the fire department, but no permit shall be required for the use of an outdoor fire for cooking food. No fire shall be kindled or maintained in any outdoor container or incinerator unless such container has been approved by and a permit issued by the fire department.

2. Burning permit standards. In granting or denying permits under this ordinance, the fire department shall consider whether or not the fire will smolder and/or give off noxious odors, the length of time the fire will continue, the possible effect of the fire on other residents of the village, whether or not atmospheric or weather conditions might make the fire hazardous to persons or property, and other local circumstances existing at the time tending to cause the proposed fire to be a nuisance.

3. Open burning of leaves. Open burning of leaves within the village limits is prohibited except as follows:

a. The open burning of leaves shall be permitted only during the period from October 1, through November 30. During said period of time, the open burning of leaves shall be permitted only on Wednesdays, Saturdays and Sundays, between the hours of 8:00 a.m. and 4:00 p.m.

b. The open burning of leaves shall be permitted on private property, with the consent of the owner or person in charge of the property.

c. The open burning of leaves is permitted on public rights-of-way except upon sidewalks and roadway traffic lanes, parking areas, alleys and all paved areas.

d. No person shall burn any leaves unless any such fire is at least 20 feet from any structure.

e. Any fire resulting from the open burning of leaves shall be constantly attended by a competent person until such fire is extinguished.

f. The fire chief shall prohibit the open burning of leaves when the atmospheric conditions or other conditions at the location of the fire constitute a hazard.

g. This section shall control in case of conflict with any other village ordinance.

4. Severability. The provisions of this ordinance are severable, and if any sentence, section or other part of this ordinance shall be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall remain in full force and effect.

5. Effective date. This ordinance shall become effective twenty (20) days after its passage.

6. Publication. This ordinance shall be published once within fifteen (15) days of its passage in the Petoskey News Review, a newspaper circulating within the village.

7. Penalties. Violation of this ordinance shall be a misdemeanor punishable by a fine not to exceed five hundred ($500.00) or by imprisonment for a period of ninety (90) days or by both such fine and imprisonment. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Enacted and ordained by the Pellston Village Council on the day of , 1990.

VILLAGE PRESIDENT

VILLAGE CLERK

AYES:

NAYES:

I hereby certify that the foregoing is a true and correct copy of an ordinance enacted by the Village Council of the Village of Pellston on the day last above written. The ordinance was published in the Petoskey News Review, Petoskey, Michigan on the day of , 1990.

Dated:

VILLAGE CLERK

# VILLAGE OF PELLSTON
## ORDINANCE NO. 32

AN ORDINANCE TO REQUIRE UNDERGROUND INSTALLATION OF ALL UTILITY LINES RUNNING TO NEW BUILDINGS AND STRUCTURES HEREAFTER ERECTED IN THE VILLAGE OF PELLSTON.

The Village of Pellston ordains:

1. It shall be unlawful for any person or utility to erect, construct, maintain, continue, employ, or operate poles, overhead wires and associated overhead structures between any utility's main connection at a street or elsewhere, and any building or structure erected in the Village after the effective date of this Ordinance. All utility service lines used or useful in supplying electric, communication or associated or similar services to a structure or building from a utility's main or street connection shall be installed underground.

2. In the case of a new subdivision or site condominium project, the area shall have all underground utility service and underground installation must be accomplished prior to the Village or the County building department approving any improvements in the subdivision or site condominium project.

3. This Ordinance shall take effect upon publication and shall be published within fifteen (15) days after its passage in the Petoskey News-Review, a newspaper circulated within the Village of Pellston.

Enacted and ordained by the Village Council of the Village of Pellston at a regnlar meeting held on the 10 day of May, 1999.

Village President

Village Clerk

Ayes: Council members:

Oliver, Heimforth

Schomberger, Gillespie

Nays: Council members:

Drier

(Note: Passage of this Ordinance requires a simple majority of all Council members).

I hereby certify that the above and foregoing is a true and correct copy of an Ordinance passed by the Village Council of the Village of Pellston on the 10 day of May, 1999.

Village Clerk

I hereby certify that the foregoing Ordinance was published in the Petoskey News-Review on the 24 day of May, 1999.

Village Clerk

# VILLAGE OF PELLSTON
## ORDINANCE NO. 33

AN ORDINANCE TO PROVIDE FOR THE NON-PARTISAN ELECTION OF ALL VILLAGE OFFICERS AND TO PROVIDE FOR ITS IMPLEMENTATION.

The Village of Pellston Ordains:

1. All elected Village officers, including the President, Clerk, Treasurer and Trustees, shall be elected on a non-partisan ballot commencing with the Biennial Village Election to be held in the year 2000.

2. This Ordinance shall take effect forty-five (45) days after the date of its passage and shall be published in the Petoskey News-Review, a newspaper circulated within the Village within fifteen (15) days of its passage.

Enacted and ordained by the Village Council of the Village of Pellston at a regular meeting held on the 12 day of April, 1999.

Village President

Village Clerk

Ayes: Council members:

Gillespie, Heimforth

Oliver, Schomberger

Hahn, Drier

Nays: Council members:

(Note: 2/3 of the members of the Council must vote in the affirmative for passage of this Ordinance pursuant to Chapter III, Section 3).

I hereby certify that the above and foregoing is a true and correct copy of an Ordinance passed by the Village Council of the Village of Pellston on the 12 day of April, 1999.

Village Clerk

I hereby certify that the foregoing Ordinance was published in the Petoskey News-Review on the ____ day of April, 1999.

Village Clerk

# VILLAGE OF PELLSTON
## ORDINANCE NO. 34

AN ORDINANCE TO PROVIDE FOR COMPENSATION OF THE VILLAGE PRESIDENT AND VILLAGE TRUSTEES FOR THE PERFORMANCE OF THE DUTIES OF THEIR RESPECTIVE OFFICES AND HOW SUCH COMPENSATION IS DETERMINED DUE AND PAID.

The Village of Pellston Ordains:

1. The Village President shall be paid the sum of two-thousaud, two-hundred and fifty ($2,250.00) dollars annually, payable monthly.

2. Village Trustees shall be paid twenty-five ($25.00) dollars for each meeting attended by them; provided that no trustee shall bc paid for more than one meeting on a single day. Payment shall be made ~~monthly~~ semi-annually.

3. This Ordinance shall take effeet upon publication and shall be published within fifteen (15) days after its passage in the Petoskey News-Review, a newspaper circulated within the Village of Pellston.

Enacted and ordaiued by the Village Council of the Village of Pellston at a regular meeting held on the 12 day of April, 1999.

Repealed
Feb. 15 2002
sec. ord. #41

Village President

Village Clerk

Ayes: Counell members:

~~Gillespie, Heimforth~~

Oliver, Schomberger

Hahn, Drier

Nays: Council members:

_____

_____

_____

I hereby certify that the above and foregoing is a true and correct copy of an Ordinance passed by the Village Council of the Village of Pellston on the 12 day of APRIL, 1999.

Village Clerk

I hereby certify that the foregoing Ordinance was published in the Petoskey News-Review on the ____ day of APRIL, 1999.

Village Clerk

**VILLAGE OF PELLSTON, MICHIGAN**

**ORDINANCE NO. 35**

AN ORDINANCE TO PROVIDE MINIMUM FIRE AND LIFE SAFETY REQUIREMENTS FOR RENTAL DWELLINGS.

THE VILLAGE OF PELLSTON ORDAINS:

## SECTION 1.0 TITLE & SCOPE:

### SECTION 1.1 TITLE:

This ordinance shall be known as the Village of Pellston Rental Housing Fire and Life Safety Inspection ordinance.

### SECTION 1.2 PURPOSE:

The purpose of the ordinance is to provide minimum requirements for the protection of life and property from the ravages of fire, and to protect the life, limb, health, safety and welfare of the general public.

### SECTION 1.3 SCOPE:

A. Application: This ordinance shall apply to all rented or leased dwellings or any portion thereof, that are used or intended to be used for human habitation; as a two-family dwelling, multi-family dwelling, a rooming dwelling, an apartment within a commercial building, an apartment building, a boarding dwelling, a lodging dwelling, a tourist dwelling, and a hotel or motel. This code shall apply to single-family dwellings which are leased or rented by the owner for more than six (6) months.

### SECTION 1.4 REFERENCES:

The Building Officials & Code Administrators (BOCA) National Fire Prevention Code, published by the Building Officials & Code Administrators International, Inc. and the National Fire Protection Association (NFPA) Life Safety Code will be referenced and all dwelling inspections will be in accordance with such codes and standards.

The Fire Official will use an "Inspection Report Form" as a check list to insure the uniformity of each dwelling inspection.

## SECTION 2.0 DEFINITIONS:

### SECTION 2.1 WORDS AND PHRASES DIFINED:

**DESIGNATED AGENT:** A person, firm, or corporation acting on behalf of, representing, or caring for property on behalf of the owner as follows:

a.) One-Family Dwelling: A building containing one (1) dwelling unit used exclusively or designated for one family occupancy.

b.) Two-Family Dwelling: A building containing two (2) dwelling units used exclusively or designated for occupancy for two (2) individual families, except townhouses and condominiums.

c.) Multi-Family Dwelling: A building containing three (3) or more dwelling units, except townhouses and condominiums.

d.) Rooming Dwelling: A building containing one (1) or two (2) dwelling units that is approved for use by three (3) or more persons, not mecting the definition of a family, per dwelling unit.

e.) Boarding Dwelling: A rooming dwelling where meals are provided.

f.) Lodging Dwelling: A rooming dwelling.

g.) Tourist Dwelling: A building containing less than six (6) guest rooms intended or designated primarily for, or used for the accomodations of transients, whether rented or hired out to be occupied or are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise (see Hotel/Motel).

h.) Townhouse and Condominiums: Seperately owned dwelling units in multi-unit dwellings or in a complex of such dwellings.

**DWELLING UNIT:** One (1) or more rooms with principal kitchen and sanitation facilities designed for or occupied for living, dining and sleeping purposes.

**EFFICENCY DWELLING UNIT:** A dwelling unit designed for living, dining and sleeping purposes in one (1) room plus a bathroom.

**EXIT:** Is a continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smokeproof enclosures, horizontal exits, exit courts and yards.

**FAMILY:** A family defined as either:

a.) One (1) or two (2) persons togeather in a single dwelling unit.

b.) Parents (or persons legally married), with their direct lineal decendants, whether natural or adopted and including domestic servants thereof, togeather with not more than one (1) person not so related, living togeather in the whole part of the dwelling comprising a single dwelling unit.

**FIRE OFFICIAL:** The duly appointed Village of Pellston Fire Chief or an authorized assistant.

**GUEST:** A person sharing a rooming or dwelling unit in a non-permanent status for not more than a thirty (30) day period.

**GUEST ROOM:** Any room or rooms used, or intended to be used by a guest for sleeping purposes.

**HEALTH OFFICER:** The County Officer, unless otherwise designated by the Village Council. Determinations by the Health Officer shall be made using the State Department of Health regulations and any applicable laws and/or ordinances of State, County and Village.

**HOTEL & MOTEL:** A building containg six or more guest rooms used for the aceomodations of transient guests, whether rented, hired out to be occupied or are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. If used or intended to be used or designated primarily for accomodation of transient or non-transient guests, the designation given by the owner (such as hotel, motel, motor inn or similar) may (but is not required) to be used in determining its classifieation.

**HUMAN HABITATION:** Living quarters used by people whether for a portion of a day or longer, coutaiuing provisions, for sleeping and may include provisions for living, cooking, dining, and sanitation.

**LEASE:** (see Rent)

**OCCUPANT:** Any person living or sleeping in a dwelling unit or having actual possession of a dwelling unit.

**OWNER:** Any person, who aloue or jointly or severally with others:

a.) Shall have legal equible title to any dwelling or dwelling units.

b.) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of owner, or as executor, administrator, trustee or guardian of the estate of the owner.

c.) Any such person representing, actiug in behalf of, or caring for the property of the title owner shall be bound to comply with the provisions of this Ordinance, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner and in this regard may suffer the same penalty personnally as if he were the owner, however, punishment of such person shall not prevent punishiment of the owner for the same offeuse.

**PASSAGEWAY:** (In a buildiug) A continuous and unobstructed corridor or way used to gain access to the outside, and not including doorways.

**RENT:** Any payment for the use of a dwelling unit or a portion of a dwelling unit, including but not limited to payment of money, goods or the performance of services or labor or the payment of taxes or utilities.

**TENANT:** An occupant who pays rent for a dwelliug unit.

**BOCA NATIONAL FIRE PREVENTION CODE:** The BOCA Fire Prevention Code, published by The Building Officials & Code Administrators International, Inc. adopted and in use by the Village of Pellston.

## SECTION 3.0 INSPECTION AND OCCUPANCY PERMIT:

### SECTION 3.1 GENERAL:

a.) All buildings or structures within the scope of this ordinance shall be given an annual inspection by the Pellston Fire Official or his/her designee.

b.) Initially, it shall be the responsibility of the owner/manager of such a facility to give notice and apply for an inspection of his/her facility

c.) The Fire Official will approve or disapprove a dwelling based on the fire inspection and other health or safety issues as may be required by other local ordinances including State or County laws, rules and regulations. (i.e.) Health Department, Electrical or Building Code Inspeetion Departments.

d.) An Oceupancy Permit will be issued when the faeility is in compliance with this ordinance, including Section 3.1 c.). The Oecupancy Permit will be good for twelve (12) months.

## SECTION 4.O INSPECTION FEES:

Inspection fees will be as follows:

### SECTION 4.1 FEES:

a.) Rental Homes including mobile homes ---------- Base Rate $30.00

b.) Apartment, Boarding/Rooming/Tourist Dwellings ---------- Base Rate $30.00

c.) Apartment(s) over Commereial Buildings ---------- Base Rate $40.00

d.) Apartment Building ---------- Base Rate $50.00

e.) Hotels and Motels ---------- Base Rate $75.00

### SECTION 4.2 PAYMENT OF FEES:

All fees are due at the time of the inspection and shall be paid in full, within thirty (30) days of the inspection.

1.) Cheeks shall be made out to The Village of Pellston. (If a statement does not accompany the check, then give the purpose of the check as: for Fire/Safety Inspection).

2.) Sueh funds shall be ear-marked for the Pellston Fire Department, Fire Prevention Bureau.

## SECTION 5.0 ENFORCEMENT:

### SECTION 5.1 ENFORCEMENT OFFICER:

The Fire Official of the Village of Pellston is hereby authorized and directed to administer and enforce all provisions of this Ordinance.

### SECTION 5.2 RIGHT OF ENTRY:

The Fire Official of the Village for the purpose of enforcement of this Ordinance or performing any duty imposed upon him/her by this Ordinance, enter any building, structure, or premises covered by this Ordinance. All inspeetions shall be conducted at reasonable hours.

### SECTION 5.3 DETERMINATION AND NOTICE OF VIOLATION:

a.) If upon inspection the Fire Official finds a violation of this Ordinance he shall issue a notice and order directed to the owner of record starting the date of inspection, the name of the inspector, the nature of the violation, and the time within which the correction shall be completed

b.) A violation which is determined by the Fire Official to constitute a hazard to health or safety to the oceupants, shall be ordered corrected within the shortest reasonable time, and notice of having begun compliance shall be given the Fire Official by the owner within fourty-eight (48) hours. All other violations shall be correeted within thirty (30) days from the date of notice.

c.) At the end of time the Fire Official has allowed for the correction of any violation notice as provided, the Fire Official shall reinspect the licensed dwelling, and if he determines that the conditions requiring corrections set forth in the notice given have not been correeted, he shall take the necessary action to abate the problem.

d.) If an owner or occupant fails to comply with an order contained in the notice of violation, the Fire Official or his agent may take action to abate or enjoin the violation and enforce the provisions of this Ordinance.

### SECTION 5.4 NOTICE OF VIOLATION:

All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by eertified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records.

## SECTION 6.0 PENALTY:

Any person, firm, or corporation violating any of the provisions of this Ordinance or rules adopted pursuant thereto, shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a seperate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than one hundred dollars ($100.00).

**SECTION 7.0 SEVERABILITY:**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or the enforceability of the balance of this Ordinance, which shall remain in full force and effect.

**SECTION 8.0 EFFECTIVE DATE:**

This Ordinance shall be effective thirty (30) days after required publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Enacted and ordained by the Pellston Village Council on the day of 10th of May, 1999

VILLAGE PRESIDENT

VILLAGE CLERK

AYES: 6

NAYS: 0

I hereby certify that the forgoing is a true and correct copy of an ordinance enacted by the Village of Pellston on the day last above written. The ordinance was published in the Petoskey News Review, Petoskey, Michigan on the 24th day of May, 1999

Dated: 7/10/99

VILLAGE CLERK

# VILLAGE OF PELLSTON

## ORDINANCE NO. 36

AN ORDINANCE TO REGULATE AND REQUIRE PERMITS FOR OUTDOOR FIRES OF CERTAIN KINDS IN THE VILLAGE OF PELLSTON AND TO PRESCRIBE PENALTIES FOR ITS VIOLATION.

THE VILLAGE OF PELLSTON ORDAINS:

SECTION 1.0 **OUTDOOR BURNING PERMIT REQUIRED:**

1.1 No person, firm or corporation shall burn any wood, brush, trash, or rubbish anywhere in the Village without a permit from the fire department.

1.2 Paper products may be kindled and maintained in an approved outdoor container or incinerator. Such container/incinerator approval shall be given by the Village fire official.

1.3 No permit shall be required for the use of an outdoor fire for cooking.

1.4 At no time will garbage or any product that will give-off noxious odors be incinterated anywhere in the Village of Pellston.

SECTION 2.0 **BURNING PERMIT STANDARDS:**

2.1 In granting or denying permits under this ordinance, the fire department shall consider whether or not the fire will smolder and/or give-off noxious odors, the length of time the fire will continue, the possible effect on other residents of the village, whether or not atmospheric or weather conditions might make the fire hazardous to persons or property, and other local circumstances existing at the time, tending to cause the fire to be a nuisance.

SECTION 3.0 **OPEN BURNING OF LEAVES:** Open burning of leaves within the village limits is prohibited except as follows:

3.1 The open burning of leaves shall be permitted only during the period from April 15 through May 30 and October 1st, through November 30. During said peroid of time, the open burning of leaves shall be permitted between the hours of 8:00 a.m. till 4:00 p.m. only and no Sunday burning shall be permitted.

3.2 The open burning of leaves shall be permitted on private property, with the consent of the owner or person in charge of the property.

3.3 The open burning of leaves is permitted on public rights-of-way except upon sidewalks, roadway traffic lanes, parking areas, alleys and all paved areas.

3.4 No person shall burn leaves unless any such fire is at least 20 feet from any structure.

3.5 Any fire resulting from the open burning of leaves shall be constantly attended by a competent person until such fire is completely extinguished.

3.6 The fire official shall prohibit the open burning of leaves when the atmospheric conditions or other conditions at the location of the fire constitute an imminent hazard.

3.7 This section shall control in case of conflict with any other village ordinance.

SECTION 4.0 **SEVERABILITY:**

4.1 The provisions of this ordinance are severable, and if any sentance, section or other part of this ordinance shall be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall remain in full force and effect.

SECTION 5.0 **EFFECTIVE DATE:**

5.1 This ordinance shall become effective thirty (30) days after original publication.

SECTION 6.0 **PENALTIES:**

6.1 Violations of this ordinance shall be a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) and/or imprisonment for a period of ninety (90) days. A seperate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Enacted and ordained by the Pellston Village Council on the day of May 10th, 1999

VILLAGE PRESIDENT

VILLAGE CLERK

AYES: 6

NAYS: 0

I hereby certify that the foregoing is a true and correct copy of an ordinance enacted by the Village of Pellston on the day last above written. The ordinance was published in the Petoskey News Review, Petoskey, Michigan on the, 24th day of May, 1999.

Dated: 7/10/99

VILLAGE CLERK

**VILLAGE OF PELLSTON**
**EMMET COUNTY, MICHIGAN**
**ORDINANCE NO. 37**

AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICES UNDER MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED (COMPILED LAW 41.801 etc.), AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES AND EXEMPTIONS THEREFROM.

THE VILLAGE OF PELLSTON, EMMET COUNTY, MICHIGAN ORDAINS:

**SECTION 1. PURPOSE:**

The within ordinance is adopted for the purpose of providing financial assistance to the Village in the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of the within ordinance to provide for full funding of the fire department operation which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the Village from existence of a Village Fire Department and its availibility to extinguish fires within the Village and perform other emergency services.

**SECTION 2. CHARGES:**

The following charges shall hereafter be due and payable to the Village of Pellston from a recipient of any of the following enumerated services from the Pellston Fire Department:

A. Motor vehicle fire upon a public highway or road: including automobiles, private vans, pickup trucks, etc.---------- minimum $ 250.00

B. Commercial Truck or other commercial vehicle fire (not specified in "A" above)--- minimum $ 500.00

C. Hazardous Material incidents: ---------- see Ordinance No. 38

D. Wildland Fire: (i.e.) ground fires ---------- (with permit) minimum $ 250.00
(without permit) minimum $ 500.00

E. Rubbish fire: ---------- (in authorized container) minimum $ 250.00

(in unanthorized container) minimum $ 500.00

F. Aircraft Incidents ----------Itemized

G. Monitoring (standby) electrical lines; broken gas lines; and unspecified public emergencies on behalf of public or private utilities. ---------- $ 50.00/ hr. (minimum $ 100.00)

H. Commercial, Industrial, Manufacturing establishment fires; that require special equipment, supplies, extinguishing agents, and/or suppression methods shall be billed in accordance with actual costs incurred to the Village of Pellston Fire Department plus 25% service charge.

I. Other services not specifically enumerated herein shall be billed in accordance with actual costs incurred to the Village of Pellston Fire Department plus 25% service charge. Such charges may include, but not limited to, the following: extinguishing agent (chemical), chimflex, foam, equipment rental, specialized resources, oil spill "drying compound", etc..

SECTION 3. **BILLING:**

The foregoing charges shall be billed to the appropriate party or insurance company by the Village within thirty (30) days of the incident.

SECTION 4. **COLLECTION OF CHARGES:**

The Village may proceed in District Court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

SECTION 5. **EXEMPTIONS:**

The following properties and services shall be exempt from the forgoin charges:

A. False Alarms

B. Fires involving Village buildings, grounds, and/or property.

C. Fire service performed outside the Village under a mutual-aid agreement with an adjoining municipality.

SECTION 6. **NON-EXCLUSIVE CHARGE:**

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Village for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by the Village through general taxation after a vote of the electorate approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and exspenses.

SECTION 7. **MULTIPLE PROPERTY PROTECTION:**

When a particular service rendered by the Village Fire Department directly benefits more than one person or property, the appropriate parties or insurance companies shall be billed aceording to the fore-going rates. Interpretation and application of the within section is hereby delegated to the fire chief, subject to appeal, within the time limits for payment, to the Village Clerk and shall be administered so that charges shall only be collected from the recipients of the service.

SECTION 8. **SEVERABILITY:**

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance, which shall remain in full force and effect.

SECTION 9. **MODIFICATION OF FEES AND CHARGES:**

Fees and charges referenced in section 2 of this ordinance may be modified and amended from time to time by resolution of the Village Council.

**SECTION 10. EFFECTIVE DATE:**

This ordinance shall take effect thirty days after required publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Enacted and ordained by the Pellston Village Council on the day of May 10, 1999

VILLAGE PRESIDENT

VILLAGE CLERK

AYES: 5

NAYS: 1 (drier)

I hereby certify that the forgoing is a true and correct copy of an ordinance enacted by the Village of Pellston on the day last above written. The ordinance was published in the Petoskey News Review, Petoskey, Michigan on the, 24th day of May, 1999

Dated: 7/10/99

VILLAGE CLERK

**VILLAGE OF PELLSTON**

**ORDINANCE NO. 38**

An ordinance to establish charges for the Village of Pellston emergency services responding to an incident involving hazardous materials under Public Act 102 of 1990 (compiled law 41.806a) and to provide methods for the collection of such charges.

**SECTION I. PURPOSE:**

In order to protect the village from incurring extraordinary expenses resulting from the utilization of village resources to respond to an incident involving hazardous materials, the Pellston Village Council authorizes the imposition of charges to recover reasonable and actual costs incurred by the village in responding to calls for assistance in connection with a hazardous material release.

**SECTION II. DEFINITIONS:**

A. **DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS** A dangerous hazardous substance or material is defined as any substance which is spilled, leaked, or otherwise released from its container, which, in the determination of the Fire Chief or his/her authorized representitive, is dangerous or harmful to the environment or human or animal life, health or safety or is obnoxious by reason of odor, or is determined by the Village to constitute a danger or threat to the public health, safety, or welfare; and shall include, but not be limited to, such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases poisons, etiologic (biologic) agents, flammables and corrosives.

B. **RELEASE:** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the evironment.

C. **RESPONSIBLE PARTY:** Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials release.

**SECTION III. DUTY TO REMOVE AND CLEAN UP:** It shall be the duty of any person or any other entity which causes or controls leakage, spillage or any other dissemination of dangerous or hazardous substances or materials to immediately remove such and clean up the area of such spillage in such manner that the area involved is fully restored to its condition before such happening.

**SECTION IV. CHARGES IMPOSED UPON RESPONSIBLE PARTY:** Where the Pellston Fire Department or any other village department, responds to a call within the village limits or its contract coverage area, responds to a call for assistance in connection with hazardous materials release, actual costs incurred by the village responding to such a call shall be imposed upon responsible parties and shall pay the village its costs and expenses, including the costs incurred by the village to any party which it engage, for the complete abatement, cleanup and restoration of the affected area. Costs incurred by the Village shall include, but shall not necessarily be limited to, the following: actual labor costs of Village personnel, including workers compensation benefits, fringe benefits, administrative overhead; costs of equipment operations, costs of materials obtained directly by the Village, and costs of any contract labor and materials. Charges to the Village imposed by any local, state or federal government entities related to the hazardous materials incident. Costs incurred in accounting for all hazardous material incident-related expenditures, including billing and collection costs.

**SECTION V. BILLING PROCEDURES:** Following the conclusion of the hazardous material incident, the fire chief shall submit a detailed listing of all known expenses to the Village Clerk, who shall prepare an invoice to the responsible party(s) for payment.

**SECTION VI. OTHER REMEDIES:** The Village may pursue any other remedy, such as a tax lien, or may institute any appropriate action or proceeding in a court of competent jurisdiction to collect charges imposed under this ordinance. The recovery of charges imposed under this ordinance does limit liability of responsibile parties under local ordinance(s) or state, or federal law, rule or regulation.

**SECTION VII. SEVERABILITY:** Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

**SECTION VIII. EFFECTIVE DATE:** Thirty (30) days after original publication.

Enacted and ordained by the Pellston Village Council on the day of May 10th, 1999

VILLAGE PRESIDENT

VILLAGE CLERK

AYES: 6

NAYS: 0

I hreby certify that the foregoing is a true and correct copy of an ordinance enacted by the Village of Pellston on the day last above written. The ordinance was published in the Petoskey News Review, Petoskey, Michigan on the 24th day of May, 1999.

Dated: 10/26/99

VILLAGE CLERK

**VILLAGE OF PELLSTON**
**ORDINANCE NO. 39**

An Ordinance to prohibit buildings and structures which are dilapidated, unsafe, dangerous, unsanitary or used for illegal purposes and which are a menace to the health, safety and welfare of the people of this Village, and which are a public nuisance and to provide for their elimination.

The Village of Pellston ordains:

Section 1. Intent. The Village of Pellston declares substandard buildings or structures as herein defined to be public nuisances and subject to repair, vacation or demolition to abate such nuisances as herein provided in order to protect the health, safety and welfare of the occupants and the public.

Section 2. Definitions.

(a) For the purpose of this ordinance, the following buildings or structures shall be deemed "substandard".

(1) Those whose exterior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

(2) Those which, exclusive of the foundation, show thirty-three (33%) percent or more of damage or deterioration of the supporting member or members, or fifty (50%) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(3) Those which have floors or roofs which are collapsed or overloaded, have improperly distributed loads or have insufficient strength to be reasonably safe for the purpose used.

(4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, health, safety or welfare of the occupants or the public.

(5) Those which are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to endanger the health, safety or welfare of the occupants.

(6) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or welfare of the occupants.

(7) Those having inadequate stairways, elevators, fire escapes or other means of egress in case of emergency.

(8) Those having any piece, part or attachment so insecurely fixed as to be in danger of falling or being dislodged by the elements and injuring persons or property.

(9) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or welfare of the public.

(10) Those existing in violation of any provisions of the building code, fire code or other ordinances of this Village.

(11) Any swimming pool, septic tank or other in-ground structure which endangers the health, safety or welfare of the public.

(12) Those used in violation of the laws relating to prostitution, lewdness, gambling, controlled dangerous substances or stolen property. Two (2) or more criminal convictions for such violations which have occurred on two (2) or more occasions within a two (2) year period prior to the issuance of a notice pursuant to Section 4 shall be presumptive evidence that the building or structure is substandard and a public nuisance.

(b) For the purpose of this ordinance, the term "party (or parties) concerned" shall mean the owner, occupant, lessor, lessee, mortgagee, agent and all other persons having an interest in a building or structure as shown by the land records of the Register of Deeds of the County of Emmet.

Section 3. Standards for Repair, Vacation or Demolition. The Village shall use the following standards in ordering the abatement of a public nuisance by repair, vacation or demolition of substandard buildings and structures:

(a) If the building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired. An order to repair may include a requirement to close and secure any or all exterior openings.

(b) If the building or structure is in such condition as to make it dangerous to the health, safety or welfare of its occupants, or if deemed necessary for the abatement of the nuisance, it shall be ordered vacated.

(c) If the building or structure is damaged, decayed or deteriorated to such a degree that it is not feasible to repair such building or it is not structurally safe, the building or structure, or any portion thereof, shall be ordered demolished.

Section 4. Duties of the Village. The Village shall:

(a) Inspect any building or structure for the purpose of determining whether conditions exist which render such place substandard within the terms of Section 2. Cause for inspection may be based on any of the following:

(1) A departmental report made pursuant to Section 6.

(2) General information or knowledge about the building or structure.

(b) Provide written notice, sent by registered mail, to all parties concerned of any building or structure found to be substandard. Such notice shall contain the following:

(1) The street address and legal description of the property on which the building or structure is located.

(2) A description of the building or structure deemed substandard.

(3) A statement of the particulars in which the building or structure is substandard.

(4) An order requiring abatement of the public nuisance within the standards set forth in Section 3 within a reasonable time period not to exceed thirty (30) days.

(5) A statement that the Village shall have the right to abate the public nuisance as provided by this ordinance without further notice if the order is not complied with within the required time period.

(6) A statement that failure to comply with the order subjects the party concerned to the penalties provided in Section 8.

(7) A statement of the right to request a hearing before the Village President. The filing of a request for a hearing stays all proceedings except emergency action under Section 7. A written request for a hearing must be filed within thirty (30) days of receipt of notification from the Village as provided herein.

(c) Post a notice on any building or structure found to be substandard indicating that it has been so found, that the notice shall remain posted until the nuisance has been abated, and any additional information and warnings deemed necessary.

Section 5. Duties of the Village President. The Village President or his duly appointed designee shall:

(a) Upon timely receipt of a request for a hearing, give written notice to the parties concerned of the time and place of the hearing.

(b) Hold a hearing and hear all competent testimony offered by the Village and any party concerned relative to the substandard building or structure.

(c) Make written findings of fact as to whether or not the building or structure in question is substandard within the terms of Section 2.

(d) If the building or structure is found to be substandard and a public nuisance, issue an order directing the appropriate party or parties concerned to abate the nuisance by repair, vacation or demolition of the building of structure, as the facts may warrant under the standards provided in Section 3, within a reasonable time not to exceed thirty (30) days.

(e) If the party or parties concerned fail(s) to comply with the order provided herein, cause such building or structure to be repaired, vacated or demolished as the facts may warrant under the standards provided in Section 3.

(f) Cause the cost of such work performed by the Village to be charged as a tax lien against the real property upon which the nuisance was abated.

Section 6. Duties of Village Departments. The Fire Department or Public Works Department or both departments acting in concert shall make a written report of any building or structure which is or may be substandard within the terms of Section 2.

Section 7. Emergencies. Where it reasonably appears that immediate action to repair, vacate or demolish a substandard building or structure is necessary to protect life or property, the Village shall cause such immediate repair, vacation or demolition and charge the costs to the property as provided in Section 5.

Section 8. Penalties. A party concerned who violates any provision of this ordinance by failure to comply with any notice or order authorized herein or by removal, destruction or defacement of a notice authorized herein or by removal, destruction or defacement of a notice posted as provided by Section 4 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred ($500) Dollars or imprisonment of not more than ninety (90) days, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate offense. Nothing in this ordinance shall preclude the Village Attorney from enforcing Village ordinances or abating public nuisances in any other manner provided by law.

Section 9. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or the application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 10. Effective Date. This ordinance shall take effect twenty (20) days after its passage and it, or a synopsis thereof, shall be published within fifteen (15) days after its passage in accordance with the law in such case made and provided.

Adopted this 8th day of January, 2001.

VILLAGE OF PELLSTON

Jim Gillett, Village President

Sherry Minzey, Village Clerk

**VILLAGE OF PELLSTON**
**ORDINANCE NUMBER 40**

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE VILLAGE OF PELLSTON, DESIGNATING THE BOUNDARIES OF THE DOWNTOWN DISTRICT AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

THE VILLAGE OF PELLSTON ORDAINS:

Section 1, Title

This Ordinance shall be known as the "Downtown Development Authority Ordinance of the Village of Pellston".

Section 2. Determination of Necessity; Purpose

The Village Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall help to halt property value deterioration, eliminate the cause of deterioration, increase property tax valuation where possible in the business district of the Village, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended. ("Act 197")

Section 3. Definitions

The terms used in this Ordinance shall have the same meaning as given them in Act 197 unless the context clearly indicates to the contrary.

Section 4. Creation of the Authority

There is hereby created pursuant to Act 197, a downtown development authority for the Village of Pellston. The Authority shall be a public corporate body and shall be known and exercise its power under the title of "Village of Pellston Downtown Development Authority". The Authority shall possess all the powers necessary to carryout the purposes of its incorporation as provided by this Ordinance and Act 197. The enumeration of a power in this Ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 5. Termination

The Authority may be dissolved by the Village Council at any time by adoption of a repealing ordinance, provided provision is made for satisfaction of the Authority's obligations. The property and assets of the Authority, after dissolution and satisfaction for its obligations, shall revert to the Village.

Section 6. Description of the Downtown District

The Downtown District shall consist of all properties located southerly of the north limits of the Village of Pellston and northerly of the south limits of the Village of Pellston which lies westerly of the middle of the alley running north an south directly east of the block fronting U.S. Highway 31 (Stimpson Street) as extended to the north and south Village limits and which also lie easterly to the middle of the alley running north and south directly west of the block fronting Milton Street as extended to the north and south Village limits, excluding the west side of Milton street south of Mill Street. Changes in the boundaries of the Downtown District may be made pursuant to this Ordinance and Act 197.

Section 7. Board of Directors

The Authority shall be under the supervision and control of a Board of Directors consisting of the Chief Executive Officer of the Village of Pellston and not less than eight (8) nor more than twelve (12) members appointed by the Chief Executive Officer, subject to the approval of the Village Council. Not less than a majority of the members shall have an interest in property located in the Downtown District. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near practicable, shall be appointed for terms of one year, two years, three years and four years. A member shall hold office until the member's successor is appointed and qualified. Before assuming duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. The chair of the Board shall be elected by the Board. The Board shall adopt its own rules of procedures.

Section 8. Powers of the Authority

Except as specifically otherwise provided in this Ordinance, the Authority shall have all of the powers provided by law subject to the limitations imposed by law and herein.

Section 9. Fiscal Year

The fiscal year for the Authority be the same fiscal year as is in effect for the Village of Pellston. The Authority shall submit financial reports the Village Council whenever requested by the Village Council. The Authority shall be audited by the same independent auditors auditing the Village and at the same time(s).

Section 10. Severability; Repealer

If any portion of this Ordinance is held to be unlawful, the remaining portions shall remain i full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. Publication and Filing

This Ordinance shall be published in full in a newspaper of general circulation within the Village within fifteen (15) days after its enactment. The Village Clerk shall file a certified copy of this Ordinance with the Michigan Secretary of State.

Section 12. Effective Date

This Ordinance shall take effect twenty (20) days after its passage.

Ayes: Czarnecki, Hahn, Gillett, Schomberger, Heimforth and Brilley
Absent: Oliver

ORDINANCE DECLARED ADOPTED.

James Gillett, President
Sherry Minzey, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance adopted by the Village Council of the Village of Pellston, County of Emmet and State of Michigan at a regular meeting of the said Village council held on the 12th day of November, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act ( Act 267, P.A. 1976, as amended), and that the minutes of said meeting were kept and will be, or have been, made available for examination as required by said Act.

Sherry Minzey, Clerk

VILLAGE OF PELLSTON

ORDINANCE NO 40-A

AN ORDINANCE TO ENACT TECHNICAL AMENDMENTS TO ORDINANCE NO. 40, THE DOWNTOWN BUILDING AUTHORITY ORDINANCE ADOPTED NOVEMBER 12, 2001 AND TO CLARIFY THE DESCRIPTION OF THE DOWNTOWN DISTRICT

THE VILLAGE OF PELLSTON ORDAINS:

Section 1. No Development Area Citizens Council Required.

The Village Council, having reviewed Village records and information supplied by the Village's consulting engineers, hereby determines that the Downtown District contains fewer than 100 residents and therefore a development area citizens council is not required by the enabling statute, Act 197, P.A. 1975, as amended, to be established.

Section 2. Approval of Development Plan and Tax Increment Financing Plan

The Village Council finds that the Downtown Development Plans are complete and meet the requirements of Act 197, P.A. 1975, as amended, and being in the best interests of the public, approves the development plans and the tax increment financing plan

Section 3. Description of the Downtown District

In order to clarify and make more certain the boundaries of the Downtown District, Section 6 of Ordinance No. 40 is hereby amended to read as follows:

> Section 6. Description of the Downtown District.
>
> The property included in the Downtown District shall consist of all the parcels, in their entirety, described by their tax identification numbers on Exhibit A attached hereto and incorporated herein by reference.

Section 4 Publication and Filing

This Ordinance shall be published in full in a newspaper of general circulation within the Village within fifteen (15) days after its enactment. The Village Clerk shall file a certified copy of this Ordinance with the Michigan Secretary of State.

Section 5 Effective Date

This Ordinance shall take effect twenty (20) days after its passage

Adopted and Ordained by the Village Council of the Village of Pellston on the 12 day of May, 2003

Ayes: Brilley, Drier, Hahn, Heimforth, Jewell, Oliver & Gillett

Nays: Ø

Absent: Ø

ORDINANCE DECLARED ADOPTED

Jim Gillett, President
Sherry Minzey, Clerk

I hereby certify that the foregoing constitutes an true and complete copy of an Ordinance adopted by the Village Council of the Village of Pellston, County of Emmet and State of Michigan at a regular meeting of the said Village Council held on the 12 day of May 2003, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act ( Act 267, P.A. 1976, as amended), and that the minutes of said meeting were kept and will be, or have been, made available for examination as required by said Act

Sherry Minzey, Clerk

**VILLAGE OF PELLSTON**
**ORDINANCE # 41**

**AN ORDINANCE TO REPEAL ORDINANCE # 34 OF THE VILLAGE OF PELLSTON AND TO ENACT ANOTHER ORDINANCE TO PROVIDE HOW THE COMPENSATION OF THE VILLAGE PRESIDENT AND VILLAGE TRUSTEES SHALL BE DETERMINED AND PAID**

**THE VILLAGE OF PELLSTON ORDAINS:**

Section 1. Ordinance No. 34 of the Village of Pellston enacted April 12, 1999 is repealed.

Section 2. Annual compensation to be paid the Village President shall be fixed by the Village Council in February of each year pursuant to resolution of the Council. The Village President shall be paid monthly.

Section 3. Village Trustees shall be paid twice yearly at six month intervals in an amount to be fixed by the Village Council in February of each year pursuant to resolution of the Council. Payment shall be fixed at a sum certain for each official meeting attended by a trustee, but no trustee shall be paid for more than one meeting in a single day.

Section 4. This ordinance shall be published once within fifteen days after its passage in accordance with the statute in such case made and provide and shall take effect upon publication.

Adopted by the Village Council of the Village of Pellston on February 11, 2002.

James c. Gillett, Village President

Sherry A. Minzey, Village Clerk

I hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Village Council of the Village of Pellston on February 11, 2002.

Sherry A. Minzey, Village Clerk

Ayes Czarnecki, Hales, Oliver, Gillett, Schomberger, Hunfoth & Bradley

Nays: 0

**ORDINANCE NO. 42**

AN ORDINANCE TO PROVIDE FOR MUNICIPAL CIVIL INFRACTIONS, TO IMPLEMENT PROCEDURES AND PENALTIES FOR VIOLATIONS OF MUNICIPAL CIVIL INFRACTIONS, AND TO ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU.

THE VILLAGE OF PELLSTON ORDAINS:

(1) **Definitions.** As used in this Chapter, the following are defined as follows:

(a) **Act.** "Act" means Public Act No. 236 of 1961, as amended.

(b) **Authorized Village Official.** "Authorized village official" means the President of the Village of Pellston, and those who the Village President designates, who are authorized by this or by any other ordinance to issue and serve municipal civil infraction citations or municipal ordinance violation notices.

(c) **Citation.** "Citation" means a written complaint or notice to appear in the court upon which an authorized Village official records the occurrence or existence of one or more municipal civil infraction by the person cited.

(d) **Bureau.** "Bureau" means the Village Mnnicipal Ordinance Violations Bureau, as established in Section (4).

(e) **Municipal Civil Infraction Action.** "Municipal civil infraction action" means a civil action in which a respondent is alleged to be responsihle for a mnnicipal civil infraction.

(f) **Municipal Ordinance Violation Notice.** "Municipal ordinance violation notice" means a written notice prepared by an authorized Village official, other than a citation, directing a person to appear at the Municipal Ordinauce Violations Bureau and to pay the fine and costs, if any, prescribed by ordinance for the violation, as authorized by MCL 600.8396, 600.8707(6); MSA 27A.8396, 27A.8707(6).

(g) **Repeat Offense.** "Repeat offense" means any second or subsequent municipal civil infraction violation of the same provision committed by a person within any six-month period, unless some other period is specifically provided in the Village Code of Ordinances or by any other ordinance, and for which the person admitted responsibility or was determiued to be responsible.

(2) **Designation of Anthorized Village Officials.** The Village President, and those designated by the Village President, shall have the authority to issue and serve municipal civil infraction citations and municipal civil infraction violation notices.

(3) **Commencement of Action.** An authorized Village official may commence the issnance of a mnnicipal civil infraction by issuing:

(a) A municipal ordinance violation citation, directing the alleged violator to appear in court; or

(b) A municipal ordinance violation notice, directing the alleged violator to appear at the Village's Municipal Ordinance Violations Bureau.

(4) **Establishment of Mnnicipal Ordinance Violations Bureau.** A Municipal Ordinance Violations Bureau (the "Bureau") is hereby established, pursuant to Section 8396 of the Act, to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized Village officials, and to collect and retain civil fines and costs as prescribed herein or by any other ordinance.

(5) **Location of Bureau.** The Bureau shall be located at the Village Hall and shall be under the supervision and control of the Village President.

(6) **Disposition of Violations.** The Bureau may dispose only of municipal civil infraction violations for which fines have been scheduled and for which a municipal civil infractiou violation uotice, rather than a municipal infraction citation, has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing herein shall prevent or restrict the Village from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in the Emmet County District Court. No person shall be required to dispose of a municipal civil infraction violation at the Bureau. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges, and protections afforded by law.

(7) **Bureau's Scope of Authority.** The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies responsibility of having committed the offeuse or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relatiug to the alleged violation.

(8) **Municipal Ordinance Violation Notice.** Municipal ordinance violation notices shall be issued and served by authorized Village officials under the same circumstances and upon the same persons as provided in Section (12) (d) and (e) below. In addition to any other information required herein or in any other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for the failure to appear and pay the required fine within the required time.

(9) **Appearance; Payment of Fines and Costs.** An alleged violator receiving a municipal ordinance violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal ordinance violation notice. An appearance may be made by mail, by person, or by representation.

(10) **Procedure Where Admission of Responsibility not Made or Fine not Paid.** If an authorized Village official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed in the Emmet County District Court, and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed in the district court does not need to comply in all particulars with the requirements for citations as provided by MCL 600.8705, 600.8709; MSA 27A.8705, 27A.8709, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(11) **Contents of the Citations.** A municipal ordinance citation shall contain the following:

(a) The name and address of the alleged violator;

(b) The municipal civil infraction alleged to have been violated;

(c) The address and telephone number of the court where the alleged violator must appear;

(d) The time at or by which the appearance shall be made;

(e) A notice informing the alleged violator that the alleged violator may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time speeified for appearance;

(2) Admit responsibility for the municipal eivil infraction, "with explanation," by mail by the time specified for appearance or in person or by representation; or

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(i) Appear in person for an informal hearing before an Emmet County District Conrt judge or magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Village; or

(ii) Appear in Emmet Conuty District Court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(f) A notice informing the alleged violator of all the following:

(1) If the alleged violator desires to admit responsibility, "with explanation," in person or by representation, the alleged violator must apply to the Emmet County District Court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time for an appearance;

(2) If the alleged violator desires to deny responsibility, the alleged violator must apply to the Emmet County District Court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, nnless a hearing date is specified on the eiration;

(3) A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or by the Village;

(4) At an informal hearing, the alleged violator must appear in person hefore a judge or magistrate, without the opportunity of being represented by an attorney; and

(5) At a formal hearing, the alleged violator must appear in person before a judge, with the opportunity of being represented by an attorney.

(g) A notice in bold-face type that the failure of the alleged violator to appear within the time specified in the citation, or at the time scheduled for a hearing or appearance, is a misdemeanor and will result in the entry of a default judgment against the alleged violator on the municipal civil infraction.

**(12) Numbering, Signing, and Issuing of Citation.**

(a) Each citation shall be numbered consecutively, be in a form approved by the State Court Administrator, and shall consist of the following parts:

(1) The original, which constitutes a complaint and notice to appear by the authorized Village official, which shall be filed with the Emmet County District Court where the appearance is to be made;

(2) The first copy, which shall be retained by the Village;

(3) The second copy, which shall be issued to the alleged violator, if the violation is a misdemeanor; and

(4) The third copy, which shall be issued to the alleged violator, if the violation is a municipal civil infraction.

(b) A citation for a municipal civil infraction signed by an authorized Village official shall be treated as having been made under oath, if the violation alleged in the citation occurred in the presence of the authorized Village official signing the complaint and if the citation contained the following statement immediately above the date and signature of the official: *"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."*

(c) An authorized Village official who witnesses a person violate an ordinance, a violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation, except as provided in Sections (4) through (10).

(d) An authorized Village official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the Village attorney approves in writing the issuance of the citation.

(e) Mnnicipal civil infraction citations shall be served by an authorized Village official as follows:

(1) Except as provided by Subsection (c)(2) of this section, an authorized Village official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, or a building or other structure, a copy of the citation need not be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy of the citation on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address. A citation served under this subsection shall be processed in the same manner as a citation served personally upon an alleged violator, pursuant to Sections (12)(c) and (12)(d).

(13) **Failure to Appear; Penalty.** The failure of a person served with a municipal civil infraction citation, as provided in Section 12(e), who fails to appear within the time specified in the citation or at the time scheduled for a hearing or appearance, will result in the entry of a default judgment on the municipal civil infraction.

(14) **Schedule of Civil Fines.** A schedule of civil fines, a copy of which shall be posted at the Bureau, payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices, is hereby established. Unless otherwise provided by ordinance, the following fee schedule shall apply to all municipal civil infractions:

(a) First offense municipal civil infraction violation: A civil fine of $50.00.

(b) Second offense municipal civil infraction violation: A civil fine of $150.00.

(c) Third or subsequent municipal civil infraction violation: A civil fine of $300.00.

(15) **Effective Date.** This Ordinance shall take effect twenty (20) days following its enactment and shall be published once in the Petoskey News-Review within fifteen (15) days after its enactment as provided by the General Law Village Act.

Adopted, enacted, and ordained by the Village of Pellston Village Council this ___ day of July, 2002.

James Gillett
President

Sherry Minzey
Clerk

**ORDINANCE NO. 43**

**AN ORDINANCE TO AMEND PROVISIONS OF THE VILLAGE OF PELLSTON RECORD OF ORDINANCES TO PROVIDE FOR VIOLATIONS OF SAME AS MUNICIPAL CIVIL INFRACTIONS.**

The Village of Pellston ordains:

1. Section 007 of Ordinance Number 001, titled "Taxing and Regulating of Shows," shall be and hereby is deleted in its entirety and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

2. Section 03 of Ordinance Number 002 titled, "Obstruction of Streets, Alleys, Lanes Etc.," shall be and hereby is deleted in its entirety and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

3. Section 05 of Ordinance Number 004, titled "Bicycle Ordinance," shall be and hereby is deleted in its entirety and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

4. Section 05 and Section 06 of Ordinance Number 014, titled "Licensing of Transient Traders and Dealers," shall be and hereby are deleted in their entireties and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

5. Section 06 of Ordinance Number 17, titled "License and Regulate Roller Skating Rinks," shall be and hereby is deleted in its entirety and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

6. Section 02 of Ordinance Number 018, titled "Health, Safety and Welfare," shall be and hereby is deleted in its entirety and shall be and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

7. Ordinance Number 019, titled "Dog Ordinance," shall be and hereby is amended to add the following: "Section 05. A violation of any provision in this Ordinance shall be a municipal civil infraction."

8. Section 02 of Ordinance Number 020, titled "Animal Ordinance," shall be and hereby is deleted in its entirety and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

9. The last paragraph of Ordinance Number 022, titled "Nuisance Ordinance," shall be and hereby is deleted in its entirety and replaced with the following: "Any person, firm, or corporation not correcting or abating a nuisance as provided herein shall be responsible for a municipal civil infraction, and each day, during which a violation of this Ordinance occurs, shall be deemed a separate offense."

10. Section 07 of Ordinance Number 024, titled "Abandoned Cars," shall be and hereby is deleted in its entirety and replaced with the following: "A violation of any provision in this Ordinance shall be a municipal civil infraction."

11. **Effective Date**. This Ordinance shall take effect twenty (20) days following its enactment and shall be published once in the Petoskey News-Review within fifteen (15) days after its enactment as provided by the General Law Village Act.

Adopted, enacted, and ordained by the Village of Pellston Village Council this ___ day of July, 2002.

_____
James Gillett
President

_____
Sherry Minzey
Clerk

**ORDINANCE NO. 119**

**AN ORDINANCE TO AMEND THE VILLAGE OF PELLSTON ZONING ORDINANCE, ENACTED PURSUANT TO PUBLIC ACT 207 OF 1921, AS AMENDED, TO DESIGNATE VIOLATIONS OF SAME AS MUNICIPAL CIVIL INFRACTIONS.**

The Village of Pellston ordains:

I. Section 21.6, titled "Violation and Penalties," of the Village of Pellston Zoning Ordinance is hereby repealed and replaced with the following:

(1) A building erected, altered, razed, or converted, or a use carried on in violation of this ordinance is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the building or land, or both the owner and the agent, are liable for maintaining a nuisance per se.

(2) The Village President, or a person whom the Village President designates, shall administer and enforce the provisions of this Ordinance.

(3) A violation of any provision of this Ordinance shall be a municipal civil infraction.

(4) Each day that a violation of this Ordinance is permitted to exist shall constitute a separate offense.

(5) The Village or any interested party may apply to any court of competent jurisdiction to restrain any person, firm, or corporation from such disobedience or threatened violation, notwithstanding that such disobedience or violation may be punishable by a fine as above provided.

II. This Ordinance shall take effect twenty (20) days following its enactment and shall be published once in its entirety in the Petoskey News-Review within fifteen (15) days after its enactment as provided by the General Law Village Act.

Adopted, enacted, and ordained by the Village of Pellston Village Council this ----- day of July, 2002.

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James Gillett
President

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Sherry Minzey
Clerk

# VILLAGE OF PELLSTON
## ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE VILLAGE OF PELLSTON ZONING ORDINANCE TO ALLOW AND AUTHORIZE THE ADULT ONLY BUSINESS AS A PERMITTED USE IN THE LIGHT INDUSTRIAL ZONING DISTRICT OF THE VILLAGE.

THE VILLAGE OF PELLSTON ORDAINS:

Section 1. Section 12 2 of the Village of Pellston Zoning Ordinance adopted by the Village Council on July 9. 2001 is hereby amended to add a subsection (14) which reads as follows.

> (14) Any Adult Only Business as defined by Ordinance No.__adopted on the __day of _____2003

Section 2 This Ordinance shall be published in the Petoskey News-Review, a newspaper circulating within the Village of Pellston within 15 days of its passage and shall become effective 20 days after its passage.

Enacted and Ordained by the Pellston Village Council on the __day of _____2003.

_____
James C. Gillett
Village President

_____
Sherry Minzey
Village Clerk

Dated:_____2003.

# VILLAGE OF PELLSTON
# ORDINANCE NO. _____

An Ordinance to establish a system of regulation, licensing and control of Adult Only Businesses; to provide for the appropriate location of such businesses within the Village of Pellston, to prevent a concentration of such uses in any one area; to regulate site development, signs and structural elements of buildings utilized in the operation of such businesses, and to prevent deterioration or blighting of nearby residential neighborhoods, and to provide penalties for its violation.

THE VILLAGE OF PELLSTON ORDAINS:

1. Authorization and Intent. Because certain forms of expression relating to sexual materials have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such properties, it is the intent of this Ordinance to provide a framework of regulatory standards which can be used for approving or disapproving Adult Only Business uses and governing sexually explicit and/or pornographic materials related to so called adult entertainment and to permit such usage on the presumption that such uses shall not be banned outright, but only regulated to the extent allowed by State/Federal law. Because these uses may have the potential of being contrary to the safety, peace, morals and general welfare of the community, these external effects require community review and control.

2. Definitions.

A. Adult Only Business shall include and is defined as follows:

i **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock and trade, books, magazines, video tapes, films, recordings, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to *"specified sexual activities"* or *"specific anatomical areas"* or any other *"sexually explicit matter"* as hereinafter defined or an establishment with a segment or section devoted to the sale or display of such material.

ii. **Adult Motion Picture Theater**. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to *"specified sexual activities"* or *"specified anatomical area"* or any other *"sexually explicit matter"* as hereinafter defined, for observation by patrons therein.

iii. **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to *"specified sexual activities"* or *"specified anatomical areas"* or any other *"sexually explicit matter"*, as hereinafter defined, for observation by patrons therein.

iv. **Cabaret.** A business establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

v. **Bathing Establishments.** Any place of business which, in exchange for a fee, provides as its principle function, bathing facilities, sauna baths, steam rooms or turkish baths.

vi. **Nude an/or Topless Services.** An establishment which features or offers as a portion of its business, the services of models, masseurs, masseuses, employees, etc., who are nude, semi-nude, or topless when performing their services.

vii **Adult Novelty Business.** An establishment having as a principal activity the sale of devices for the stimulation of the human genitals or devices designed for sexual stimulation.

viii. **Adult Personal Service Business.** An establishment having as a principal activity a person of one sex, while nude or partially nude, providing personal services for any person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: Massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performance. It does not include activities performed by persons pursuant to and in accordance with, licenses issued to such persons by the State of Michigan.

ix. **Escort Services.** An establishment which provides the services of escorting persons for a payment of a fee.

B. Specified Sexual Activities are defined as follows:

i Human genitals in a state of sexual stimulation or arousal:

ii. Acts of human masturbation, sexual intercourse or sodomy;

iii. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

C. Specified Anatomical Areas are defined as follows:

i. Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock and (3) female breast below a point immediately above the top of the areola; and

ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

D. Sexually Explicit Matter is defined as follows:

i. All matter defined as being sexually explicit under the provisions of Act 33 of the Public Acts of Michigan of 1978, as amended, being MCL 722.671, et seq. which definitions are hereby adopted and included herein by reference.

E. Public Nudity is defined as follows:

i. Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individuals' genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include a woman's breast feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding; material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, as amended; or, sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, as amended.

3 Licensing.

a. It shall hereafter be unlawful for any person or organization to operate any Adult Only Business within the Village of Pellston without obtaining a proper license therefor from the Pellston Village Council. No license shall be issued until the applicant has demonstrated compliance with the requirements of the Pellston Zoning Ordinance and the requirements of this Ordinance.

b. The Village Council shall, by resolution, establish the annual fee for a license for the operation of an Adult Only Business.

c No license shall be issued for a longer period than one (1) year.

d. Before a license may be issued, a building inspection by the Village fire chief shall have been undertaken and the fire chief shall certify to the Village Council that the premises are in compliance with all applicable fire and building codes.

e. A license may be revoked for cause or upon conviction of any operator, owner or employee of a licensee of violation of any penal laws of the State of Michigan or for failure to comply with the provisions of this Ordinance or any other ordinance of the Village of Pellston.

4. Site Location Principles. The following principles shall be utilized to evaluate the proposed location of any Adult Only Business use. These principles shall be applied by the Village Council as general guidelines to help assess the impact of such a use upon the district in which it is proposed.

   a. No Adult Only Business shall be located within five hundred (500) feet, measured from property line to property line, of a church, school, public park or playground, non-commercial public assembly facility, public office building, any other Adult Only Business or any areas where large numbers of minors regularly congregate.

   b. The site of an Adult Only Business shall be located in an "I" Zoning District. The site shall not be within five hundred (500) feet of any "R" Zoning District as defined in Section 4.1 of the Pelliston Zoning Ordinance adopted July 9, 2001.

5. Site Development Requirements.

   a. The site layout, setbacks, structures, function and overall appearance of an Adult Only Business shall be compatible with adjacent uses.

   b. Windows, displays, signs and decorative or structural elements of buildings shall not include or convey examples of a sexual nature, and buildings are limited to one (1) sign. All such displays and signs shall be in conformance with the Village Zoning Ordinance and shall be approved by the Village Council prior to their use. Any alterations in the above media shall and must be reviewed and approved by the Village Council.

   c. All building entries, windows and other such openings shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area; and wherever else it is requested by the Village Council.

   d No loud speakers or sound equipment shall be used by an Adult Only Business that projects sound outside of the Adult Only Business so that the sound can be discerned by the public from public or semi-public areas.

   e. An Adult Only Business shall clearly post at the entrance to the business, or that portion of the business utilized for Adult Only purposes, that minors are excluded.

6. Use Regulations.

a. No person shall reside in or permit a person to reside in the premises of an Adult Only Business

b. No person shall operate an Adult Only Business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the prices for all services performed therein.

c. The owners, operators or persons in charge of an Adult Only Business shall not allow entrance into such building or any portion of a building used for such use, to any minors, as defined by MCL 722.51 et seq., as amended.

d. No Adult Only Business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended

7. Public Nudity. No person shall engage in public nudity. No business establishment, including, but not limited to, owners, officers, persons in charge of or in control of premises shall permit persons to engage in public nudity

8. Severability. The provisions of this Ordinance are severable, and if any sentence, section or other part of this Ordinance shall be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall remain in full force and effect.

9 Effective date. This Ordinance shall become effective twenty (20) days after its passage.

10 Publication. This Ordinance shall be published once within fifteen (15) days of its passage in the Petoskey News Review, a newspaper circulating within the village.

11. Penalties. Violation of this Ordinance shall be a misdemeanor punishable by a fine not to exceed Five Hundred ($500.00) Dollars or by imprisonment for a period of ninety (90) days or by both such fine and imprisonment. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Enacted and ordained by the Pellston Village Council on the day of , 2003

James C. Gillett
VILLAGE PRESIDENT

Sherry Minzey
VILLAGE CLERK

AYES:

NAYS:

I hereby certify that the foregoing is a true and correct copy of an ordinance enacted by the Village Council of the Village of Pellston on the day last above written. The ordinance was published in the Petoskey News Review, Petoskey, Michigan on the day of , 2003.

Sherry Minzey
VILLAGE CLERK

Dated:

pilot

**VILLAGE OF PELLSTON**
**EMMET COUNTY, MICHIGAN**
**ORDINANCE NO. 47**

An ordinance to regulate parking on the streets within the Village of Pellston, to repeal other ordinances, and to provide penaltics for its violation.

**THE VILLAGE OF PELLSTON ORDAINS:**

Section 1. Definitions

1. Any word or phrase used in this ordinance that is not defined herein, but is defined in the Michigan Motor Vehicle Code, 1949 PA 300, MCL 257.1 et seq, then the definition in the Michigan Motor Vehicle Code shall apply to the words and phrases used in this ordinance.

Section 2. General Parking Regulations

Subject to the provisions of Section 3, the general parking regulations of the village are:

1. No person shall stop, stand, or park a vehicle in any of the following places:
   a. on a sidewalk
   b. in front of a public or private driveway;
   c. within an intersection
   d. on a crosswalk;
   e. within ten (10) feet of a fire hydrant;
   f. on a bridge;
   g. at any place where a police officer prohibits stopping;
   h. within twenty (20) feet of a street corner.
   i. at any place on a street where a traffic control sign prohibits parking or restricts the period of time for or manner of parking.

2. No vehicle shall stop or park with its left-hand side to the curb. This rule shall not apply on one-way streets where parking is permitted on the left-hand side.

3. Every vehicle stopped or parked upon a street where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve inches of the right-hand curb. Every vehicle stopped or parked npon a street where there are not adjacent curbs shall be stopped or parked off the main traveled portion of the street.

4. No person shall park a motor vehicle, motor home, boat, trailer or any other vehicle upon any street for a period of time longer than forty eight (48) hours. Any vehicle which is moved from a parking spot and then re-parked on the same street block face within twenty four

(24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this Section. "Block face" means the side of the street where the vehicle was parked between two (2) intersecting streets.

Section 3. Overnight Parking

1. It shall be unlawful for the owner or operator of any vehicle to park said vehicle on any street in the village between November 1 of each year and April 1 of the following year between the hours of 3:00 a.m. and 8:00 a.m.

Section 4. Parking that Interferes with Snow Removal

1. No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from said street or way by the village by plowing or loading and hauling.

2. The Authorized Village Official, as defined in the Municipal Civil Infraction Ordinance, Ordinance # 42, may cause any vehicle so parked on any street or way so as to interfere with or hinder the removal of snow by the village by plowing or loading and hauling to be removed from the street and placed in a suitable parking space off the street, at the expense of the owner of such vehicle.

Section 5. Two Hour Parking on Stimpson Street

1. Subject to the provisions of Section 3, no person shall park or leave standing any vehicle on Stimpson Street (US-31) between Mill Street (Robinson/Riggsville Road) and State Street in the village for a period of more than two (2) consecutive hours in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

Section 6. Parking in Handicapped Parking Spot

1. On public property or private property available for public use, no vehicle shall be parked in a parking space clearly identified by an official sign or pavement marking using the term "handicapped," displaying a wheelchair symbol, or otherwise reasonably indicating designation for handicapped parking unless the individual who is parking the vehicle is a disabled person as described in section 19a of the Motor Vehicle Code or unless the individual is parking the vehicle for the benefit of a disabled person.

2. In order for the vehicle to be parked in the parking space, the vehicle shall display 1 of the following:

(a) A certificate of identification or windshield placard issued under section 675 to a disabled person.

(b) A special registration plate issued under section 803d to a disabled person.

(c) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(d) A similar special registration plate issued by another state to a disabled person.
(e) A special registration plate to which a tab for persons with disabilities is attached issued under this act.

Section 7. Penalties for Violation of Ordinance

1. A violation of this ordinance is a municipal civil infraction, subject to the fines provided for in the Municipal Civil Infraction Ordinance, Ordinance # 42.

2. In addition to the penalties in Section 7, Paragraph 1, the Autborized Village Official may cause any vehicle found to be in violation of this ordinance to be towed away at the owner's expense. Any vehicle that has been towed for a parking violation is to be held until the towing fee, storage fee, and penalties related to all outstanding parking tickets and penalties owed to the village are paid in full, or a bond is posted in the amount of the towing fee, storage fee, and all outstanding parking tickets and penalties. Payment of the towing fee, storage fee, and all outstanding parking tickets and penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and penalties.

Section 8. Separate Infractions

1. For each overtime parking infraction, a new and separate infraction occurs when a vehicle remains illegally parked for more than the maximum allowable time for parking after the issuance of the preceding municipal ordinance violation citation or municipal ordinance violation notice.

2. For all other parking infractions, a new and separate infraction occurs when a vehicle remains illegally parked for more than two hours after the issuance of the preceding municipal ordinance violation citation or municipal ordinance violation notice.

Section 9. Municipal Civil Infraction Action

1. A municipal civil infraction action may be commenced upon the issuance by an Authorized Village Official of a municipal civil infraction citation directing the alleged violator to appear in court; or a municipal civil infraction notice directing the alleged violator to appear at the village municipal ordinance violations bureau.

2. A municipal civil infraction action shall follow the procedures as set forth in the Municipal Civil Infraction Ordinance, Ordinance # 42, and in accordance with State law.

Section 10. Service of Municipal Ordinance Violation Citation or Notice

1. In addition to the methods for service of a municipal ordinance violation citation and/or a municipal ordinance violation notice found in the Municipal Civil Infraction Ordinance, Ordinance # 42, a municipal ordinance violation citation and/or a municipal ordinance violation notice may be served by the Authorized Village Official by leaving it under the windshield wiper or otherwise attached to the vehicle, or handing it to the driver or owner if the driver or owner is

present, or mailing it by first class or certified mail to the address of the owner of the vehicle as shown in the motor vehicle ownership records of the state of registration

Section 11. Presumptions as to Liability

1. Except as provided in Section 11, Paragraph 2 involving leased vehicles, in a proceeding for a violation of this ordinance, proof that the particular vehicle described in the citation, complaint, or warrant was parked in violation of the ordinance, together with proof from the secretary of state that the defendant named in the citation, complaint, or warrant was at the time of the violation the vehicle's registered owner, creates in evidence a presumption that the vehicle's registered owner was the person who parked or placed the vehicle at the point where and at the time that the violation occurred.

2. (a) The lessee or renter of a motor vehicle and not the leased vehicle owner is liable for a violation of this ordinance involving the motor vehicle if the leased vehicle owner furnishes proof that the vehicle described in the citation, complaint, warrant, or notice was in the possession of, custody of, or was being operated or used by the lessee or renter of the vehicle at the time of the violation .

(b) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner may avoid liability for a violation described in subsection (a) if the leased vehicle owner provides all of the following information to the clerk of the court or parking violations bureau issuing the violation not later than 30 days after the leased vehicle owner has received notice of the violation:

(1) The lessee's or renter's name, address, and operator's or chauffeur's license number.

(2) A copy of the signed rental or lease agreement or an expedited rental agreement without signature as part of a master rental agreement, including proof of the date and time the possession of the vehicle was given to the lessee or renter and the date and time the vehicle was returned to the leased vehicle owner or the leased vehicle owner's authorized agent under the agreement.

(c) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner is liable for a violation of this ordinance if one (1) or more of the following occur:

(1) The leased vehicle owner does not provide the information described in subsection (b) within the 30-day period specified in that subsection.

(2) The court or parking violations bureau issuing the violation proceeds against the lessee or renter of the vehicle and the lessee or renter of the vehicle is not convicted of or found responsible for the violation.

(d) As used in this section:

(1) "Affiliate" means a person that directly or indirectly through 1 or more intermediaries controls, is controlled by, or is under common control with another person.

(2) "Leased vehicle owner" means a person in the business of renting or leasing leased vehicles or an affiliate of the person, if the person or the affiliate is the registered owner of a standing or parked leased vehicle involved in a violation of a local ordinance or state statute.

Section 12. Repeal of Ordinance

1. The Overnight Parking Ordinance, Ordinance # 30, enacted April 2, 1998, is repealed.

Section 13. Severability

1. The provisions of this ordinance are severable, and if any sentence, section, or other part of this ordinance shall be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall remain in full force and effect.

Section 14. Effective Date

This ordinance shall take effect twenty (20) days after its passage and it, or a synopsis thereof, shall be published in a newspaper circulating within the village within fifteen (15) days after its passage.

Enacted and ordained by the Village Council of the Village of Pellston on the ____ day of _____, 2006.

Ayes:

Nays:

_____
JAMES C. GILLETT
Village President

_____
TANYA PROCKNOW
Village Clerk

**VILLAGE OF PELLSTON**
**EMMET COUNTY, MICHIGAN**
**ORDINANCE NO. 47**

An ordinance governing the use and operation of snowmobiles in the Village of Pellston, to adopt by reference the Snowmobile Law of the State of Michigan, to repeal other ordinances, and to provide penalties for its violation.

**THE VILLAGE OF PELLSTON ORDAINS**:

Section 1. Michigan Snowmobile Law

The provisions of the Michigan Snowmobile Law, Public Act 451of 1994 as amended (MCL 324.82101 et seq), shall govern the use and operation of snowmobiles in the Village of Pellston, under the authority provided in MCL 324.82124, and are incorporated by reference.

Section 2. Notice to be Published

The village clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating that a complete copy of the Michigan Snowmobile Law is available to the public at the office of the clerk for inspection.

Section 3. Penalties

The penalties provided by the Michigan Snowmobile Law, as to misdemeanors and civil infractions, are adopted by reference. Any violation not designated as a misdemeanor or civil infraction shall be a misdemeanor. Every person who is convicted of a misdemeanor violation of this ordinance shall be punished by a fine of not more than $500.00 or imprisonment for not more than 90 days in the county jail, or both.

Section 4. Repeal of Ordinance

The Vehicle Traffic Ordinance, Ordinance # 21, enacted April 24, 1971, as it applies to snowmobiles, is repealed.

Section 5. Effective Date

This ordinance shall take effect twenty (20) days after its passage and it, or a synopsis thereof, shall be published in a newspaper circulating within the village within fifteen (15) days after its passage.

Enacted and ordained by the Village Council of the Village of Pellston on the ____ day of _____, 2006.

Ayes:

Nays:

_____
JAMES C. GILLETT
Village President

_____
TANYA PROCKNOW
Village Clerk

**VILLAGE OF PELLSTON**
**EMMET COUNTY, MICHIGAN**
**ORDINANCE NO. 47**

An ordinance to adopt by reference the Uniform Traffic Code for Cities, Townships, and Villages, to repeal other ordinances, and to provide penalties for its violation.

**THE VILLAGE OF PELLSTON ORDAINS:**

Section 1. Code, and Amendments and Revisions, 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, any amendments and revisions to the Uniform Traffic Code promulgated and effective since October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effeetive in this state are incorporated by reference.

Section 2. References in Code

References in the Uniform Traffic Code for Cities, Townships, and Villages to a "governmental unit" shall mean the Village of Pellston.

Section 3. Notice to be Published

The village clerk shall publish this ordinance in the manner required by law and shall puhlish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Villages and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Section 4. Penalties

The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

Section 5. Repeal of Ordinance

The Vehicle Traffic Ordinance, Ordinance # 21, enacted April 24, 1971, as it applies to the Uniform Traffic Code, is repealed.

Section 6. Effective Date

This ordinance shall take effect twenty (20) days after its passage and it, or a synopsis thereof, shall be published in a newspaper circulating within the village within fifteen (15) days after its passage.

Enacted and ordained by the Village Council of the Village of Pellston on the ____ day of _____, 2006.

Ayes:

Nays:

_____
JAMES C. GILLETT
Village President

_____
TANYA PROCKNOW
Village Clerk

**VILLAGE OF PELLSTON**
**EMMET COUNTY, MICHIGAN**
**ORDINANCE NO. _____**

An Ordinance to provide for a service charge in lieu of taxes for a multiple family dwelling project for persons of low income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966.

THE VILLAGE OF PELLSTON ORDAINS:

SECTION 1. This Ordinance shall be known and cited as the "Village of Pellston Tax Exemption Ordinance."

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL Section 125.1401 et. seq.). The Village of Pellston is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the Village of Pellston will be benefited and improved by such housiug, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Village of Pellston acknowledges that Mill Street I Limited Dividend Housing Association, LLC (the "Sponsor") has offered subject to receipt of an allocatiou under the Low Income Housing Tax Credit ("LIHTC") program, to erect, own and operate a housing development identified as Townline Apartments on certain property located at the intersection of Townline Road and Mill Street in the Village of Pellston, more particularly described in Exhibit "A" attached hereto, to serve persons of low income, and that the Sponsor has offered to pay the Village of Pellston on account of this housing development an annual service charge for public services in lieu of all taxes.

SECTION 3. Definitions.

A. Authority means the Michigan State Housing Development Authority.

B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

C. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

D. Housing Development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.

E. Low Income Persons and Families means those persons and families who are determined to be eligible to move into Townline Apartments.

F. Utilities mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.

G. Sponsor means person(s) or entities which have applied to the Authority for a Mortgage Loan or an allocation under the LIHTC program to finance a Housing Development.

SECTION 4. Class of Housing Developments.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be Housing Developments, which are financed or assisted pursuant to the Act. It is further determined that Townline Apartments is of this class.

SECTION 5. Establishment of Annual Service Charge.

The Housing Development identified as Townline Apartments and the property on which it is constructed shall be exempt from all property taxes from and after the commencement of construction. The Village of Pellston, acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of an allocation under the LIHTC program, to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the difference between the Annual Shelter Rents actually collected and Utilities.

SECTION 6. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development whieh is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term "low income" as used herein shall be the same as found in Section 15(a)(7) of the Act.

SECTION 7. Contractual Effect of Ordinance.

Notwithstanding the provisions of Section 15(a)(5) of the Act, to the contrary, a contract between the Village of Pellston and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

SECTION 8. Payment of Service Charge.

The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the Village of Pellston except that the annual payment shall be paid on or before the 1 day of November each year.

SECTION 9. Duration.

This Ordinance shall remain in effect and shall not terminate so long as the Authority's Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the property; or the Housing Development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, provided, that construction of the Housing Development commences within one year from the effective date of this Ordinance.

SECTION 10. Severability.

The various sections and provisions 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 the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 11. Effective Date.

This Ordinance shall become effective on the 3 day of March, 2006 or as otherwise provided in the Charter. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Enacted and ordained by the Village Council of the Village of Pellston on the 13 day of February, 2006.

Ayes: Kaser, Hessel, Schomberger, Gillett, Jewel, Procknow

Nays: 0

JAMES C. GILLETT
Village President

TANYA PROCKNOW
Village Clerk

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**EXHIBIT A**
**Legal Description**

A portion of the real property described below, the portion yet to be determined, but approximately ten (10) acres, more or less, of the following described real property:

Real property situated in the Village of Pellston (McKinley Township), State of Michigan, to-wit:

The South ½ of the Southeast ¼ of the Southeast ¼ of Section 34, Township 37 North, Range 4 West. Subject to easements, reservations, restrictions and right of ways of record.