

VILLAGE OF
MANCELONA

General Ordinances

TABLE OF CONTENTS

Categories

Charter

Ordinance Code

11.000 Village Code; Contents, Interpretation and Effect

Administration/Franchise

12.000 Purchasing, Contracting and Selling Procedure

12.050 Compensation of Officers and Employees

Planning

14.000 Downtown Development Authority

14.015 Development Plan and Tax Increment Financing Plan

Zoning

15.000

Subdivision

17.50 Lot Division

17.100 Subdivision Ordinance

17.110 Provisions of the Ordinance

17.120 Preliminary Requirements of the Council

17.131 Required Standards and Specifications

Housing

Traffic/Regulatory

20.000 Disorderly Conduct

20.050 Park Regulations

20.100 Johnson's Pond

20.150 Peddlers

20.200 Transient Merchants

20.250 Dismantled or Inoperable Motor Vehicles

20.300 Uniform Traffic Code

20.310 Michigan Vehicle Code

20.350 Traffic

20.360 Seasonal Load Restrictions

20.400 Parking Violations Bureau

20.450 Snowmobiles

20.500 Nuisance Ordinance

20.600 Curfew Ordinance

20.700 Cat Ordinance

20.800 Outdoor Fireplace Burning Ordinance
20.900 Amplified Sound Systems

Construction

Streets/Sidewalks

30.000 Street Openings and Obstructions
30.050 Sidewalks
30.100 Ordinance to Control Playing in Streets and on Sidewalks

Health/Environment

35.000 Trees
35.100 Animals
35.150 Dogs
35.200 Keeping of Livestock

Public Safety

40.050 Dangerous Structures Ordinance

Miscellaneous

48.000 Metro Act Ordinance
48.100 Tourist Oriented Directional Signs
48.200 Special Assessments

Index

**11.000 VILLAGE CODE; CONTENTS, INTERPRETATION AND EFFECT
VILLAGE OF MANCELONA, MICHIGAN
Chap. 1001 eff. May 23, 1960**

An ordinance to provide for the exercise of certain municipal powers of the Village of Mancelona and for the health, safety and welfare of persons and property in the Village, and to provide penalties for the violation of the provisions thereof.

THE VILLAGE OF MANCELONA ORDAINS:

11.001 Section 1. PUBLICATION AND DISTRIBUTION OF CODE.

The within Ordinance Code is hereby adopted as an ordinance of the Village of Mancelona. Seventeen (17) copies of this Code shall be published in loose leaf form and shall be distributed as follows:

Officer	Number of Copies
President	1
Each Trustee	1
Clerk	2
Attorney	1
Treasurer	1
Assessor	1
Street Commissioner	
<i>(Superintendent of Public Works)</i>	1
Marshal <i>(Chief of Police)</i>	2
Other Officers	2

The Clerk shall keep one of the copies of the Code assigned to him available for public inspection during office hours. (chap. 1001 eff. May 23, 1960)

11.002 Section 2. EFFECTIVE DATE.

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

11.003 Section 3. CONTENTS OF CODE.

This Code contains all ordinances of a general and permanent nature of the Village. Excluded from the contents of this Code are special or temporary ordinances such as ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or other public works, ordinances authorizing borrowing of money or the issuance of bonds and ordinances establishing salaries for the village officers and employees. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the record of

ordinances, but shall not be prepared of insertion in this Code, nor be deemed a part hereof. The adoption of this Code shall not be interpreted as authorizing and permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the Village in effect on the effective date of this Code. All ordinances of a general and permanent nature in effect on the effect date of this Code are hereby repealed expressly saving from repeal the following village ordinances:

Ordinance No.	Date	Subject	Included in Code As Chapter No.
47 (repealed by ord.no 73)	5/20/1947	Building Code	Not printed

(chap. 1001 eff. May 23, 1960; ord. no. 73 eff. July 7, 1987)

11.004 Section. 4. SHORT TITLE.

This ordinance shall be known and cited as the “Mancelona Village Code.”
(ord. no. chap. 1001 eff. May 23, 1960)

11.005 Section 5. DEFINITIONS.

The following words and phrases, when used in the Code and any amendment thereof or addition thereto, shall, for the purposes of this Code, have the meanings respectively ascribed to them in this section, except as otherwise specifically provided or where the context clearly indicates a different meaning:

- a. **“Village”** shall mean the Village of Mancelona, Michigan
- b. **“Person”** shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- c. **“Public place”** shall mean any place to or upon which the public resorts, or travels, whether such place is owned or controlled by the Village or any agency of the State of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.
- d. **“Street”** or **“highway”** shall mean the entire width subject to an easement for public right of way, or owned in fee by the Village, County, or State, or every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. **“Alley”** shall mean any such way or place providing a secondary means of ingress and egress from a property.

- e. **“Sidewalk”** shall mean that portion of a street between the curb lines or lateral lines and the right of way lines which is intended for the use of pedestrians.
- f. **“Charter”** shall mean Act 3 of the Public Acts of 1895, State of Michigan, in its application to the Village.
(chap. 1001 eff. May 23, 1960)

11.006 Section 6. AMENDMENT PROCEDURE.

This Code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

- a. To amend and section:

AN ORDINANCE TO AMEND SECTION _____ (OR SECTIONS _____ AND _____) OF CHAPTER _____ OF THE VILLAGE CODE.

- b. To insert a new section or chapter:

AN ORDINANCE TO AMEND THE VILLAGE CODE BY ADDING A NEW SECTION (_____ NEW SECTIONS OR A NEW CHAPTER, as the case may be) WHICH NEW SECTION (SECTIONS OR CHAPTER) SHALL BE DESIGNATED AS SECTION _____ (SECTIONS _____ AND _____) OF CHAPTER _____ (or proper designation if a chapter is added) OF SAID CODE.

- c. To repeal a section or chapter:

AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____ OR CHAPTER _____) CHAPTER _____, (as the case may be) OF THE VILLAGE CODE.
(chap.1001 eff. May 23, 1960)

11.007 Section 7. PUBLICATION AND DISTRIBUTION OF AMENDMENTS.

Amendments to the Code shall be published as required by section 4, Chapter VI of the Village Charter, and not less than seventeen (17) copies of each amendment shall be published in form suitable for insertion in this Code. The Clerk shall distribute such copies to the officers of the Village having copies of the Code assigned to them. Each officer assigned a copy of the Code shall be responsible for maintaining the same for the proper insertion of amendatory pages as received. Each copy of said Code shall remain the property of the Village and shall be turned over by each officer having custody thereof upon expiration of his term of office having custody thereof upon expiration of his term of office to his successor or to the Village Clerk, in case he shall have no successor.
(chap. 1001 eff. May 23, 1960)

11.008 Section 8. RESPONSIBILITY.

Whenever any act is prohibited by this Code, by an amendment thereof, or by rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act.
(chap. 1001 eff. May 23, 1960)

11.009 Section 9. HEADINGS.

No provision of the Code shall be held invalid by reason of deficiency in any chapter or section heading.
(chap. 1001 eff. May 23, 1960)

11.010 Section 10. TITLE OF OFFICER TO INCLUDE DEPUTY OR SUBORDINATE.

Whenever, by the provisions of this Code, any officer of the Village is added or assigned any duty or empowered to perform any act or duty, the title of said officer shall mean and include such officer or his deputy or authorized subordinate.
(chap. 1001 eff. May 23, 1960)

11.011 Section 11. TENSE.

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.
(chap. 1001 eff. May 23, 1960)

11.012 Section 12. NOTICE.

Notice regarding sidewalk construction or repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which is performed by the Village may be assessed against the premises under the provisions of the Code, shall, except as otherwise provided by the Village Charter, be served:

- a. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or
- b. By mailing said notice by registered or certified mail to such owner at his last known address, or
- c. If the owner is known, by posting said notice in some conspicuous place on the premises for five (5) days.

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any Village officer unless permission is given by said officer to remove said notice.

(chap. 1001 eff. May 23, 1960)

11.013 Section 13. PENALTY.

Unless another penalty is expressly provided in this Code for any particular chapter or section, every person convicted of a violation of any provision of this Ordinance Code shall be punished by a fine of not more than five hundred (\$500.00) dollars and costs of prosecution or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code whether or not such penalty is re-enacted in the amendatory ordinance.

(chap. 1001 eff. May 23, 1960; ord. no. 73 eff. July 7, 1987)

11.014 Section 14 SEVERABILITY

It is the legislative intent of the Village Council, in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Village and should any provision or section of this Code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this Ordinance Code shall stand, notwithstanding the invalidity of any provision or section thereof. The provisions of this section shall apply to the amendment of any section or chapter of this Code and to any Chapter added hereto, whether or not the wording of this section is set forth in the amendatory ordinance.

(chap. 1001 eff. May 23, 1960)

11.015 Section 15. OFFICIALS AUTHORIZED TO ISSUE MUNICIPAL CIVIL INFRACTIONS CITATIONS.

When any violation of this Code is deemed to be a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of the Michigan Compiled Laws, any police officer of the Village is hereby responsible, a municipal civil infraction citation for that violation.

(ord. eff. Sept. 7, 1995)

Adopted: May 3, 1960

Published: May 5, 1960

**12.000 PURCHASING, CONTRACTING AND SELLING PROCEDURE
VILLAGE OF MANCERLONA, MICHIGAN
chap.1124 eff. May 23, 1960**

12.001 Section 1. PURCHASING AGENT.

The Village Clerk shall act as Purchasing Agent of the Village, unless another officer or employee shall be designated to act as Purchasing Agent by the President in writing filed with the Clerk. The Purchasing Agent, with the approval of the President, shall adopt any necessary rules respecting requisitions and purchase orders.

(chap. 1124 eff. May 23, 1960)

12.002 Section 2. PURCHASES OR CONTRACTS UNDER \$1000.00.

Purchase of supplies, materials or equipment, the cost of which is less than \$2500.00, may be made in the open market but such purchases shall, except when the President shall determine that no advantage to the Village would result, be based on at least three (3) competitive bids and shall be awarded to the lowest responsible bidder meeting specifications. The Purchasing Agent may solicit bids verbally or by telephone or may contact bidders by written communication. A record shall be kept of all open market orders and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected.

(chap. 1124 eff. May 23, 1960; ord. no. 73 eff. July 7, 1987)

12.003 Section 3. PURCHASES OR CONTRACTS OVER \$1000.00.

Any expenditure for supplies, materials, equipment, construction project or contract obligating the Village, where the amount of the Village's obligation is in excess of \$2500.00 shall be governed by the provisions of this section.

- a. Such expenditure shall be made the subject of a written contract. A purchase order shall be a sufficient written contract only in cases where the expenditure is in the usual and ordinary course of the Village's affairs and in to case shall it be sufficient for the construction of public works or the contracting for supplies or services over any period of time or where the quality of the goods or materials or the scope of the services bargained is not wholly standardized.
- b. Notice inviting scaled bids shall be published in some newspaper of general circulation or posted in three (3) places in the Village, at least five (5) days before the final date for submitting bids thereon. Such notice shall give briefly the specifications of the supplies, materials or equipment or construction project or other matter to be contracted for, and shall state the amount of bond or other security, if any is to be required, to be given with the bid, and the amount of bond or other security to be given with the contract. The notice shall state the time limit, the place of filing and the time of opening bids and shall also state that the right is reserved to reject any or all bids. Any other conditions of award of the contract shall also be stated in general terms.

- c. The Purchasing Agent shall also solicit bids from a reasonable number of such qualified prospective bidders as are known to him by sending each a copy of the notice requesting bids.
- d. The Council shall prescribe the amount of any security to be deposited with any bid which deposit shall be in the form of cash, certified or cashier's check or bond written by a surety company authorized to do business in the State of Michigan. The amount of such security shall be expressed in terms of percentage of the bid submitted. The Council shall also fix the amount of the performance bond and in the case of construction contracts, the amount of the labor and material bond to be required of the successful bidders.
- e. Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the President and either the Clerk or the Treasurer. The bids shall thereupon be carefully examined and tabulated and reported to the Council with the recommendation of the Purchasing Agent at the next Council meeting. After tabulation all bids may be inspected by the competing bidders.
- f. When such bids are submitted to the Council, the contract to be executed shall also be submitted and if the Council shall find any of the bids to be satisfactory, it shall award the contract to the lowest responsible bidder, unless the Council shall determine that the public interest will be better served by accepting a higher bid, and shall authorize execution of the contract upon execution of the contract by the successful bidder and the filing of any bonds which may have been required. Such award may be by resolution or ordinance. The Council shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.
- g. At the time the contract is executed by him, the contractor shall file a bond executed by a surety company authorized to do business in the State of Michigan, to the Village, conditioned upon the performance of said contract and saving the Village harmless from all losses or damage caused to any person or property by reason of any carelessness or negligence by the contractor and from all expense of inspection, engineering and otherwise, caused by the delay in the completion of any improvement and further conditioned to pay all laborer, mechanics, subcontractors and material men as well as all just debts, dues and demands incurred in the performance of such work.
- h. All bids, deposits of cash or certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five (5) days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the Village, and the Council, may, in its discretion, award the contract to the next low responsible bidder unless the Council shall determine that the public interest will be better served by accepting a higher bid, or said contract may be re-advertised.
(chap. 1124 eff. May 23, 1960; ord. no. 73 eff. July 7, 1987)

12.004 Section 4. **EXCEPTIONS TO COMPETITIVE BIDDING.**

Subject to prior approval of the Council, competitive bidding shall not be required in the following cases:

- a. Where the product or material contracted for is not competitive in nature and the Purchasing Agent so certifies to the Council in writing.
- b. In the employment of professional services;
- c. Where the Council shall determine that the public interest will be best served by joint purchase with, or purchase from, another unit of government.
(chap. 1124 eff. May 23, 1960)

12.006 Section 5. **SALE OF PROPERTY.**

Whenever any personal property belonging to the Village is no longer needed for corporate of public purposes, the same may be offered for sale on approval by the Council. Personal property not exceeding one thousand (\$1000.00) dollars in value may be sold for cash by the Purchasing Agent upon approval of the President, after receiving quotations or competitive bids therefore for the best price obtainable. Personal property with a value in excess of one thousand (\$1000.00) dollars may be sold after advertising and receiving competitive bids, as provided in section 3 (12.003) and after approval of the sale has been given by the Council. In the purchase of automotive equipment, bidders may include in their bid, a trade-in allowance for old equipment and such equipment may be disposed of in trade without further bidding requirements.
(chap. 1124 eff. May 23, 1960)

12.006 Section 6. **SALE OF REAL ESTATE.**

Real estate may be purchased or sold or leased when not required for corporate purposes, upon the affirmative vote of two-thirds of the member elect of the Council. Sales of real estate shall be subject to the requirements of section 2 (12.002) of this Chapter. The notice inviting bids shall contain a brief description of the property in addition to the information specified in section 2 (b).
(chap. 1124 eff. May 23, 1960)

12.050

**COMPENSATION OF OFFICERS AND EMPLOYEES
VILLAGE OF MANCERLONA, MICHIGAN
ord. no. 73 eff. July 7, 1987**

12.051 Section 1. **PRESIDENT AND TRUSTEES.**

The Village President shall be paid the sum of \$3,500 per year in compensation for his or her services. The Village President Pro Tem shall be paid the sum of \$2,500 per year in compensation for his or her services. Each Village Trustee shall be paid the sum of \$2,000 per year in compensation for his or her services. These compensations are to be paid on a quarterly basis if every regularly scheduled monthly meeting is attended by the officer or Trustee. In the event the Village President, the Village President Pro Tem, or a Trustee has not attended all regularly scheduled monthly meetings, his or her quarterly payment shall be adjusted on a pro rata basis for meetings actually attended. In addition, if any Village Officer or Trustee attends any properly called special meeting or committee meeting, that Officer or Trustee shall be entitled to compensation at the rate of \$25 per meeting attended. The payment for special meetings or committee meetings shall be included and in the addition to the quarterly compensation paid to the Village Officer or Trustee for the quarter in which the special meeting or committee meeting was attended. (chap. 1190 eff. May 23, 1960; ord.no. 73 eff. July 7, 1987, amend. ord. 90 eff. March 8, 2011)

12.052 Section 2. **OTHER OFFICERS AND EMPLOYEES.**

The wages and compensation of other Village Officers and employees shall be determined pursuant to the process established by the Village personnel policies or pursuant to contracts between the Village and its other officers and employees. (chap. 1190 eff. May 23, 1960; ord. no. 73 eff. July 7, 1987)

VILLAGE MANAGER ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 77 eff. Sept. 22, 1995

An ordinance establishing the office of Village Manager; providing for the appointment, compensation and discharge of such official; specifying the branches of the Village Government and activities under the management and control and defining and limiting the rights, powers, and liabilities of the Village Manager.

THE VILLAGE OF MANCELONA ORDAINS:

12.100 Section 1. **ESTABLISHMENT OF OFFICE**

In accordance with the authority connected by the Village Charter and laws of the State of Michigan, there is established the office of Village Manager.
(ord. no. 77 eff. Sept. 22, 1995)

12.101 Section 2. **APPOINTMENT OF VILLAGE MANAGER.**

The President shall, with the concurrence of four (4) or more Trustees, appoint a Village Manager for the indefinite term and the Council may, by contract, enter into such other terms and conditions as the Manager and Council deem appropriate. The Manager shall serve at the pleasure of the Council and may be removed without cause by the affirmative vote of four (4) or more Trustees (excluding the President) subject to the following procedure. If a motion is made to discharge the Manager, the motion shall be effective only if it passes by a unanimous vote of the entire Council (the "entire Council" means all members of the Village Council who are then serving and not merely those members who are present at the meeting) which includes the Village President. If the motion to discharge the Manager is not unanimously adopted at that meeting, then the motion shall be reconsidered at the next regular (but not special) Council meeting and at that second Council meeting the Manager may be discharged without cause by the affirmative vote of four (4) or more Trustees (excluding the President). The initial motion to discharge the Manager may be made at any regular or special Council meeting. The President may, for cause, suspend the manager with full pay, until the Council takes action of the Council in removing the Manager shall be final.

The Manager shall be selected solely on the basis of administrative and executive abilities with special reference to training and experience.

The Manager need not be a resident of the Village at the time of appointment but shall become a resident within one hundred eighty (180) days from the date of the appointment with extensions permitted upon approval of Council. The Manager shall reside in the Village thereafter during the term of office.
(ord. no. 77 eff. Sept. 22, 1995)

12.102 Section 3. **ACTING VILLAGE MANAGER.**

The President, with the concurrence of four (4) or more Trustees, shall appoint or designate an acting Manager during a vacancy in the office of Village Manager and shall make a permanent appointment within one hundred eighty (180) days from the effective date of the vacancy. A Village Manager, appointee in accordance with Section 2 of this ordinance, shall be deemed to be a qualification for the appointment.
(ord. no. 77 eff. Sept. 22, 1995)

12.103 Section 4. **COMPENSATION.**

The Village Manager shall receive such compensation as the Council shall determine annually by resolution or contract.
(ord. no. 77 eff. Sept. 22, 1995)

12.104 Section 5. **DUTIES.**

The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Village President and Council for the efficient administration of all affairs of the Village and all departments except as that responsibility is explicitly delegated to another officer by the charter of the Village.

The Manager shall have the following functions and duties:

- A. Attend all meetings of the Village Council and its committees and to take part in such meeting without a vote;
- B. Be responsible for personnel management and administer such personnel policy as shall be applicable to Village employees;
- C. To suspend with pay any department head pending a hearing before the Council; to recommend disciplinary action against any department head; to recommend the appointment or removal of any department head; to recommend the wages of all non-elected employees; exercise supervisory control over all departments including the Police Department, the Department of Public Works and the Ambulance Department; to hire, discipline or discharge any Village employee who is not a department head, but only after consultation with the appropriate department head;
- D. Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act. Be purchasing agent of the Village subject to the Village Purchasing Ordinance;
- E. Investigate complaints concerning the administration of the Village and at all times to have the authority to inspect the books, records and papers of any agent, employee or office of the Village except the Village Attorney; to make

recommendations to the Council for adoption of such measures as the Village Manager shall deem in the best interest of the Village;

- F. Perform such other duties as shall be delegated by the Village Council.
(ord. no. 77 eff. Sept. 22, 1995)

12.105 Section 6. **DEALING WITH EMPLOYEES.**

Neither the Council nor the Village President shall attempt to influence the employment of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for purpose of inquiry the President and Council and its members shall deal with the departments under the jurisdiction of the Village Manager through the Manager.
(ord. no. 77 eff. Sept. 22, 1995)

12.106 Section 7. **PURCHASING RESPONSIBILITIES.**

The Village Manager shall act as purchasing agent for the Village offices and departments. The Manager may delegate some or all the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties.

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed one thousand dollars (\$1000.00) provided that funds have been appropriated. The cost of the product or service shall exceed the unencumbered balance of the appropriation for that account. Except as hereinafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. "Emergency condition" is defined to mean any event which presents an imminent threat to the public health or safety of a Village service which is essential to the public health or safety.
(ord. no. 77 eff. Sept. 22, 1995)

12.107 Section 8. **Severability.**

If any portion of this ordinance or the application thereof, to any person or circumstance shall be found to be invalid by a court such invalidity shall not affect the remaining portions or application, provided that such remaining portions or applications are not determined by said Court to inoperable, and to this end, this ordinance is declared to be severable.
(ord. no. 77 eff. Sept. 22, 1995)

12.108 Section 9. **Effective Date.**

This ordinance shall become effective forty-five (45) days after the date of adoption. If a petition, signed by not less than ten (10) percent of the registered electors of the Village, is filed with the Village Clerk within the forty-five-day period, this ordinance shall not become effective until after the ordinance is approved at an election held on the question as provided by law.

(ord. no. 77 eff. Sept. 22, 1995)

14.000

**DOWNTOWN DEVELOPMENT AUTHORITY
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 74 eff. July 27, 1994**

Ordinance creating a Downtown Development Authority for the Village of Mancelona, designating boundaries of the downtown district, and providing for other matters related thereto.

THE VILLAGE OF MANCELONA ORDAINS:

14.001 Section 1. **TITLE**

This Ordinance shall be known as the “Downtown Development Authority Ordinance” of the Village of Mancelona.
(ord. no. 74 eff. July 27, 1994)

14.002 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 operate to halt property value deterioration, eliminate the causes of that 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.
(ord. no. 77 eff. July 27, 1994)

14.003 Section 3. **DEFINITIONS.**

The terms used in this Ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary as used in this Ordinance:

“**Authority**” means the Downtown Development Authority of the Village of Mancelona created by this Ordinance.

“**Act 197**” means Act No. 197 of the Public Acts of Michigan of 1975, as amended.

“**Board**” or “**Board of Directors**” means the Board of Directors of the Authority, the governing body of the Authority.

“**Chief Executive Officer**” means the President of the Village.

“**Village**” means the Village of Mancelona, Michigan.

“**Council**” or “**Village Council**” means the Village Council of the Village.

“Downtown District” means the downtown district designated by this Ordinance, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

(ord. no. 74 eff. Sept. 27, 1994)

14.004 Section 4. **CREATION OF AUTHORITY.**

There is hereby created pursuant to Act 197 a downtown development authority for the Village. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the “Village of Mancelona Downtown Development Authority.” The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided in 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.

(ord. no. 74 eff. July 27, 1994)

14.005 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 of its obligations, shall revert to the Village.

(ord. no. 74 eff. July 27, 1994)

14.006 Section 6. **DESCRIPTION OF DOWNTOWN DISTRICT.**

The Downtown District shall consist of the territory in the Village described in Exhibit “A” which is made a part of this Ordinance and subject also to any changes which may be made in the future pursuant to the Ordinance and Act 197.

(ord. no. 74 eff. July 27, 1994)

14.007 Section 7. **BOARDS OF DIRECTORS.**

The Authority shall be under the supervision and control of the Board. The Board shall consist of the Chief Executive Officer and not less than eight (8) nor more than twelve (12) members appointed by the Chief Executive Officer, subject to approval of the 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 (4) years except that of the first members appointed, an equal number, as near as practicable, shall be appointed for terms of one (1) year, two (2) years, three (3) years, and four (4) years. A member shall hold office until the member’s successor is appointed and qualified. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. If a vacancy occurs, then a new member may be appointed for the unexpired term. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The

chairperson of the board shall be elected by the Board. The Board shall adopt its own rules of procedure.

(ord. no. 74 eff. July 27, 1994)

14.008 Section 8. **POWERS AND LIMITATIONS OF AUTHORITY.**

The Authority shall have all the powers provided by law subject to the following limitations:

- A. The Authority may not impose a tax without approval of the Council, and
- B. The Authority may not obligate the Village in any manner without approval of the Council.

(ord. no. 74 eff. July 27, 1994)

14.009 Section 9. **FISCAL YEAR.**

The fiscal year of the Authority shall be the same fiscal year as in effect for the Village of Mancelona. The Authority shall submit financial reports to the Council whenever requested by the Council. The Authority shall be audited annually by the same independent auditors auditing the Village.

(ord. no. 74 eff. July 27, 1994)

14.010 Section 10. **SEVERABILITY; REPEALER.**

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

(ord. no. 74 eff. July 27, 1994)

14.011 Section 11. **PUBLICATION AND FILING.**

This Ordinance shall be published once after its adoption in full in the Antrim County News which is a newspaper of general circulation in the Village. The Village Clerk shall file a certified copy of this Ordinance with the Michigan Secretary of State.

(ord. no. 74 eff. July 27, 1994)

14.012 Section 12. **EFFECTIVE DATE.**

This Ordinance shall become effective fifteen (15) days after its enactment.

Enacted and ordained by the Village Council of the Village of Mancelona at a meeting held on July 12, 1994.

**14.015 DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 81 eff. May 29, 1996**

WHEREAS, the Downtown Development Authority of the Village of Mancelona (DDA) had prepared and recommended for approval a *Development Plan and Tax Increment Financing Plan* on file with the village clerk (herein the Plan);

WHEREAS, on May 20, 1996, at 7:00p.m. the village held a public hearing on the Plan pursuant to section 18 of Act 197, Public Acts of Michigan, 1975, as amended (the Act);

WHEREAS, the village has fully considered the opinions and evidence at the aforementioned public hearing as memorialized in the minutes of that public hearing;

WHEREAS, the village has determined by resolution that the Plan constitutes a public purpose.

NOW THEREFORE THE VILLAGE OF MANCELONA ORDAINS:

14.016 Section 1. FINDINGS.

For the reasons set forth in the minutes of a special meeting of the village council of May 20, 1996, the village finds:

- A. The Development Plan meets the requirements set forth in section 14(2) of the Act and the Tax Increment Financing Plan meets the requirements set forth in section 14(2) of the Act.
- B. The proposed method of financing development as set forth in the Plan is feasible, and the DDA has the ability to arrange the financing.
- C. The development is reasonable and necessary to carry out the purposes of the Act.
- D. The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the Act in an efficient and economically satisfactory manner.
- E. Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- F. Changes in zoning, streets, and street levels, intersections and utilities, to the extent required by the Plan are reasonably necessary for the development project and for the village.
(ord. no. 81 eff. May 29, 1996)

14.017 Section 2. BEST INTEREST OF THE PUBLIC.

The Village Council hereby determines that it is necessary for the best interests of the public to proceed with the Plan in order to halt property value deterioration of the downtown district, to increase tax valuation, to eliminate the causes of deterioration of property values, and to promote growth in the development district.
(ord. no. 81 eff. May 29, 1996)

14.018 Section 3. **APPROVAL AND ADOPTION.**

The Plan is hereby approved and adopted as provided herein. A copy of the Plan shall be maintained on file in the village clerk's office.
(ord. no. 81 eff. May 29, 1996)

14.019 Section 4. **PROJECT FUND APPROVAL OF DEPOSITARY.**

The DDA shall establish a separate fund which shall be kept in a depository bank account or bank approved by the village treasurer. All monies received by the authority pursuant to the Plan shall be deposited in this project fund. All monies in the project fund and earnings thereon shall be used in accordance with the Plan and the Act.
(ord. no. 81 eff. May 29, 1996)

14.020 Section 5. **ANNUAL REPORT.**

The annual report required in section 15 of the Act shall be submitted to the village council with copies to each taxing jurisdiction within ninety (90) days after the end of each fiscal year during the life of the Plan.
(ord. no. 81 eff. May 29, 1996)

14.021 Section 6. **EFFECTIVE DATE.**

The ordinance will be effective upon publication.
(ord. no. 81 eff. May 29, 1996)

17.050

LOT DIVISION
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 56 eff. Aug. 19, 1969

THE VILLAGE OF MANCELONA, ANTRIM COUNTY, MICHIGAN ORDAINS AS FOLLOWS:

17.051 Section 1. **APPLICATION; REGULATIONS; EXCEPTIONS; VALIDITY.**

The division of a lot in a recorded plat is prohibited unless approved following application to the Village Clerk of the Village of Mancelona, Antrim County, Michigan. The application shall state the reasons for the proposed division.

No lot in a record plat shall be divided into more than four (4) lots and the resulting lots shall not be less in area than permitted by the village, township, or county zoning ordinances. In no event shall the resulting lot or lots be less than 65 feet at the front line nor less than 12,000 square feet in area. No building permit shall be issued nor building construction commenced until the division has been approved by the Village Council and the suitability of the land for building sites has been approved by the county or district health department.

The division of a lot or lots resulting in a smaller area than prescribed herein may be permitted for the purpose of adding to the existing building site or sites but the resulting lot or lots shall not be later divided and must be conveyed as one parcel of land. The application shall so state, and shall be in affidavit form.

This ordinance shall not apply to those parts of a lot or lots in a recorded plat, conveyed prior to the first day of January A.D. 1968 and the remaining portion of the lot or lots now owned by the grantor, his heirs or assigns may be conveyed by providing the Village Council with satisfactory evidence that said lot had been divided prior to the 1st day of January A.D. 1968.

In the event that the within ordinance should be found to be in conflict with Act 288 of the Public Acts of 1967, commonly called the Subdivision Control Act, in any party or portion there of, it shall not effect the validity of the remainder of said ordinance.

A certified copy of this ordinance shall be recorded in the office of the Register of Deeds for Antrim Count, Michigan and shall be printed in the Antrim County News, a newspaper printed and circulating in the said county of Antrim, once each week for three (3) weeks.

(ord. no. 56 eff. Aug. 19, 1969)

Adopted: July 15, 1969

Finally Approved: August 19, 1969

17.100

**SUBDIVISION ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 62 eff. Mar. 6, 1976**

THE VILLAGE OF MANCELONA ORDAINS:

This ORDINANCE NO. 62 has been adopted to regulate the subdivision of land: to promote the public health, safety and general welfare; to further the orderly layout and use of land; to provide for proper ingress and egress to lots; to provide for proper approval to be obtained by sub dividers prior to the recording and filing of plats; and to repeal certain acts and part of acts.

17.110 **PROVISIONS OF THE ORDINANCE.**

Any division of land which results in a subdivision as defined in this ordinance shall be surveyed and a plat thereof submitted, approved and recorded as required by the provisions of this ordinance.
(ord. no. 62 eff. Mar. 6, 1976)

17.111 **(1) CONDITIONS OF APPROVAL.**

The Mancelona Village Council may require the following as a condition of approval of final plat for all streets and alleys in its jurisdiction or to come under its jurisdiction:

- A. Conformance to the general plan, width and location requirements that the Council may have adopted and published.
- B. Adequate provisions for traffic safety in laying out drives which enter streets, as provided in the Village Council's current published construction standards.
- C. Proper drainage, grading and construction of approved materials of a thickness and width provided in its current published construction standards.
- D. Submission of complete plans for grading, drainage and construction to be prepared by the Village Street Administrator.
- E. Installation of culverts and drainage structures where it is deemed necessary.
- F. Completion of all required improvements relative to streets and alleys, or a deposit by the proprietor with the Village Council in the form of cash, a certified check or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the Council in an amount sufficient to insure completion within the time specified.
(ord. no. 62 eff. Mar. 6, 1976)

17.112 **(2) DEPOSIT.**

As a condition of approval of the final plat, the Council may require a deposit to be made in the same manner as provided in subsection (F.) of section (1), to insure performance of any of the obligations of the proprietor to make required improvements.
(ord. no. 62 eff. Mar. 6, 1976)

17.113 **(3) REBATE OF CASH DEPOSITS.**

The Council shall rebate to the proprietor, as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.
(ord. no. 62 eff. Mar. 6, 1976)

17.114 **(4) ACCESS.**

The Council shall reject a final plat isolating lands from existing public streets unless suitable access is provided, and shall also require that such access be granted by easement or dedicated to public use.
(ord. no. 62 eff. Mar. 6, 1976)

17.120 **PRELIMINARY REQUIREMENTS OF THE COUNCIL.**

17.121 **PRELIMINARY PLAT.**

In order that subdivision plats may be prepared in conformity with the general street plans of the Council, the PROPRIETOR shall have prepared a preliminary plat of the area which is to be platted. The plat shall be prepared under the direction of a Registered Land Surveyor or Registered Civil Engineer and shall be drawn to a convenient scale not smaller than one inch equals 200 feet.

The preliminary plat shall give the name of the proposed subdivision and its location with reference to the section in which the parcel is situated. The plat shall show the proposed street layout, lot and plat dimensions (dimensions to the nearest foot are adequate on the preliminary plat), and governing factors such as adjoining subdivisions, streams, lakes, highways, railroads, parks, cemeteries, natural water courses, sewers, or any other feature or features which might affect the layout of the plat.

Two copies of the preliminary plat prepared as noted above shall be submitted to the council together with a letter requesting preliminary approval of the plat. The Council within 30 days of receipt of the preliminary plat shall approve it and note its approval on the copy to be returned to the PROPRIETOR, or for approval shall be given the PROPRIETOR in writing.
(ord. no. 62 eff. Mar. 6, 1976)

17.122 **DRAINAGE PLAN.**

A drainage plan shall be submitted indicating the manner in which surface drainage is to be disposed of. This will usually require making use of existing ditches, natural water

courses, or construction tributaries thereto. In all cases an easement of 12 or more feet in width shall be provided when the drain crosses private property with or adjacent to the subdivision.

The drainage plan may be superimposed on the preliminary plan, or it may be submitted as a supplement to the preliminary plan.
(ord. no. 62 eff. Mar. 6, 1976)

17.123 **RIGHT-OF-WAY WIDTH**

The following minimum widths of right-of-way will be required for all streets and alleys.

LOCAL STREETS	66 feet
ALLEYS	33 feet

Great right-of-way width may be required by the Council when considered necessary.

Section line and quarter line roads shall be centered on said lines unless an exception is approved by the Council.

Half width dedications of streets or alleys will be acceptable only when the boundary of the proposed plat coincide with the boundary of a recorded plat on which a half street, or alley has been previously dedicated.
(ord. no. 62 eff. Mar. 6, 1976)

17.124 **STREET LAYOUT.**

The street layout shall conform to the pattern established by adjacent streets. All existing public streets or alleys that terminate at the boundaries of a proposed plat must be connected with the street system of the proposed plat. The layout of streets and alleys in a proposed plat shall provide a continuous circuit for travel except when, in the opinion of the Council, the lands to be subdivided are limited in area or are subject to a natural barrier. In such cases a dedication that provides access to another street at one end only will be acceptable if a turnaround of 60 feet minimum radius is provided at the terminus of the street to permit turning in a continuous circuit. Lot arrangement shall be such that the number of turnarounds required is held to a minimum.
(ord. no. 62 eff. Mar. 6, 1976)

17.125 **STREET NAMES.**

Street dedications shown on plats shall be designated by name. Streets which are extensions of, or in line with, existing streets must be named to agree with those in existence. Other streets may be given such names as the PROPRIETOR may choose, subject to the approval of Council.

Private streets shall be clearly signed as such at all entrances and said signs shall be maintained by the PROPRIETOR.
(ord. no. 62 eff. Mar. 6, 1976)

17.130 REQUIRED STANDARDS AND SPECIFICATIONS.

The PROPRIETOR shall be required as a condition of approval of the final plat to complete all grading, drainage, and surfacing in accordance with the standards and specifications contained herein.
(ord. no. 62 eff. Mar. 6, 1976)

17.131 PLAN AND PROFILE.

Plan and Profile drawings shall be prepared by the PROPRIETOR'S engineer in complete enough detail to be used as construction plans. The drawings shall show the proposed gradients of all streets, the location of drainage facilities and structures, and any other pertinent information. The maximum grade permitted shall be 10 percent. Vertical curves shall be used at all changes in grade. Sight distance, horizontal alignments and intersections shall be approved by the Street Administrator.

It is desirable that all intersecting streets meet at right angles but in no case shall the intersection angle be less than seventy (70) degrees. Turning radii shall be provided at all intersections with a minimum radius of thirty (30) feet at the lot lines.

A minimum of fifty (50) feet of flat gradient measured from the shoulder line shall be provided at the approach of a secondary street to a main street.

All trees, stumps, brush and the roots thereof shall be entirely removed from within the grading limits of all streets and alleys in the proposed subdivision and shall be disposed of outside of the right-of-way.
(ord. no. 62 eff. Mar. 6, 1976)

17.132 GRADING AND DRAINAGE.

Centered on the right-of-way a street shall be constructed in conformance with the requirements of the Council's Standard Plans for Subdivision and Street Grading as shown on the last page of this ordinance.

Streets shall have a minimum width of thirty (30) feet between shoulder lines.

Alleys shall be graded as directed by the Village Street Administrator.

The presence of other than granular materials in the sub grade soil shall require special treatment approved by the Street Administrator.

The level of the finished sub grade shall be at least two (2) feet above the water table.

Drainage ditches shall be constructed on each side of street in cut section and in fill sections when required. Ditches shall be a minimum of 1.5 feet in depth and deeper where necessary to permit placing of future driveway culverts.
(ord. no. 62 eff. Mar. 6, 1976)

17.133 DRAINAGE STRUCTURES AND EROSION CONTROL.

Drainage structures shall be installed as indicated on the Drainage Plan.

Either concrete or corrugated metal pipe of the required size may be used. Minimum inside diameter of Street Intersections Culverts shall be 15 inches, minimum inside diameter of driveway culverts shall be 12 inches.

All culverts are to be provided either by the PROPRIETOR or the lot owners. Sodding, rip-rapping, topsoil, seeding, or other methods of erosion control shall be used where required.
(ord. no. 62 eff. Mar. 6, 1976)

17.134 SURFACING.

An aggregate surface shall be placed on the prepared sub grade, in accordance with the Standard Plans shown on the last page. Trenching will be required prior to placing the aggregate to provide a minimum surfacing width of 22 feet.

A minimum total depth of six (6) inches of aggregate surfacing shall be placed in two courses, each of which shall be thoroughly compacted. The top course shall consist of a minimum of 3 inches compacted surfacing aggregate 22A. Michigan Department of State Highways Specifications (current). It is recommended that 22A aggregate also be used for the bottom course; although pit run gravel with a maximum stone size of 1 ½ inches may be used if approved by the Village Street Administrator. All larger stones shall be removed before the top course is placed.

Alleys and streets shall be surfaced as directed by the Street Administrator.

Shoulders shall be stabilized with two or more inches of good topsoil or a combination of topsoil or pit run gravel.

17.135 INSPECTION.

The Street Administrator shall make the following inspections of streets in the subdivision:

- (1) Prior to construction.
- (2) After grading and trenching is complete but before surfacing aggregate is placed.

(3) After construction is completed.

The above inspections shall be made at no cost to the PROPRIETOR. If it becomes necessary to make additional inspections because of sub-standard work, a fee will be charged to cover the cost of each such additional inspection. It shall be the PROPRIETOR'S responsibility to provide engineering inspection during construction. There will be no inspections of subdivision Streets between December 1 and April 1. (ord. no. 62 eff. Mar. 6, 1976)

17.136 FINAL APPROVAL.

The PROPRIETOR shall submit all copies of the final plat to the Council for action. Delivery of the plat to the Council shall be made at least one (1) week before their next regular meeting.

Within 15 days, the Council shall:

- (a) Certify their approval on all copies of the plat and return it to the PROPRIETOR;
or
- (b) Reject the plat, give their reasons in writing and return to the PROPRIETOR.

If the plat is rejected, the Council shall send a copy of the letter of rejection to the clerk of the appropriate governing body.
(ord. no. 62 eff. Mar. 6, 1976)

17.137 WATER MAINS.

Water mains must be installed by the property owner and meet all requirements of the Michigan Department of Public Health.

All requests for installation will be submitted to the Village Council of Mancelona which in turn will apply for permits to the Michigan Department of Public Health.

No water mains shall be installed without such permits.
(ord. no. 62 eff. Mar. 6, 1976)

17.138 GUARANTEE OF IMPROVEMENTS.

The PROPRIETOR shall be required to grade, drain and surface the streets and alleys in accordance with the specifications and standards contained herein.

If the PROPRIETOR has not completed said improvements prior to submission of the final plat to the Council for approval, he will be required to furnish cash, a certified check or irrevocable bank letter of credit, whichever the PROPRIETOR selects, or a surety

bond acceptable to the Council in an amount sufficient to insure completion of all improvements within a period of two years from the date of approval of the final plat by the Council.

(ord. no. 62 eff. Mar. 6, 1976)

17.139 **PRIVATE STREETS.**

No person shall sell any lot in a recorded plat if it abuts a street which has not been accepted as public unless the seller first informs the purchaser in writing on a separate document conveying the information that such parcel of land is abutting a private street and is not required to be maintained by the village.

(ord. no. 62 eff. Mar. 6, 1976)

17.140 **CHANGES AND SPECIAL CONDITIONS.**

These published specifications and standards are subject to change without notice by the Council.

The Council reserves the right to require construction to higher standards where warranted by special conditions.

These published specifications and standards are effective on the date of adoption by the Council and cancel and supersede all previously published regulations.

This ordinance was enacted and adopted by the VILLAGE COUNCIL OF MANDELONA, MICHIGAN ON January 28, 1976 and shall become effective thirty (30) days after publications.

(ord. no. 62 eff. Mar. 6, 1976)

Published: February 5, 1976

20.000

**DISORDERLY CONDUCT
VILLAGE OF MANCELONA, MICHIGAN
chap. 9016 eff. May 23, 1960**

20.001 Section 1. **DEFINITIONS.**

The term “public place” as used in this Chapter shall mean any street, sidewalk, alley, park, public building, any place of business or assembly open to or frequented by the public view, or to which the public has access.
(chap. 9016 eff. May 23, 1960; amend. eff Dec. 9, 1981)

20.002 Section 2. **ACTS PROHIBITED.**

No person within the Village, shall:

- (a) Discharge any firearms;
- (b) Engage in fortune telling or pretend to tell fortunes for hire, gain, or reward;
- (c) Take or use any property belonging to the Village of Mancelona or remove the same from the building or place where it may be kept, placed, or stored, without proper authority and without an intent to commit larceny;
- (d) Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for an illegal purpose in any public place;
- (e) Disturb the peace, make or excite a disturbance or to permit a disturbance to continue in a place owned, possessed or controlled by him;
- (f) Urinate or defecate in any public place except in a toilet or to urinate in a urinal;
- (g) Throw any snowball or any object toward any person, automobile or building with the intent to damage a person or property or with the intent to cause alarm in any person;
- (h) Summon, without any good reason therefore, by telephone or otherwise, the police or fire department, any public or private ambulance, or any other service of any kind, to go to any address where the service called is not needed;
- (i) Knowingly take possession of and ride or take away any bicycle, without the express or implied permission of the owner, whether or not he intends to steal said bicycle;
- (j) Follow any individual without lawful justification with the intent to cause alarm in said individual;

- (k) Knowingly prowl or enter upon or about premises owned or leased by another in the nighttime, without the express or implied consent of that person;
- (l) Jostle or roughly crowd persons in any public place;
- (m) Sit or lie on a public sidewalk or public street except during a lawful parade or during a festival officially sanctioned by the Village Council or during the day of such parade or festival;
- (n) Sit on the exterior surface of a parked automobile which is parked in a public parking lot or parked or ridden on a public street or highway;
- (o) Sit on the steps leading to any building open to the public or to which the public is invited except during a lawful parade or during a festival officially sanctioned by the Village Council or during the day of such parade or festival.
- (p) Obstruct either alone or in consort with others any public street, public sidewalk, or any other public place by hindering or impeding or tending to hinder or impede the free or uninterrupted passage of vehicles, traffic or pedestrians; provided, however, this provision shall not apply during a lawful parade or during a festival officially sanctioned by the Village Council or during the day of such parade or festival.
- (q) Commit in or upon any public street, public sidewalk or any public place any act which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public sidewalk, or any other public place, or which prevents the free and uninterrupted ingress and egress of persons in or to any public place; provided, however, a merchant may display merchandise on a public sidewalk adjacent to his property if such act does not hinder the free and uninterrupted use of the public sidewalk by pedestrians; and provided, further, that Section 2(r) of this Chapter shall not apply during a lawful parade or festival officially sanctioned by the Village Council or during the day of such parade or festival.
(Chap. 9016 eff. May 23, 1960; amend. eff. Dec. 9, 1981; further amend. eff. July 22, 1982; ord. no. 73 eff. July 7, 1987; amend. eff. Oct. 20, 2004; further amend. eff July 29, 2006)

20.050

**PARK REGULATIONS
VILLAGE OF MANCERLONA, MICHIGAN
chap. 3012 eff. May 23, 1960, ord. no. 95 effect. July 12, 2011**

20.051 Section 1. **INJURY TO PARK PROPERTY.**

No person shall obstruct any walk or drive in any public park or playground and no person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fire-places, or other public property within or pertaining to said parks.

(chap. 3012 eff. May 23, 1960)

20.052 Section 2. **ALCOHOLIC BEVERAGES, BEER AND WINE.**

The alcoholic beverages of beer and wine only shall be allowed in the Village parks for special events or parties by obtaining a permit from the Village for such events. The Village shall, by a written resolution passed by the Village Council, set forth requirements for obtaining a permit to serve beer and wine in any Village park. The resolution setting forth the manner under which a permit may be obtained may be amended from time to time by written resolution of the Village Council as permitted by state law. Permit applications with instructions and written requirements shall be available at the Village Clerk's office during the Village's regular business hours. No beer or wine may be consumed, transported or stored in any Village park without a permit from the Village. No alcoholic beverages, including beer and wine, exceeding 20% alcohol by volume shall be allowed in any Village park at any time regardless of whether a permit under this section has been obtained.

(chap. 3012 eff. May 23, 1960, amend. eff. June 16, 2005)

20.053 Section 3. **WASTE CONTAINERS.**

No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park or playground except in containers provided for that purpose.

(chap. 3012 eff. May 23, 1960)

20.054 Section 4. **BALL GAMES.**

No person shall engage in baseball, football or softball throwing, or other violent or rough exercises or play in any public park or other public place, except in areas designated therefore by order of the Village Council.

(chap. 3012 eff. May 23, 1960)

20.055 Section 5. **ADDITIONAL RULES.**

The Village Council may, by resolution, prescribe additional rules and regulations pertaining to the conduct and use of parks and public grounds as it shall deem necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations.

(chap. 3012 eff. May 23, 1960)

20.056 Section 6. **ANIMALS**

Except for service dogs of persons who are blind or have some other disability requiring the assistance of the dog and police dogs, animals are not allowed to be in Cran Park, Legion Park, Palmer Park, Perry Address Park, Railroad Park excluding Johnson's Pond. All animals shall be kept on a leash not over six feet in length and shall be under immediate control of a responsible person. Animal waste shall be removed and properly disposed of by the person in control of or responsible for the animal.

- a. Any person who shall violate any provision of the section shall be responsible for a municipal civil infraction as defined in Chapter 11.000 section 11.015 and shall be subject to a warning for the first offense; a fine of not more than \$25.00 second offense; or a fine of not more than \$50.00 for the third or subsequent offenses. Civil infraction tickets may be written by a village police officer or by the animal control officer.*

(ord. no. 95, eff. July 12, 2011)

20.100

**JOHNSON'S POND
VILLAGE OF MANCERONA, MICHIGAN
ord. no. 73 eff. July 7, 1987**

IT IS ORDAINED THAT:

Section 1. The area known as Johnson's Pond located in the southeast corner of the Village limits between the south end of East Limits Street and the end of Danforth Street.

Section 2. Johnson's Pond shall be used only as a FISH POND for children fourteen (14) years old and under with a five (5) fish limit per child per day.

Section 3. No swimming or boating is permitted in the pond.

Section 4. PENALTY: Violators of this ordinance upon conviction shall be guilty of a misdemeanor and violators may be fined not more than five hundred dollars (\$500.00) or may be imprisoned in the county jail for not more than ninety (90) days or both. Such fine and/or imprisonment shall be at the discretion of the court.
(ord. no. 73 eff. July 7, 1987)

20.150

**PEDDLERS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. July 7, 1987**

20.151 Section 1. **LICENSE REQUIRED.**

No person shall engage in the business of hawking, peddling or soliciting orders for any goods or merchandise without first obtaining a license therefore. No such license shall be granted except upon certification of the Chief of Police. The fee for such license shall be ten dollars (\$10.00) per day or one hundred dollars (\$100.00) per month.
(ord. no. 73 eff. July 7, 1987)

20.152 Section 2. **FIXED STANDS PROHIBITED.**

No licensee shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy. Any peddler using a vehicle, where stopped, shall place his vehicle parallel to and within twelve (12) inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present.
(ord. no. 73 eff. July 7, 1987)

20.153 Section 3. **PRACTICES PROHIBITED.**

No peddler shall shout or cry out his goods or merchandise nor blow any horns, ring any bell or use any other similar device to attract attention of the public.
(ord. no.73 eff. July 7, 1987)

20.154 Section 4. **EXEMPT PERSONS.**

This chapter shall not be applicable to (a) farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them, the sale of which is not otherwise prohibited or regulated; (b) any person when engaged in peddling or soliciting on foot and under the direct supervision of any school or recognized charitable or religious organization; or (c) any person selling or offering for sale wares or merchandise on behalf of and solely for the benefit of any recognized public charitable or religious organization.
(ord. no. 73 eff. July 7, 1987)

20.200

**TRANSIENT MERCHANTS
VILLAGE OF MANCERLONA, MICHIGAN
chap. 7060 eff. May 23, 1960**

20.201 Section 1. **LICENSE REQUIRED.**

No person shall engage in a temporary business of selling goods, wares or merchandise at retail within the Village from any lot, premises, building, room or structure, including railroad cars, without first obtaining a license therefore. No such license shall be granted except upon certification of the Chief of Police and/or other Police Officer and the Village Clerk. The fee for such license shall be fifty (\$50.00) dollars per week. Persons having regularly established places of business in the Village who are not otherwise subject to this Chapter shall not become subject thereto because of making incidental sales or deliveries.

(chap. 7060 eff. May 23, 1960;ord. no. 73 eff. July 7, 1987)

20.202 Section 2. **TEMPORARY BUSINESS DEFINED.**

Every person engaged in the retail sale and delivery of goods, wares or merchandise, shall be deemed to be engaged in carrying on a temporary business unless his goods, wares or merchandise shall have been assessed for taxation in the Village during the current year.

(chap. 7060 eff. May 23, 1960)

20.203 Section 3. **INDEBTEDNESS TO VILLAGE.**

No license shall be granted to any person owing any personal property taxes or other indebtedness to the Village, or who contemplates using any personal property on which personal property taxes owe, in the operation of such business, and the Treasurer shall certify to the applicant's qualifications with respect to such indebtedness.

(chap. 7060 eff. May 23, 1960)

20.204 Section 4. **BENEFIT SALES.**

Any person selling or offering for sale any goods, wares or merchandise on behalf of and solely for the benefit of any recognized public, charitable or religious purpose shall, after meeting all other requirements, be granted a license without payment of the fee required by section 1 (20.201), hereof.

(chap. 7060 eff. May 23, 1960)

20.250

**DISMANTLED OR INOPERABLE MOTOR VEHICLES
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 69 eff. June 24, 1988**

THE VILLAGE OF MANCELONA ORDAINS:

Section 1 That the Municipal Code of the Village of Mancelona is and the same are hereby amended by adding thereto a new Dismantled or Inoperable Motor Vehicles Ordinance to read as follows.

20.251 **A. DEFINITIONS.**

1. Motor Vehicles are hereby defined as any wheeled vehicle which are self-propelled or intended to be self-propelled and which are primarily intended for transportation on public records on a year round basis.
2. Inoperable motor vehicles are defined as motor vehicles which, by reason of dismantling, disrepair, lack of licensing, mechanical or safety defects or other cause, are either incapable of being propelled under their own power or are prevented by law from being so propelled.
3. Dismantled and partially dismantled motor vehicles are motor vehicles from which some part or parts ordinarily a component of such motor vehicle has been removed or is missing.
4. Antique motor vehicle means and is limited to a car on truck which is at least twenty-five (25) years old and which except for a lack of registration plate is capable of being lawfully operated on a public road.
(ord. no. 69 eff. June 24, 1988)

20.252 **B. PARKING AND STORAGE REGULATIONS, EXCEPTIONS.**

No person, firm, or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicles part thereof outdoors on any premises within the Village limits of Mancelona for a period of more than seven (7) days continuously, and no person, firm or corporation shall permit any dismantled, partially dismantled or inoperable motor vehicle or parts thereof to remain outdoors on any premises within the Village limits of Mancelona for a period of more than seven (7) days continuously or for thirty (30) days in any calendar year whether or not continuously.
(ord. no. 69 eff. June 24, 1988, amended July 13, 1999)

20.253 **C. COURT ACTION.**

In addition to the issuance of a municipal civil infraction citation, as authorized in Section E. below, the Village may seek injunctive relief in Circuit Court against any person, firm or corporation for abatement or termination of an activity prohibited by this Ordinance or to prohibit future violations of this Ordinance.

(ord. no.69 eff. June 24, 1988, ord. eff. Sept. 7, 1995)

20.254 **D. NUISANCE.**

The presence of any dismantled, partially dismantled or inoperable motor vehicle or parts thereof outdoors on any premises within the Village limits of Mancelona is hereby declared to be a public nuisance and is hereby further declared to be offensive to the public health, welfare and safety.

(ord. no. 69 eff. June 24, 1988)

20.255 **E. PENALTY.**

- (1) Any person, firm or corporation who violates or assists in the violation of any provision of the Ordinance shall be responsible for a municipal civil infraction punishable as a first offense by a civil fine of not less than one hundred fifty dollars (\$150.00), plus costs, expenses, damages and other sanctions authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. Each day that such violation continues shall constitute a separate and distinct violation under the provisions of this Ordinance.
- (2) Increased civil fines may be imposed on repeat violations of a municipal civil infraction. As used in this subsection, a “repeat violation” means a second or subsequent municipal civil infraction of the same ordinance requirement or provision committed by the same person, firm or corporation within any twelve (12) month period for which that person, firm or corporation admits responsibility or is found responsible in Court. The increased civil fines for repeat violations shall be as follows;
 - (A) For a first repeat violation, the municipal civil infraction shall be punishable by a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs, expenses, damages and other sanctions authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.
 - (B) For a second or subsequent repeat violation, the municipal civil infraction shall be punishable by a civil fine of not less than five hundred dollars (\$500.00) plus costs, expenses, damages and other sanctions authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended
- (3) If a defendant fails to pay the civil fines or costs ordered by the District Court within thirty (30) days after the date on which payment is due, then the Village may obtain a lien in the amount of the unpaid fines and costs against the real property on which the violation occurred by recording a copy of the court order requiring payment of the fines and costs, along with a legal description of the real property involved, in the Antrim County Register of Deed’s Office. The Village shall send a written notice of the lien by first class mail to the owner of record of the real property at the owner’s last known address. The Village may enforce and discharge this lien as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.

(ord. no.69 eff. June 24, 1988, ord. eff. Sept. 7, 1995)

20.256 **F. VALIDITY.**

In any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid; such invalidity shall not affect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or applications.

(ord. no. 69 eff. June 24, 1988)

20.257 **G. REPEAL.**

The previous Dismantled or Inoperable Motor Vehicles Ordinance is hereby repealed.

(ord. no. 69 eff. June 24, 1988)

20.258 Section. 2 **EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days from the date of its adoption.

(ord. no. 69 eff. June 24, 1988)

20.300

**UNIFORM TRAFFIC CODE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 64 eff. Dec. 13, 1979**

An ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages.

THE VILLAGE OF MANCELONA ORDAINS:

20.301 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, and all future amendments and revision to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated and adopted by reference. (ord. no. 64 eff. Dec. 13, 1979; amend. ord. 92 eff. March 8, 2011)

20.302 Section 2. **REFERENCES IN CODE.**

References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to “governmental unit” shall mean the Village of Mancelona. (ord. no. 64 eff. Dec. 13, 1979)

20.303 Section 3. **NOTICE TO BE PUBLISHED.**

The Village Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that complete copies of the Code are available at the office of the Clerk for inspection by and distribution to the public at all times. (ord. no. 64 eff. Dec. 13, 1979)

20.304 Section 4. **PENALTIES.**

The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference. The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days. (ord. no. 64 eff. Dec. 13, 1979; amend. ord. 92 eff. March 8, 2011)

20.305 Section 5. **WHEN EFFECTIVE.**

The Uniform Traffic Code will be in effect in this governmental unit thirty (30) days after the passage of this adopting ordinance. (ord. no. 64 eff. Dec. 13, 1979)
Adopted: November 13, 1979

20.310

**MICHIGAN VEHICLE CODE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 86 eff. Apr. 18, 2000**

An ordinance to adopt by reference the Michigan Vehicle Code.

THE VILLAGE OF MANCELONA ORDAINS:

20.311 Section 1. **CODE ADOPTED.**

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.

(ord. no. 86 eff. Apr. 18, 2000; amend. ord. 91 eff. March 8, 2011)

20.312 Section 2. **REFERENCES IN CODE.**

References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Mancelona.

(ord. no. 86 eff. Apr. 18, 2000)

20.313 Section 3. **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 the purpose of the Michigan Vehicle Code and the fact that a complete copy of the Code is available to the public at the office of the Clerk for inspection.

(ord. no. 86 eff. Apr. 18, 2000)

20.314 Section 4. **PENALTIES.**

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

(ord. no. 86 eff. Apr. 18, 2000)

20.315 Section 5. **EFFECTIVE DATE.**

The amendatory ordinance shall be effective upon publication in a newspaper of general circulation within the Village.

(ord. no. 86 eff. Apr. 18, 2000)

20.350

TRAFFIC
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. July 7, 1987

THE VILLAGE OF MANCELONA ORDAINS:

20.351 Section 1. **PARKING RESTRICTIONS IN ADDITION TO UNIFORM TRAFFIC CODE.**

In addition to the provisions of the Uniform Traffic Code, the following parking restriction shall be in force in the Village of Mancelona:

- (a) Every vehicle shall be parked wholly within the parking space formed by the curb and the lines painted on the roadway, except that a vehicle which is too large to be parked within a single designated parking space shall be permitted to occupy two adjoining parking spaces.
- (b) No vehicle shall be parked on any street in the Village during the months of November, December, January, February and March between 3am and 6am nor on M-88 from 3:00am to 6:00am at any time during the year. Notice of such restrictions shall be placed at all Village entrances as required by state code.
(ord. no. 73 eff. July 7, 1987, amend. May 9, 2000)

20.352 Section 2. **PENALTIES.**

- (a) A person who violates Section 1 above is responsible for a civil infraction.
- (b) In addition to the penalties imposed by Section 2(a) above, any vehicle found in violation of Section 1(b) may be impounded by the Village Police Department and the owner of such impounded vehicle shall pay all expenses of impoundment before recovering said impounded vehicle.
(ord. no. 73 eff. July 7, 1987)

20.360

**SEASONAL LOAD RESTRICTIONS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 64 eff. April 23, 1999**

An ordinance to amend the Village Code by adding a new chapter regarding seasonal load restrictions, which new chapter shall be designated as chapter 20.360, and to provide penalties for violations.

THE VILLAGE OF MANCELONA ORDAINS:

20.361 Section 1. **SEASONAL LOAD RESTRICTIONS.**

Unless a different time period is specified pursuant to Section 2 below, during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements, or pavement with a concrete base, shall be reduced by 25% from the normal loading maximum as specified in Section 722 of the Michigan Motor Vehicle Code, as amended, being MCLA 257.722; MSA 9.2422. On all other types of streets during these months the maximum axle loads shall be reduced by 35% from the normal loading maximum as specified in Section 722 of the Michigan Motor Vehicle Code, as amended. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other streets during the period the seasonal load restrictions are in effect.

20.362 Section 2. **MODIFICATION TO PERIOD OF SEASONAL LOAD RESTRICTIONS.**

The Village of Mancelona Police Chief may suspend the restrictions imposed by Section 1 above when and where, in his or her discretion, conditions of the streets or the public health, safety, and welfare so warrant, and may impose the restricted loading requirements of Section 1 above on designated streets at any other time that the conditions of the streets may require.

20.363 Section 3. **WEIGHT CALCULATION.**

For the purpose of enforcement this Chapter, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads, shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing the group of axles and dividing the gross weight of the group of axles by the number of axles in the group.

20.364 Section 4. **AUTHORITY TO STOP, INVESTIGATE, AND ISSUE CITATION.**

Any police officer, having reason to believe that the load or weight of a vehicle is in violation of Section 1 above may require the driver of the vehicle to stop, and the officer may investigate and weigh the vehicle or load at that location or may require that the

vehicle be driven to the Antrim County Road Commission garage for the purpose of being weighed. When the officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may either temporarily detain the driver of the vehicle for purposes of making a record of the violation and issuing a citation to the driver or owner of the vehicle or may require the driver to stop the vehicle in a suitable place and remain in that location until that portion of the load is shifted or removed as necessary to reduced the gross axle load weight of the vehicle to the limits permitted under this Chapter. All material unloaded as provided under this section shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

20.365 Section 5. **PENALTIES.**

An owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows the vehicle to be loaded and driven or moved on a street, when the weight of that vehicle violates Section 1 above is responsible for a civil infraction and shall pay a civil fine pursuant to the following schedule:

- a. 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less;
- b. 6 cents per pound for each pound of excess load when the excess is over 2,000 pounds, but not over 3,000 pounds;
- c. 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds, but not over 4,000 pounds;
- d. 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds, but not over 5,000 pounds;
- e. 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds, but not over 10,000 pounds; and
- f. 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds.

However, the court shall have discretionary power as to the amount of the civil fine within the schedule provided in this section and may impose a civil find of not more than \$250.00 where, at the time of the violation, the motor vehicle or the motor vehicle and load did not exceed the total weight which would be lawful by a proper distribution of the load upon various axles.

20.366 Section 6. **SEVERABILTIY.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

20.367 Section 7. **EFFECTIVE DATE.**

This Ordinance shall become effective twenty (20) days after its enactment.

20.400

**PARKING VIOLATIONS BUREAU
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 55 eff. Feb. 27, 1969; amend. ord. no. 10 eff. Apr. 14, 2004**

An ordinance establishing a parking violations bureau for the Village of Mancelona, Michigan.

THE VILLAGE OF MANCELONA ORDAINS:

20.401 Section 1. **BUREAU ESTABLISHED; SUPERVISION AND CONTROL.**

Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, a parking violations bureau, for the purpose of handling alleged parking violations within the village, is hereby established. The parking violations bureau shall be under the supervision and control of the Village Clerk.
(ord. no. 55 eff. Feb. 27, 1969)

20.402 Section 2. **LOCATION, EMPLOYEES; RULES AND REGULATIONS.**

The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof.
(ord. no. 55 eff. Feb. 27, 1969)

20.403 Section 3. **DISPOSITION OF VIOLATION AT BUREAU.**

Any violation listed on schedule adopted by resolution passed by the Mancelona Village Council pursuant to Section 20.406 of the Village Code shall be disposed of at the parking violations bureau.
(ord. no. 55 eff. Feb. 27, 1969; amend. ord. no. 10 eff. Apr. 14, 2004)

20.404 Section 4. **VIOLATION PROCESSED BEFORE COURT.**

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.
(ord. no. 55 eff. Feb. 27, 1969)

20.405 Section 5. **TRAFFIC TICKET; NOTICE OF VIOLATION.**

The issuance of a traffic ticket or notice of violation by a police officer of the village shall be deemed an allegation of a parking violation. Such traffic or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

(ord. no. 55 eff. Feb. 27, 1969)

20.406 Section 6. **OFFENSES AND PENALTIES.**

The Mancelona Village Council shall adopt a resolution setting forth parking offenses which shall be disposed of at the parking violations bureau, and shall include the penalty amount for such offenses.

(ord. no. 55 eff. Feb. 27, 1969; amend. ord. no. 10 eff. Apr. 14, 2004)

20.407 Section 5. **REPEAL.**

All ordinances or parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

(ord. no. 55 eff. Feb. 27, 1969)

20.408 Section 5. **EFFECTIVE DATE.**

This ordinance shall become effective upon publication and 30 days after adoption as prescribed by the village charter.

(ord. no. 55 eff. Feb. 27, 1969)

Adopted: February 18, 1969

Published: February 27, 1969

20.450

SNOWMOBILES
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 59 eff. Jan. 13, 1972

An ordinance to regulate the operation of snowmobiles on private and public property within the Village limits: to require certain equipment thereon: and to prescribe rules and regulations for the operation of same: and to provide penalties for violations hereof.

THE VILLAGE OF MANCELONA ORDAINS:

20.451 Section 1. **DEFINITIONS.**

- A. **SNOWMOBILE.** A self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
- B. **OPERATE.** To control the operation of a snowmobile.
- C. **OPERATOR.** Any person who operates or is in actual control of a snowmobile. (ord. no. 59 eff. Jan. 13, 1972)

20.452 Section 2. **REGULATIONS.**

It shall be unlawful for any person to operate a snowmobile under the following circumstances:

- A. On private property of another without the express permission to do so by the owner or occupant of said property.
- B. On public school grounds, park property, playgrounds, recreational areas and golf courses without express provision or permission to do so by the proper public authority.
- C. In a manner so as to create loud, unnecessary noise so as to disturb or interfere with the peace and quiet of other person.
- D. In excess of fifteen (15) miles per hour.
- E. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
- F. Without having the snowmobile registered as provided for by Michigan Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
- G. Within the right-of-way of any public street within the Village unless the operator has attained the age of twelve (12) and unless supervised by an adult and that

operators ages twelve (12) to sixteen (16) have passed a state safety education course.
(ord. no. 59 eff. Jan. 13 1972)

20.453 Section 3. **EXCEPTIONS TO REGULATIONS.**

Notwithstanding the prohibitions of this Ordinance, the parks and recreation director shall have the authority to supervise and regulate events or programs in connection with events or programs in connection with events conducted by the parks and recreation department in which snowmobiles are used. The parks and recreation director shall have the authority to designate city park areas that he shall deem available for use of snowmobiles.
(ord. no. 59 eff. Jan. 13, 1972)

20.454 Section 4. **RESERVED.**

Editor's note - The provisions of former 20.454, pertaining to the equipment required for snowmobiles, and derived from ord. no. 59, effective Jan. 13, 1972, were repealed by an amendatory ordinance effective Sept. 7, 1995.
(ord. no. 59 eff. Jan. 13, 1972)

20.455 Section 5. **UNATTENDED VEHICLES.**

It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with the keys for starting the vehicle in the ignition.
(ord. no. 59 eff. Jan. 13, 1972)

20.456 Section 6. **RESTRICTION OF OPERATION.**

The Village Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads or streets or other Village property within the Village when in their opinion the public safety and welfare so requires.
(ord. no. 59 eff. Jan. 13, 1972)

20.457 Section 7. **TRAFFIC REGULATIONS.**

Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations application thereto, and shall obey the orders and directions of any police officer the Village authorizes to direct or regulate traffic.
(ord. no. 59 eff. Jan. 13, 1972)

20.458 Section 8. **VIOLATION.**

Any person, firm or corporation violating or failing to comply with any provision of this ordinance shall be subject to a fine of not more than \$500.00 (five hundred dollars) or by imprisonment for not more than 90 (ninety) days or by both such fine and imprisonment.
(ord. no. 59 eff. Jan. 13, 1972)

20.459 Section 9. **EFFECTIVE DATE.**

Adopted, approved and passed by the VILLAGE COUNCIL of the VILLAGE OF MANCELONA, this 14th day of DECEMBER, A.D. 1971.
(ord. no. 59 eff. Jan. 13, 1972)

20.500

**NUISNACE ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. Aug. 6, 1987**

20.501 Section 1. **DEFINITIONS.**

As used in this Ordinance, the following terms shall have the meanings prescribed in this section.

- A. **BUILDING MATERIALS** includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in construction of any structure.
- B. **GARBAGE** means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that related to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- C. **JUNK** means any personal property which is or may be salvaged for reuse, resale or reduction, or which is possessed, accumulated or dismantled for any of the aforesaid purposes. By way of example and not limitation, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, rubber or car parts.
- D. **RUBBISH** means nonputrescible solid wastes excluding ashes consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, bags, rags and demolished building materials.
- E. **PERSON** means an individual, firm or corporation.
- F. **SEALED CONTAINER** means a covered, closable container which is rodent-proofed, fly-proofed and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.
- G. **TOTALLY CLOSED STRUCTURE** means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor or walls or closable doors around its perimeter.
(ord. no. 73 eff. Aug. 8, 1987)

20.502 Section 2. **NUISANCES.**

The following are hereby declared to be nuisances:

- A. The keeping or storage of building materials outside on private property unless there is in force a valid building permit from the Antrim County Building Department for construction on that property and the building materials are for use in such construction
- B. The keeping or storage of ashes, junk, garbage or rubbish outside of a totally enclosed structure on private property except in a sealed container designed for the purpose of holding such ashes, junk, garbage or rubbish.
- C. The placing of ashes, junk, garbage or rubbish on private property without the owner's permission or on public property. The provision applies regardless of whether the ashes, junk, garbage or rubbish is in a sealed container.
- D. The keeping or storage on a private property of junk, garbage, or rubbish on private property, including inside a building or in a house, in such a manner that the items regardless of the method of containment, have become a breeding ground, food source or habitation of insects, rodents or vermin.
- E. Intentional depositing of oil, gasoline or industrial wastes on the ground.
- F. The existence of any structure or damaged partial structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable if a dwelling, nor currently useful for any other purpose for which it may have been intended.
- G. The existence of any vacant building, garage, house or outbuilding unless such structure is kept from entry by the public.
- H. The distributing, placing, posting or fixing of posters, notices or handbills on public buildings, public property, lamp posts or utility poles except as may be authorized or required by law.
- I. The distribution, placing, posting or fixing of posters, notice or handbills on private property without consent of the owner or occupant except as authorized or required by law.
- J. Grasses or weeds exceeding six (6) inches in height on any improved property. (ord. no. 73 eff. Aug. 8, 1987, amend. eff. May 9, 2000)

20.503 Section 3. **PROHIBITION.**

Subject to Section 4, no person shall commit, create or maintain any nuisance. Subject to Section 4, no person shall knowingly permit the existence of a nuisance on the property owned or possessed by such person. Each day a nuisance shall exist shall be construed as a separate violation.

(ord. no. 73 eff. Aug. 8, 1987)

20.504 Section 4. **INDUSTRIAL STORAGE.**

The storage or keeping or salvageable metal or wood shall not be prohibited on property on which is located a factory engaged in manufacturing, assembling or machining as long as the salvageable metal or wood is for resale or reuse by the occupant of the property. (ord. no. 73 eff. Aug. 8, 1987)

20.505 Section 5. **PENALTY.**

- (1) Any person, firm or corporation who violates or assists in the violation of any provision of this ordinance shall be responsible for a municipal civil infraction punishable as a first offense by a civil fine of not less than one hundred fifty dollars (\$150.00), plus costs, expenses, damages and other sanctions authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. Each day that such violation continues shall constitute a separate and distinct violation under the provisions of this Ordinance.
- (2) Increased civil fines may be imposed on repeat violations of a municipal civil infraction. As used in this subsection, a “repeat violation” means a second or subsequent municipal civil infraction violation of the same ordinance requirement or provision committed by the same person, firm or corporation within any twelve (12) month period for which that person, firm or corporation admits responsibility or is found responsible in Court. The increased civil fines for repeat violations shall be as follows:
 - (A) For a first repeat violation, the municipal civil infraction shall be punishable by a civil fine not less than two hundred fifty dollars (\$250.00), plus costs, expenses, damages and other sanctions authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.
 - (B) For a second or subsequent repeat violation, the municipal civil infraction shall be punishable by a civil fine not less than five hundred dollars (\$500.00), plus costs, expenses, damages and other sanctions authorized in Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.
- (3) This Ordinance may be enforced by any police officer of The Village by and issuance of a municipal civil infractions citation.
- (4) If a dependant fails to pay the civil fines or costs ordered by the District Court within thirty (30) days after the date on which payment is due, then the Village may obtain a lien in the amount of the unpaid fines and costs against the real property on which the violation occurred by recording a copy of the court order requiring payment of the fines and costs, along with a legal description of the real property involved, in the Antrim County Register of Deed’s Office. The Village shall send a written notice of the lien by first-class mail to the owner of record of the real property at the owner’s last known address. The Village may enforce and

discharge this lien as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.

(ord. no. 73 eff. Aug. 8, 1987; ord. eff. Sept 7, 1995)

20.506 Section 6. **ENFORCEMENT.**

This Ordinance may be enforced by any police officer of The Village by the issuance of a municipal civil infraction citation.

(ord. no. 73 eff. Aug. 8, 1987; ord. eff. Sept 1, 1995)

20.507 Section 7. **ABATEMENT BY VILLAGE.**

If the owner or possessor of any of any property on which a nuisance exists fails to eliminate a nuisance, the Village President, after receiving authorization by the Village Council, shall take such steps as are necessary to abate or eliminate the nuisance.

The cost of elimination of the nuisance by the Village, including reasonable attorney fees, may be collected in a lawsuit against the owner and/or possessor of the property on which the nuisance existed and/or against the person who committed, created or maintained the nuisance.

(ord. no. 73 eff. Aug. 8, 1987)

20.588 Section 8. **VALIDITY.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

(ord. no. 73 eff. Aug. 8, 1987)

20.509 Section 9. **SEPARATE COURT ACTIONS.**

Nothing in this Ordinance shall prohibit the Village or any interested party from seeking such other relief as may be permitted in law or in equity regarding the existence of a nuisance.

(ord. no. 73 eff. Aug. 8, 1987)

20.510 Section 9. **EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days from the date of its adoption.

(ord. no. 73 eff. Aug. 8, 1987)

20.600

**CURFEW ORDINANCE
VILLAGE OF MANCERLONA, MICHIGAN
ord. no. 78 eff. Nov. 9, 1995**

20.601 Section 1. **Minors Under 16.**

No minor under the age of sixteen (16) years shall loiter, idle or congregate in or on any public street, highway, alley, sidewalk, park, or other public place in the Village between the hours of 10:00pm and 6:00am, immediately following, unless the minor is accompanied by a parent or legal guardian, is returning home from a school function, or is performing an activity directed by his or her parent or legal guardian.
(ord. no. 78 eff. Nov. 9, 1996)

20.602 Section 2. **Penalty.**

Any child who violates Section 1 above shall be deemed a delinquent child and shall be subject to proceedings as a delinquent child in the Probate Court.
(ord. no. 78 eff. Nov. 9, 1996)

20.603 Section 3. **Aiding or abetting violation; misdemeanor.**

Any person sixteen (16) years of age or older who assists, aides, or abets or any parent or guardian who assists, aides, abets, or allows any minor under the age of sixteen (16) years of age to violate Section 1 above shall be guilty of a misdemeanor punishable by no more than ninety (90) days in jail and/or a fine not exceed Five Hundred Dollars (\$500.00), plus the cost of prosecution.
(ord. no. 78 eff. Nov. 9, 1996)

20.700

**CAT ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 79 eff. Nov. 9, 1995**

20.701 Section 1. **DEFINITIONS.**

As used in this Ordinance, the following terms shall have the meanings prescribed in this section:

- A. **“Animal Control Officer”** means the Antrim County Animal Control Officer, or his or her designee.
- B. **“Animal Shelter”** means the Antrim County Animal Shelter.
- C. **“Garbage”** means rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that related to the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- D. **“Keep” or “harbor”** means habitually permitted a cat to remain, to be lodged, or to be fed within a house, apartment, store, yard, enclosure
- E. **“Owner”** means any person or persons owning, keeping, or harboring a cat.
- F. **“Person”** means and includes any individual, firm, corporation, association, or partnership.
- G. **“Rubbish”** means nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, cardboard, metal containers, wood, glass, bedding, crockery, bags, and rages.
- H. **“Running at large” means** a cat which is off the premises of its owner and not under the immediate control of its owner, a member of the owner’s immediate family, or a person authorized by the owner.
- I. **“Village”** means the Village of Mancelona, Antrim County, Michigan.
(ord. no. 79 eff. Nov. 9, 1995)

20.702 Section 2. **LIMITATIONS ON NUMBER OF CATS.**

It shall be unlawful for any person to be the owner of more than five (5) cats over the age of six (6) months at the same house, apartment, store, yard, enclosure, or other place within the Village. This section, however, shall not apply to a licensed veterinarian and his or her employees who keep or harbor cats in the regular course of operating a commercial veterinary hospital or clinic.
(ord. no. 79 eff. Nov. 9, 1995)

20.703 Section 3 **PROHIBITED CONDUCT.**

The owner of a cat shall not permit, or allow another person to permit, that cat to do any of the following:

- A. To run at large within the Village limits;
- B. To in any manner injure or destroy any real or personal property belonging to another person, including but not limited to breaking or tearing open any garbage bay containing garbage or rubbish awaiting pickup or otherwise spreading garbage or rubbish on another person's property.
- C. To create malodorous or offensive waste conditions on the owner's property outside of a totally enclosed structure or anywhere on the property of another person; or
- D. To whine or make other sounds common to its species in an excessively loud or continuous fashion.
(ord. no. 79 eff. Nov. 9, 1995)

20.704 Section 4. **RABIES VACCINATION.**

The owner of a cat six (6) months of age or older who permits, or allows another person to permit, that cat to go outside of a house, apartment, store, yard, enclosure or other place shall have that cat inoculated against rabies. The owner of a cat described above shall display upon demand a certificate of such inoculation against rabies issued by a licensed veterinarian to any village police officer or to the animal control officer.
(ord. no. 79 eff. Nov. 9, 1995)

20.705 Section 5. **IMPOUNDMENT OF CATS.**

Any cat found running at large in violation of this Ordinance shall be subject to impoundment by a village police officer or the animal control officer and shall be held at the animal shelter under the provisions of this Ordinance.
(ord. no. 79 eff. Nov. 9, 1995)

20.706 Section 6. **Holding of Impounded cats; release from impoundment; fees; adoption or destruction.**

- A. Any cat impounded for running at large in violation of this Ordinance shall be held at the animal shelter no less than five (5) days, unless released as hereinafter provided. The animal control officer shall then notify the owner of any cat impounded if such owner's identity and address can be ascertained upon reasonable investigation. The notice shall inform the owner that the cat has been

impounded, the purpose or reason for the impoundment, and the requirements to allow release of the cat.

- B. Any cat held or impounded at the animal shelter for running at large in violation of this Ordinance shall be released to the owner thereof upon proof of ownership of such cat, upon presentation of valid certificate of inoculation against rabies issued by a licensed veterinarian for the current year showing that the cat has been properly inoculated against rabies, and upon payment of the shelter fee established by the animal shelter.
- C. Any cat held or impounded at the animal shelter for five (5) days or more without being released to its owner may either be placed for adoption with another person, who shall then become the owner of the cat, or be destroyed in a humane manner. (ord. no. 79 eff. Nov. 9, 1995)

20.707 Section 7. **ANIMAL SHELTER RECORDS.**

The animal control officer shall keep an accurate account of all cats received for impoundment at the animal shelter and all cats released from the animal shelter, showing the date and from whom received, the description of the cat, and the name and address of the person to whom the cat is released. In addition, the animal control office shall keep an accurate account and description of all cats destroyed at the animal shelter. (ord. no. 79 eff. Nov. 9, 1995)

20.708 Section 8. **Interference with capture of cats.**

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct a police officer or the animal control officer while he or she is engaged in capturing or securing a cat running at large in violation of this Ordinance, or taking a cat subject to impoundment pursuant to the provisions of this Ordinance to the animal shelter, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any vehicle in which an impounded cat is located. A violation of this section shall be a misdemeanor punishable by no more than ninety (90) days in jail and/or a fine not to exceed Five Hundred Dollars (\$500.00), plus the costs of prosecution. (ord. no. 79 eff. Nov. 9, 1995)

20.709 Section 9. **PENALTY.**

Unless a different penalty is provided elsewhere in this Ordinance, any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 300.101 – 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than One Hundred and 00/100 (\$100.00) Dollars. Civil infraction tickets may be written by a village police officer or by the animal control officer. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under

this Ordinance shall not prevent civil proceedings for abatement or termination of the activity prohibited by this Ordinance.
(ord. no. 79 eff. Nov. 9, 1995)

20.800

**OUTDOOR FIREPLACE BURNING ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 35-2006 eff. July 29, 2006**

THE VILLAGE OF MANCELONA HEREBY ORDAINS:

20.801 Section 1. **TITLE.**

This Ordinance shall be known as the Village of Mancelona Outdoor Fireplace Burning Ordinance.

(ord. no. 35-2006 eff. July 29, 2006)

20.802 Section 2. **PURPOSE.**

The purpose of this Ordinance is to protect the people and property within the Village against safety hazards caused by the outdoor burning of combustible material and to promote the health and general welfare of the community by regulating the methods of and permitted areas in which outdoor burning will be allowed.

(ord. no. 35-2006 eff. July 29, 2006)

20.803 Section 1. **DEFINITIONS.** As used in this Ordinance,

“Accelerant” means a substance or liquid, including but not limited to gasoline, kerosene, diesel fuel, charcoal lighter fluid, turpentine, paint thinners, liquid butane, grain alcohol, and aerosol sprays used or intended to be used to start or intensify a fire.

“Commercial Waste” means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, including but not limited to solid waste from multiple residences, hotels and motels, campgrounds, picnic grounds, and day-use recreation areas.

“Construction and demolition waste” means waste building materials, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures, including trees and stumps which are removed from property during construction, maintenance, or repair.

“Household waste” means any solid waste that is derived from single households, but does not include any of the following: (i) commercial waste; (ii) industrial waste; or (iii) construction and demolition waste.

“Industrial waste” means solid waste which is generated by manufacturing or industrial processes or originates from an industrial site.

“Nuisance” means burning that because of dense smoke, noxious odors, or other factors naturally tends to create danger to persons or property or naturally tends to disturb the comfort of, or inflict injury on, a reasonable person of normal sensitivities.

“Outdoor Fireplace” means a masonry, heavy metal, or noncombustible apparatus or device located out-of-doors which is designated and constructed for the purpose of containing a fire and which meets all of the following characteristics:

- (1) The base of the apparatus or device on which the fire will be is no more than three (3) feet in diameter and no less than six (6) inches above the surface on which it will sit.
- (2) The apparatus or device shall be fully enclosed by solid walls with a screened opening for viewing the fire or by a screen installed around the entire perimeter of the apparatus or device which would allow for viewing the fire from any position around the apparatus or device.
- (3) The chimney or exhaust opening of the apparatus or device shall be screened to prohibit the escape of ignited particles.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
(ord. no. 35-2006 eff. July 29, 2006)

20.804 Section 4. **OUTDOOR BURNING PROHIBITED; EXCEPTIONS.**

- (a) No person shall start, use, or maintain or permit another person to start, use, or maintain an outdoor fire, except as provided in this Section.
- (b) An outdoor fire shall be permitted within an outdoor fireplace, as defined in this Ordinance, when all of the following regulations are met:
 - (1) The outdoor fireplace shall be located no closer than ten (10) feet from any building, no closer than ten (10) feet from any adjoining property line, and no closer than ten (10) feet from any public or private right-of-way.
 - (2) The outdoor fireplace shall be placed on a noncombustible surface extending no less than one (1) foot beyond the edge of the outdoor fireplace itself.
 - (3) The fuel burned in the outdoor fireplace shall consist of only dry firewood from the trunk and branches of trees and ignited with a small quantity of dry paper.
 - (4) No leaves, dead grass, grass clippings, hedge clippings, weeds, plastics, paints, treated lumber, household waste, commercial waste, construction and demolition waste, and industrial waste, construction and demolition waste, and industrial waste shall be burned in an outdoor fireplace.

- (5) No accelerant shall be used to start or maintain a fire in an outdoor fireplace.
 - (6) A fire within an outdoor fireplace shall not cause a nuisance to adjoining property owners or other persons within the Village.
 - (7) A garden hose attached to a spigot or other reliable water source, a fire extinguisher, or other means to extinguish the fire shall be present or readily available at all times when a fire is burning within an outdoor fireplace.
 - (8) A fire within an outdoor fireplace shall not be left unattended, but shall be under the direct supervision of a competent person of mature age and discretion, such person being to less than sixteen (16) years of age.
 - (9) A fire within an outdoor fireplace shall be fully extinguished when no longer attended.
 - (10) Notwithstanding anything contained herein to the contrary, no fire shall be permitted within an outdoor fireplace when wind or dry conditions exist such that an outdoor burning ban is in effect within the village.
- (c) An outdoor fire for the sole purpose of food preparation shall be permitted within a barbecue grill or other apparatus designated and constructed for open flame food preparation.
 - (d) An outdoor fire under the supervision of the fire chief, of his designee, shall be permitted for training, educating, or instructional purposes related to fire safety, fire control, fire fighting, life saving and rescue services, and/or fire prevention.
 - (e) An outdoor fire started or permitted to be started by organizations or groups shall be permitted when all the following regulations are met.
 - (1) The organization or group shall obtain the prior permission of the Village Council.
 - (2) The outdoor fire shall be part of a festival or event officially sanctioned by the Village Council.
 - (3) The outdoor fire shall be under the direct supervision of an adult.
(ord. no. 35-2006 eff. July 29, 2006)

20.805 Section 5 **VIOLATIONS AND PENALTIES.**

- (a) Any person who violates any provision of the Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
- (b) Police officers of the Mancelona Police Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- (c) A violation of this Ordinance is here by declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (d) In addition to enforcing this Ordinance through the use of municipal civil infraction proceedings, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance. (ord. no. 35-2006 eff. July 29, 2006)

20.806 Section 6. **SEVERABILITY.**

If any provision or Section of this Ordinance should be held invalid for any reason, such holdings will not affect the validity of the remaining provisions of this Ordinance. It is the legislative intent that this Ordinance shall remain valid despite the invalidity of any such provision or section.

(ord. no. 35-2006 eff. July 29, 2006)

20.807 Section 8. **EFFECTIVE DATE.**

This Ordinance shall become effective Twenty (20) days after its enactment.

20.900

**AMPLIFIED SOUND SYSTEMS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 82 eff. Sept 22, 1998**

An Ordinance to prohibit the Loud Operation of Amplified Sound Systems to provide exceptions, and to provide penalties for violations.

THE VILLAGE OF MANCELONA HEREBY ORDAINS:

20.901 Section 1. **DEFINITIONS.** As used in this Ordinance,

- A. An **“Amplified Sound System”** means a device which produces or amplifies sound either electronically or mechanically and includes but is not limited to radios, phonographs, compact disc players, tape players, televisions, musical instruments, drums, and sound amplifiers.
- B. A **“highway or street”** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- C. A **“motor vehicle”** means every vehicle which is designed to be self-propelled.
- D. A **“person”** means an individual, firm, corporation, association, partnership, limited partnership, estate, trust, limited liability company, or other legal entity.
- E. A **“sidewalk”** means that portion of a highway or street between the curb lines, or lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- F. A **“vehicle”** means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, and specifically includes bicycles and tricycles.
(ord. no. 82 eff. Sept. 22, 1998)

20.902 Section 2. **PROHIBITED OPERATION OF AMPLIFIED SOUND SYSTEM.**

- A. No person operating or in control of a parked vehicle or motor vehicle and no person operating a vehicle or motor vehicle on a highway or other place open to the general public, including an area designated for the parking of vehicles or motor vehicles, shall operate or permit another person to operate an amplified sound system that is clearly audible from the vehicle or motor vehicle by and individual or ordinary hearing ability under either of the following circumstances:
 - 1. At a distance of fifty (50) feet from the vehicle or motor vehicle, between the hours of 7:00am and 10:00pm

2. At a distance of twenty-five (25) feet from the vehicle or motor vehicle, between the hours of 10:00pm and 7:00am the following day.
- B. No person between the hours of 10:00pm and 7:00am the following day shall operate or permit another person to operate an amplified sound system from any real property within the Village that is clearly audible by an individual of ordinary hearing ability at a distance of twenty-five (25) feet from the boundaries of the property on which the amplified sound system is being operated.
- C. No person shall operate or permit another person to operate and amplified sound system on a highway or sidewalk that is clearly audible by an individual of ordinary hearing ability under either of the following circumstances:
1. At a distance of fifty (50) feet from the device producing the sound, between the hours of 7:00am and 10:00pm.
 2. At a distance of twenty-five (25) feet from the device producing the sound, between the hours of 10:00pm and 7:00am the following day.
- (ord. no. 82 eff. Sept. 22, 1998)

20.903 Section 3 **EXEMPT ACTIVITIES.**

Section 2 shall not apply to the operation of amplified sound systems when used in connection with parades, musical productions or events authorized by the Village, school district, or civic or community organization; to the operation of amplified sound systems by the Village or any police or fire official when used to disseminate official information; and to the operation of amplified sound systems used to give official warnings such as sirens, whistles, bells, or horns as authorized by the state motor vehicle code or the uniform traffic code adopted by the Village.

20.904 Section 4. **MUNICIPAL CIVIL INFRACTIONS.**

- A. Any person who violates any provision of the Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
1. For a first offense, the person shall be fined not less than \$50.00, nor more than \$100.00, plus the costs of prosecution and other sanctions provided by law.
 2. For a second or subsequent offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$100.00 nor more

than \$200.00, plus the costs of prosecution and other sanctions provided by law.

- B. Each day this Ordinance is violated shall be considered a separate violation.
- C. Officers of the Mancelona Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under the Ordinance directing offenders to appear in court.
(ord. no. 82 eff. Sept. 22, 1998)

20.905 Section 5. **NUISANCE PER SE.**

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
(ord. no. 82 eff. Sept. 22, 1998)

20.906 Section 6. **SEPARATE COURT ACTION.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of the Ordinance.
(ord. no. 82 eff. Sept. 22, 1998)

20.907 Section 7. **SEVERABILITY.**

If any section, provision or clause of the Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of the Ordinance which can be given effect without the invalid portion or application.
(ord. no. 82 eff. Sept. 22, 1998)

20.908 Section 8. **EFFECTIVE DATE.**

This Ordinance shall become effective Twenty (20) days after its enactment.

30.000

**STREET OPENINGS AND OBSTRUCTIONS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. July 7, 1987**

THE VILLAGE OF MANCELONA ORDAINS:

30.001 Section 1. **DEFINITIONS**

Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter:

- (a) **“Street”** shall mean all of the land lying between property lines on either side of all streets, alleys and boulevards in the Village and includes lawn extensions and sidewalks and the area reserved therefore where the same are not yet constructed.
- (b) **“Superintendent”** shall mean the Superintendent of Public Works of the Village.
- (c) **“Council”** shall mean the governing body of the Village of Mancelona.
(ord. no. 73 eff. July 7, 1987)

30.002 Section 2. **DAMAGE AND OBSTRUCTION PROHIBITED.**

No person shall make any excavation in or cause any damage to any street in the Village except under the conditions and in the manner permitting in this chapter. No person shall place any article, thing or obstruction in any street except under the conditions and in the manner permitted in this Chapter, but this provision shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

(ord. no. 73 eff. July 7, 1987)

30.003 Section 3. **PERMITS AND BONDS.**

Where permits are authorized in this Chapter, they shall be obtained upon application to the Council. Such permits shall be revocable by Council for failure to comply with this chapter, rules and regulations adopted pursuant hereto and the lawful orders of the Council, and shall be valid only for the period of time thereon. Application for a permit under the provisions of this Chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the Village in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect and save harmless the Village from all damages or actions at law that may arise or may be brought on account of injury to person or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the following amounts, except as otherwise specified in this Chapter:

- (a) On account of injury to or death of any person
in any one accident.....\$10,000.00
- (b) On account of any one accident resulting in injury
to or death of more than one person.....\$20,000.00
- (c) On account of damage to property in any one
accident.....\$5,000.00

A duplicate executed copy or photostatic copy of the original of such insurance policy shall be filed with the Village Clerk.

Where cash deposits are required with the application for any permit hereunder, such deposit shall be in the amount of twenty-five (\$25.00) dollars, except as otherwise specified in this chapter and such deposit shall be used to defray all expenses to the Village arising out of the granting of the permit and work done under the permit in connection therewith. Three (3) months after completion of the work done under the permit, any balance of such cash deposit does not cover all costs and expenses of the Village, the deficit shall be paid by the applicant.
(ord. no. 73 eff. July 7, 1987)

30.004 Section 4. **STREET OPENINGS.**

No person shall make any excavation or opening in or under any street without first obtaining permission from the Council. No permit shall be granted until the applicant shall pose a cash bond and file a liability insurance policy as required by Section 3, being Section 30.003 of the Mancelona Village Code.
(ord. no. 73 eff. July 7, 1987)

30.005 Section 5. **EMERGENCY OPENINGS.**

The Council may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided permission shall be obtained on the following business day and the provisions of this chapter shall be met.
(ord. no. 73 eff. July 7, 1987)

30.006 Section 6. **BACKFILLING.**

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within twelve (12) inches of the surface. On main thoroughfares, this material shall contain one (1) sack of cement per yard of fill. The remaining portion shall be filled with road gravel as specified by the Council.
(ord. no. 73 eff. July 7, 1987)

30.007 Section 7. **UTILITY POLES.**

Utility poles may be placed in such streets as the Council shall prescribe and shall be located thereon in accordance with the directions of the Council. Such poles shall be removed or relocated as the Council shall from time to time direct.

(ord. no. 73 eff. July 7, 1987)

30.008 Section 8. **MAINTENANCE OF INSTALLATIONS IN STREETS.**

Every owner of and every person in control of any estate hereafter maintaining a sidewalk vault, coal hole, manhole or any other excavation or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon any street which is adjacent to or a part of his estate shall do so only on condition that such maintenance shall be considered as an agreement on his part with the Village to keep the same and the covers thereof and any gas and electric boxes and tubes thereon in good repair and condition at all times during his ownership or control thereof and to indemnify and save harmless the Village against all damages or actions at law that may arise or be brought by reason of such excavation or structure being under, over, in or upon the street or being unfastened, out of repair or defective during such ownership or control.

(ord. no. 73 eff. July 7, 1987)

30.009 Section 9. **CURB CUTS.**

No opening in or through any curb of any street shall be made without first obtaining permission from the Council.

(ord. no. 73 eff. July 7, 1987)

30.010 Section 10. **SIDEWALK OBSTRUCTIONS.**

No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to said street for any other purpose without first obtaining a permit from the Superintendent. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Section 3, being Section 30.003 of the Mancelona Village Code.

(ord. no. 73 eff. July 7, 1987)

13.011 Section 11. **PEDESTRIAN PASSAGE.**

At least six (6) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

(ord. no. 73 eff. July 7, 1987)

30.012 Section 12. **SAFEGUARDS.**

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with red warning lights. Warning lights

perpendicular to the flow of traffic shall not be more than three (3) feet apart and parallel to the flow of traffic not over fifteen (15) feet apart.
(ord. no. 73 eff. July 7, 1987)

30.013 Section 13. **SHORING EXCAVATIONS.**

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.
(ord. no. 73 eff. July 7, 1987)

30.014 Section 14. **HOUSE MOVING.**

No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than fourteen (14) feet into, across or along any street, alley or other public place in the Village without first obtaining a permit from the Council. This permit shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit. No house moving permit shall be granted until the applicant shall post a cash deposit in the amount of fifty dollars (\$50.00) and file a liability insurance policy as required by Section 3, being section 30.003 of the Mancelona Village Code.
(ord. no. 73 eff. July 7, 1987)

30.015 Section 15. **REMOVAL OF ENCROACHMENT.**

Encroachment and obstruction in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting land owner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this Chapter. The procedure for collection of such expenses shall be as prescribed in Sections 19, 20, and 21 of the Chapter VII of the Charter.
(ord. no. 73 eff. July 7, 1987)

30.016 Section 16. **TEMPORARY STREET CLOSINGS.**

The Superintendent shall have authority to temporarily close any street or portion thereof when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. He shall cause suitable barriers and signs to be erected on said street indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over said street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the Superintendent.
(ord. no. 73 eff. July 7, 1987)

30.050

SIDEWALKS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. July 7, 1987

THE VILLAGE OF MANCELONA ORDAINS:

30.051 Section 1. **DEFINITIONS**

The following definitions shall apply in the interpretation of the Chapter.

- (a) **“Sidewalk”** shall mean the portion of the street right-of-way designed for pedestrian travel.
- (b) **“Superintendent”** shall mean the Superintendent of Public Works of the Village.
- (c) **“Council”** shall mean the governing body of the Village of Mancelona.
(ord. no. 73 eff. July 7, 1987)

30.052 Section 2. **SPECIFICATIONS AND PERMITS.**

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established for such sidewalk nor without first obtaining permission from the Council.
(ord. no. 73 eff. July 7, 1987)

30.053 Section 3. **SIDEWALK SPECIFICATIONS.**

All sidewalks constructed within the Village shall be no less than four (4) inches in thickness, except sidewalks across driveways, which shall be not less than six (6) inches in thickness. All sidewalk joints shall be constructed using expansion paper.
(ord. no. 73 eff. July 7, 1987)

30.054 Section 4. **PERMIT REVOCATION.**

The Superintendent may issue a stop work order to any person or business entity holding a permit issued under the terms of this chapter for failure to comply with this Chapter or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk, and the issuance of such stop order shall be deemed a suspension of such permit. Such stop order shall be effective until the next regular meeting of the Village Council, and if confirmed by the Council at its next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.
(ord. no. 73 eff. July 7, 1987)

30.055 Section 5. **APPROVAL OF SPECIFICATIONS.**

The line, grade, slope and width of sidewalks and specifications as to materials and manner of construction not in conflict with this Chapter shall be established by the Superintendent, and where, under the following sections of this Chapter, the Council orders the construction of any sidewalk, then the Council shall also, by resolution, specify the line, grade, slope, width, materials and manner of construction for the sidewalk ordered built.

(ord. no. 73 eff. July 7, 1987)

30.056 Section 6. **ORDERING CONSTRUCTION.**

The Village Council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to an abutting upon such lots and premises. When such resolution shall be adopted, the Superintendent shall give notice thereof, in accordance with Section 12 of Chapter 1001, being Chapter 11.012 of the Mancelona Village Code, to the owner of such lot or premises requiring him to construct or rebuild such sidewalk within twenty (20) days from the date of such notice.

(ord. no. 73 eff. July 7, 1987)

30.057 Section 7. **SIDEWALK MAINTENANCE.**

No person through his or her negligence or willful misconduct shall permit any sidewalk within the Village which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe.

(ord. no. 73 eff. July 7, 1987)

30.058 Section 8. **SIDEWALK REPAIR.**

Whenever the Council shall determine that a sidewalk is unsafe for use as a result of a violation of Section 7, notice may be given to the owner of the lot or premises adjacent to and abutting upon said sidewalk of such determination which notice shall be given in accordance with Section 12 of Chapter 1001, being Section 11.012 of the Mancelona Village Code. Thereafter, it shall be the duty of the owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time for the owner to perform the required repair.

(ord. no. 73 eff. July 7, 1987)

30.059 Section 9. **SIDEWALK ALTERATION.**

No person shall alter or change a sidewalk within the Village unless he or she shall obtain the prior written consent of the Council.

(ord. no. 73 eff. July 7, 1987)

30.060 Section 10. **VILLAGE POLICY.**

The Village shall pay the full cost of new sidewalk construction. This will be done as funds become available from the general fund.

(ord. no. 73 eff. July 7, 1987)

30.100

**ORDINANCE TO CONTROL PLAYING IN STREETS
AND ON SIDEWALKS
VILLAGE OF MANCERONA, MICHIGAN
ord. no. 73 eff. July 3, 1989**

30.101 Section 1. **PROHIBITED CONDUCT.**

No person shall ride a coaster toy, roller skates, toy vehicle or similar device on any roadway or on the sidewalk in any commercial area except while crossing a street at a crosswalk.

(ord. no. 73 eff. July 3, 1989)

30.102 Section 2. **PENALTIES.**

Said person shall be subject to the penalties of the Uniform Traffic Code or may elect to surrender toy to police – 1st offense – three (3) days; 2nd offense – ten (10) days; and 3rd offense – thirty (30) days – after which Uniform Traffic Code is to be enforced.

IT IS FURTHER RESOLVED that this Ordinance to Control Playing in Streets and on Sidewalks shall be effective twenty (20) days from the date hereof and this Ordinance shall be published within fifteen (15) days in the Antrim County News.

(ord. no. 73 eff. July 3, 1989)

Adopted: June 13, 1989

35.000

TREES
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. July 7, 1987

THE VILLAGE OF MANCELONA ORDAINS:

35.001 Section 1. **DEFINITIONS**

The following definitions shall apply in the interpretation of this Chapter.

- (a) **“Street”** shall mean all of the land lying between property lines on either side of all streets, highways and boulevards in the Village.
- (b) **“Prohibited Species”** shall mean the species of poplar (*Populus Sp.*), willow (*Salix Sp.*), and box elder (*Acer Negundo*).
- (c) **“Superintendent”** shall mean the Superintendent of Public Works of the Village.
- (d) **“Council”** shall mean the governing body of the Village of Mancelona.
(ord. no. 73 eff. July 7, 1987)

35.002 Section 2. **PERMITS FOR TREE PLANTING, CARE, REMOVAL.**

The Council shall have control over all trees located within the street right of ways and parks in the Village, including the planting, care and removal thereof, subject to the regulation contained in this chapter. The owner of land abutting on any street may, upon obtaining prior permission of the Council, prune, spray, plant or remove trees or shrubs in that part of the street abutting his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree or shrub in any street or park. The Council shall specify the extent of the authorization and the conditions to which it is subject.
(ord. no. 73 eff. July 7, 1987)

35.003 Section 3. **REMOVAL OF DEAD, DISEASED AND PROHBITED TREES.**

All dead trees and trees afflicted with any fatal or communicable disease shall be removed by the Superintendent and he may remove any tree of a prohibited species. The Superintendent is authorized to remove any tree growing within any street, park or public place, when such tree interferes with fire hydrants, sewer and water mains, visibility of street intersections, traffic control devices or construction within street right-of-ways.
(ord. no. 73 eff. July 7, 1987)

35.004 Section 4. **PRIVATE TREES – DISEASES AND INFESTATIONS.**

When the Superintendent shall discover that any tree growing on private property within the Village is afflicted with any dangerous insect infestation or infectious tree disease, he

shall inform the owner or the owner's agent or the occupant of the property, describing the tree, its location and the nature of the infestation or tree disease and shall order the owner, agent, or occupant to take such measures required to be taken. Such orders may require the pruning, spraying or destruction of the infected tree. The owner, agent or occupant shall comply with the Superintendent's orders within thirty (30) days after being notified of the insect infestation or infectious tree disease.
(ord. no. 73 eff. July 7, 1987)

35.005 Section 5. **APPEAL.**

In case the owner, agent or occupant of the property shall feel himself aggrieved at an order of the Superintendent requiring the treatment or destruction of any tree, he may within forty-eight (48) hours make an appeal to the Village Council by communication filed with the Village Clerk. The Council shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter under such expert advice as may be necessary.
(ord. no. 73 eff. July 7, 1987)

35.006 Section 6. **PRIVATE TREES – OWNER'S FAILURE TO COMPLY.**

In case the owner, agent or occupant of the property refuses to carry out the order of the Superintendent within the time specified in Section 4, being Section 35.004 of the Village Code, or in the event of an appeal, within thirty (30) days after the Council shall have rendered its decision on the appeal, the Superintendent shall carry out the pruning, spraying or destruction of the trees as deemed necessary by him and shall bill the owner, agent or occupant of the property for the costs thereof. In case the owner of such property shall fail to pay such bill within thirty (30) days after the same has been rendered, the Superintendent shall report the same to the Village Council for collection as a single lot assessment against said property in accordance with Sections 19, 20 and 21 of Chapter VII of the Charter. The Superintendent may, without serving the above notice when the owner or occupant of any private property shall consent thereto and pay the reasonable cost thereof, cause trees growing on private property to be sprayed when he deems the same necessary.
(ord. no. 73 eff. July 7, 1987)

35.007 Section 7. **PRIVATE TREES – INSPECTION.**

The Superintendent and his assistants and employees shall have authority to enter upon private premises for the purpose of examining any trees, shrubs, plants or vines for the presence of destructive insects or plant disease.
(ord. no. 73 eff. July 7, 1987)

35.100

ANIMALS
VILLAGE OF MANCERLONA, MICHIGAN
Chap. 9002 eff. May 23, 1960

35.101 Section 1. **CRUELTY TO ANIMALS.**

No person shall cruelly treat or abuse any animal or bird.
(ord. no. 9002 eff. May 23, 1960)

35.102 Section 2. **POISONING ANIMALS.**

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.
(ord. no. 9002 eff. May 23, 1960)

35.103 Section 3. **BIRDS AND BIRD'S NESTS.**

No person, except a police officer acting in his official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.
(ord. no. 9002 eff. May 23, 1960)

35.150

DOGS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. July 7, 1987

THE VILLAGE OF MANCELONA ORDAINS:

35.151 Section 1. **PRESUMPTION OF OWNERSHIP.**

Any person who shall permit any dog to remain about any premises owned or occupied by him for a period of five (5) days shall be deemed the owner of such dog for the purposes of this Chapter.
(ord. no. 73 eff. July 7, 1987)

35.152 Section 2. **RESTRICTIONS.**

No person owning, possessing or having charge of any dog four (4) months of age or over shall permit such dog:

- (a) To be unconfined unless under the control of some person.
- (b) If vicious, to be unconfined at any time unless securely muzzled and led by a leash. Any dog shall be deemed vicious which has bitten a person or domestic animal without molestation or which, by its actions, gives indication that it is liable to bite any person or domestic animal.
- (c) To be unconfined at any times unless vaccinated against rabies within the past year and unless such dog shall have a tag on its collar showing such current vaccination; provided this subsection shall apply only to dogs six (6) months of age or older;
- (d) If a female dog, to be unconfined when said dog is in heat;
- (e) To be an annoyance or nuisance in the vicinity where kept because of loud or frequent or habitual barking, yelping or howling, or by reason of damaging or trespassing on the property of others.
(ord. no. 73 eff. July 7, 1987)

35.153 Section 3. **SEIZURE AND IMPOUNDING OF DOGS.**

Any dog found at large in the Village which is doing any of the acts enumerated in, or at large under circumstances prohibited by Section 2, being Section 35.152 of the Village Code, or which is suspected of having rabies while having bitten any person or animal, may be seized and impounded by the Antrim County Animal Control Officer or any police officer of the Village.
(ord. no. 73 eff. July 7, 1987)

35.154 Section 4. **DOGS – RABIES PREVENTION.**

Any person who shall have in his possession a dog which has contracted rabies or which have been subjected to the same on which is suspected of having rabies or which has bitten any person, shall produce and surrender up such dog for the purpose of being observed as herein provided upon demand of any police officer or the Antrim County Animal Control Officer.

(ord. no. 73 eff. July 7, 1987)

35.155 Section 5. **EXPOSURE TO RABIES - NOTICE.**

It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies immediately to notify the Police Department of his possession of such dog.

(ord. no. 73 eff. July 7, 1987)

35.156 Section 6. **IMPOUNDING AND RELEASE.**

Any dog impounded for observation for rabies shall be held until released by the Antrim County Animal Control Officer or otherwise disposed of.

(ord. no. 73 eff. July 7, 1987)

35.157 Section 7. **DISPOSITION OF DOGS.**

After a dog has been kept for five (5) full days and has not been redeemed by his owner, any dog may be destroyed in a humane manner if diseased, injured or of little value or any such dog may, in the discretion of the Antrim County Animal Control Officer or the Chief of Police, be sold or given away to any person whom the Antrim County Animal Control Officer or the Chief of Police believes will keep and care for said dog in a proper and humane manner.

(ord. no. 73 eff. July 7, 1987)

35.200

**KEEPING OF LIVESTOCK
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 58 eff. Oct. 9, 1971**

WHEREAS, it appears that the health of the inhabitants of the Village of Mancelona may be endangered, it is hereby ordained that no person shall keep or maintain horses, cows, calves, swine, sheep, goats, chickens, geese, bees or beehives in any dwelling or part thereof within the Village limits of said Village. Any person who shall violate the provisions of this Ordinance upon conviction shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$500 or ninety (90) days in the county jail or both.

(ord. no. 58 eff. Oct.9, 1971; ord. no. 73 eff. July 7, 1987;amend. ord. 93 eff. March 8, 2011)

40.050

DANGEROUS STRUCTURES ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 73 eff. Aug. 6, 1987; amend ord. no. 85 eff. July 29, 2001

THE VILLAGE OF MANCELONA ORDAINS:

40.051 Section 1. **“DANGEROUS STRUCTURES” DEFINED.**

- a. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the building code enforced within the Village for a new building or structure.
- b. A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- c. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind that is required in the case of new construction by the building code enforced within the Village.
- d. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- e. The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.
- f. The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and has become an attractive nuisance to children who might play in the building or structure to their danger.
- g. The building or structure is vacant, dilapidated, and opened at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.052 Section 2. **PROHIBITION.**

No person, corporation or business organization shall own, occupy or maintain any dangerous structure within the Village.
(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.053 Section 3. **NOTICE.**

If a building or structure is found to be a dangerous structure, the Village shall give the owner of the building or structure written notice of the dangerous condition and thirty (30) days to demolish and remove the dangerous structure from the property or to repair the dangerous structure to make it safe. The notice may be personally delivered to the owner or mailed to the owner by first class mail at the address shown on the assessor's rolls.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.054 Section 4. **INSPECTION.**

Village representatives shall have the right to inspect buildings or structures to determine violations of or compliance with this ordinance. Village representatives may exercise this right of inspection by consent of the person having the right to possession of the building or structure or any part thereof, or by administrative search warrant.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.055 Section 5. **PENALTY/CIVIL INFRACTION.**

Any person who shall violate any provision of this Ordinance shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than five hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.056 Section 6. **ENFORCEMENT.**

A police officer of the Village is hereby designated as the authorized village official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.057 Section 7. **NUISANCE.**

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.058 Section 8. **INJUNCTIVE RELIEF.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.059 Section 9. **ABATEMENT BY VILLAGE.**

If a Court or competent jurisdiction finds the owner or occupant of a building or structure in violation of this Ordinance, the Court, in addition to ordering the owner or occupant to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe, may authorize the Village to demolish the dangerous structure and remove it from the property or to repair the dangerous structure to make it safe. The Court, however, shall not authorize the Village to demolish the dangerous structure if the cost of repairing the building or structure to a safe condition is less than the state equalized value for the building or structure.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.060 Section 10. **COST RECOVERY; LIEN.**

a. The costs incurred by the Village in demolishing the dangerous structure and removing it from the property or repairing the dangerous structure to a safe condition, including reasonable attorney fees, shall be reimburse to the Village by the owner or party in interest in whose name the property appears.

b. The owner or party in interest in whose name of the property appears upon the last local tax assessment roll shall be notified by the assessor of the amount of the costs of the demolition or repair of the dangerous structure by first-class mail at the address shown on the records. If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the assessor of the notice of the amount of the costs, the Village shall have a lien for the costs incurred by the Village to bring the property into compliance with the Ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

40.061 Section 11. **VALIDITY.**

In any section, provision or clause of the Ordinance or the application thereof to any person or circumstances is held invalid; such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

EFFECTIVE DATE.

This ordinance shall become effective twenty (20) days from the date of its enactment.

(ord. no. 73 eff. Aug. 6, 1987; amend. ord. no. 85 eff. July 29, 2001)

48.000

**METRO ACT ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 87 eff. Apr. 28, 2003**

THE VILLAGE OF MANCELONA ORDAINS:

48.001 Section 1. **PURPOSE.**

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public rights of way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) (“Act”) and other applicable law, and to ensure that the Village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.
(ord. no. 87 eff. Apr. 28, 2003)

48.002 Section 2. **CONFLICT**

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.
(ord. no. 87 eff. Apr. 28, 2003)

48.003 Section 3. **TERMS DEFINED.**

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

- (a) “Act” mean the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.
- (b) “Village” means the Village of Mancelona.
- (c) “Village Council” mean the Village Council of the Village of Mancelona or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.
- (d) “Village Clerk” means the Village Clerk or his or her designee.
- (e) “Village President” means the duly elected or appointed President of the Village of Mancelona, or his or her designee.
- (f) “Permit” means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

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

- (g) “Authority” means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

- (h) “MPSC” means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.
- (i) “Person” means an individual, corporation, partnership, association, governmental entity, or any other legal entity.
- (j) “Public Right-of-Way” means the area on, below or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.
- (k) “Telecommunications Facilities or Facilities” means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, ordinance 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.
- (l) “Telecommunications Provider, Provider and Telecommunications Services” mean those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. Telecommunication Provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, ordinance 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a Provider also includes any of the following:
 - (1) A cable television operator that provides a telecommunications service.
 - (2) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
 - (3) A person providing broadband internet transport access service.
(ord. no. 87 eff. Apr. 28, 2003)

48.004 Section 4. **PERMIT REQUIRED.**

- (a) Permit Required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.
- (b) Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village President, and one copy with the Village Attorney. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the

- location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.
- (c) Confidential Information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 12.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.
 - (d) Application Fee. Except as otherwise provided by the Act, the application shall be accompanied by and on-time non-refundable application fee in the amount of \$500.
 - (e) Additional Information. The Village Council may request an applicant to submit such additional information which the Village Council deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Council. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or the applicant shall notify the PMSC as provided in Section 6(2) of the Act.
 - (f) Previously Issued Permits. Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this ordinance.
 - (g) Existing Providers. Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act. (ord. no. 87 eff. Apr. 28, 2003)

48.005 Section 5. **ISSUANCE OF PERMIT.**

- (a) Approval or Denial. The authority to approve or deny an application for a permit is hereby delegated to the Village Council. Pursuant to Section 15(3) of the Act, the Village Council shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village Clerk shall notify the MPSC when the Village Council has granted or denied a permit, including information regarding the date on which the application was filed and

the date on which permit was granted or denied. The Village Council shall not unreasonably deny an application for a permit.

- (b) Form of Permit. If an application for permit is approved, the Village Clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6 (1), 6(2) and 15 of the Act.
- (c) Conditions. Pursuant to Section 14(4) of the Act, the Village Council may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
- (d) Bond Requirement. Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the Village Council may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed that reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.
(ord. no. 87 eff. Apr. 28, 2003)

48.006 Section 6. **CONSTRUCTION/ENGINEERING PERMIT.**

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

(ord. no. 87 eff. Apr. 28, 2003)

48.007 Section 7. **CONDUIT OF UTILITY POLES.**

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

(ord. no. 87 eff. Apr. 28, 2003)

48.008 Section 8. **ROUTE MAPS.**

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

(ord. no. 87 eff. Apr. 28, 2003)

48.009 Section 9. **REPAIR OF DAMAGE.**

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all

installations under, over, below or within the public right-of-way and shall promptly restore the public right-of-way to its pre-existing condition.
(ord. no. 87 eff. Apr. 28, 2003)

48.010 Section 10. **ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.**

In addition to the non-refundable application fee paid to the Village set forth in section 4(d) above, a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.
(ord. no. 87 eff. Apr. 28, 2003)

48.011 Section 11. **MODIFICATION OF EXISTING FEES.**

In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.
(ord. no. 87 eff. Apr. 28, 2003)

48.012 Section 12. **SAVINGS CLAUSE.**

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date modification was made.
(ord. no. 87 eff. Apr. 28, 2003)

48.013 Section 13. **USE OF FUNDS.**

Pursuant to Section 9(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited in to the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.
(ord. no. 87 eff. Apr. 28, 2003)

48.014 Section 14. **ANNUAL REPORT.**

Pursuant to Section 10(5) of the Act, the Village Clerk shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.
(ord. no. 87 eff. Apr. 28, 2003)

48.015 Section 15. **CABLE TELEVISION OPERATORS.**

Pursuant to Section 13(6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.
(ord. no. 87 eff. Apr. 28, 2003)

48.016 Section 16. **EXISTING RIGHTS.**

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the Village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.
(ord. no. 87 eff. Apr. 28, 2003)

48.017 Section 17. **COMPLIANCE.**

The Village hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions of this ordinance should be construed in such a manner as to achieve that purpose.
(ord. no. 87 eff. Apr. 28, 2003)

48.018 Section 18. **RESERVATION OF POLICE POWERS.**

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the Village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety and welfare of the public.
(ord. no. 87 eff. Apr. 28, 2003)

48.019 Section 19. **SEVERABILITY.**

The various parts, sentences, paragraphs, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.
(ord. no. 87 eff. Apr. 28, 2003)

48.020 Section 20. **AUTHORIZED VILLAGE OFFICIALS.**

The Village President or his or her designee is hereby designated as the authorized Village official to issue a municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal ordinance violations bureau) for violations under this ordinance.

(ord. no. 87 eff. Apr. 28, 2003)

48.021 Section 21. **MUNICIPAL CIVIL INFRACTION.**

A person who violates any provision of this ordinance of the terms or conditions of a permit is responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation. Nothing in this section shall be construed to limit the remedies available to the Village in the event of a violation by a person of this ordinance or a permit.

(ord. no. 87 eff. Apr. 28, 2003)

48.022 Section 22. **REPEALER.**

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

(ord. no. 87 eff. Apr. 28, 2003)

48.100

**TOURIST ORIENTED DIRECTIONAL SIGNS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 30 eff. May 1, 2006**

THE VILLAGE OF MANCELONA ORDAINS:

48.101 Section 1. **TOURIST-ORIENTED DIRECTIONAL SIGNS.**

Tourist-oriented directional signs, as defined in Section 1 of Act 299 of the Public Acts of 1996, as amended, being MCL 247.401, are permitted within the jurisdictional boundaries of the Village of Mancelona under the terms and conditions of this Ordinance. (ord. no. 30 eff. May 1, 2006)

48.102 Section 2. **APPLICATION AND FEE.**

- (a) A person who desires to place a tourist-oriented directional sign within the Village of Mancelona shall file a written application with the Village Clerk. The application shall specify the proposed size and location of the tourist-oriented directional sign and shall contain the same information submitted to the Michigan tourist-oriented directional sign program.
- (b) The application shall be accomplished by a fee as established from time to time by resolution of the Village Council.
- (c) After receiving a complete application and the required fee, the Village Clerk shall forward the application to the Village Council for its consideration. (ord. no. 30 eff. May 1, 2006)

48.103 Section 3. **STANDARDS FOR APPROVING A TOURIST-ORIENTED DIRECTIONAL SIGN.**

The Village Council shall approve a tourist-oriented directional a tourist-oriented directional sign within the Village of Mancelona if both of the following standards are met:

- (a) The application for that specific tourist-oriented directional sign is approved under the Michigan tourist-oriented directional sign program for the specific location proposed.
- (b) The size of the proposed tourist-oriented directional sign or the proposed location of the tourist-oriented directional sign will not substantially interfere with the vision of drivers using a public or private street, alley, driveway, parking lot or other route providing ingress or egress to any premises. (ord. no. 30 eff. May 1, 2006)

48.104 Section 4. **VIOLATIONS AND PENALTIES.**

- (a) Any person who places a tourist-oriented directional sign within the Village of Mancelona in violation of this Ordinance shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending public Action 236 of

1961, being Section 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

Each day this Ordinance is violated shall be considered as a separate violation.

- (b) Police officers of the Mancelona Police Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- (c) A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (d) In addition to enforcing this Ordinance through the use of municipal civil infraction proceedings, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance. (ord. no. 30 eff. May 1, 2006)

48.105 Section 5. **EFFECTIVE DATE.**

This Ordinance shall become effective twenty (20) days after its enactment.

48.200

**SPECIAL ASSESSMENT LEVY
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 25 eff. Apr. 11, 2006**

THE VILLAGE OF MANCELONA ORDAINS:

48.201 Section 1. **DEFINITIONS.**

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

- (a) **Cost:** The expense of any local public improvement, including but not limited to, the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction, legal fees, interest on special assessment bonds (not to exceed one year), and all other costs incidental to the making of such improvement, the special assessments thereof and the financing thereof.
- (b) **Local Public Improvement:** An improvement intended to benefit specific real property within a designated district, including but not limited to, constructing bridges over natural or artificial waterways; grading, paving, curbing, stoning, graveling, macadamizing, or cinderizing streets; treating the streets with chloride or other suitable dust laying process or material; laying storm sewers to care for surface water in the streets; destroying weeds; providing street markers and lighting; contracting for public transportation facilities; providing police protection or contracting for police protection; establishing and maintaining garbage and mixed refuse systems or plants for the collection and disposal of garbage and mixed refuse or contracting for such collection and disposal for not to exceed 30 years; constructing or acquiring and maintaining sanitary sewers and sewage disposal plants or equipment; constructing filtration plants; constructing sidewalks; purchasing or constructing waterworks; purchasing fire apparatus and equipment; constructing and maintaining housing facilities for fire apparatus and equipment; making extensions of water mains to provide water for fire protection and domestic uses; trimming and spraying trees and shrubbery; providing and maintaining soil and beach erosion control measures including, but not limited to, the construction of breakwaters, retaining walls, and sea walls, in or for village lands or waters adjacent or contiguous to village lands; establishing and conducting chemical beach treatment service necessary for the control of aquatic nuisances such as swimmers' itch or contracting with others to provide the services.

(ord. no. 25 eff. Apr. 11, 2006)

48.202 Section 2. **AUTHORITY.**

The legal authority to levy special assessments for local public improvements is authorized under Section 31 of Chapter VIII of the General Law Village Act (1895 PA 3, MCL 68.31 *et. seq.*) and the Township and Village Public Improvement and Public Service Act (1923 PA 116, MCL 41.411 *et. seq.*).

(ord. no. 25 eff. Apr. 11, 2006)

48.203 Section 3. **AUTHORITY TO ASSESS.**

The whole cost or any part of such cost of any local public improvement may be defrayed by special assessment upon the lands specially benefited by the improvement in the manner provided in this ordinance.

(ord. no. 25 eff. Apr. 11, 2006)

48.204 Section 4. **INITIATION OF SPECIAL ASSESSMENT PROJECTS.**

Proceedings for the making of local public improvements within the Village of Mancelona, the tentative necessity of such improvements, and the determination that the whole or any part of the expense of such improvement shall be defrayed by special assessment upon property especially benefited, provided that all special assessments levied shall be in proportion to the benefits derived from the improvements, may be commenced by resolution of the Village Council without a petition by the affirmative vote of not less than 2/3 of the members of the entire of the Village Council.

(ord. no. 25 eff. Apr. 11, 2006)

48.205 Section 5. **INITIATION BY PETITION.**

Local public improvements may be initiated by petition signed by the record owners of not less than fifty-one (51%) percent of the total land to be included in the special assessment district. Such petition shall contain a brief description of the property owned by the respective signatories thereof, and if it shall appear that the petition is signed by no less than fifty-one (51%) percent of the property owners within the proposed district, the Village Clerk shall certify such fact to the Village Council. The petition shall be addressed to the Village Council and filed with the Village Clerk and shall in no event be considered directory but is advisory only.

(ord. no. 25 eff. Apr. 11, 2006)

48.206 Section 6. **SURVEY AND REPORT.**

Before the Village Council shall consider the making of any local improvement, the Village Council shall cause to be prepared a report, which shall include necessary plans, profiles, specifications, and detailed estimates of cost, an estimate of the life of the improvement, a description of the assessment district, and such other pertinent information as will permit the Village Council to decide the cost, extent and necessity of the improvement proposed and what part or proportion of such improvement should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the Village of Mancelona at large. The Village Council shall not finally determine to proceed with the making of any local public improvement until such report has been filed, nor until after a public hearing has been held by the Village Council for the purpose of the hearing objections to the making of such improvement.

(ord. no. 25 eff. Apr. 11, 2006)

48.207 Section 7. **DETERMINATION OF THE PROJECT; NOTICE.**

After receiving and reviewing the report required in Section 6, the Village Council may adopt a resolution tentatively determining the necessity of the improvement. The resolution shall set forth the nature of the improvement, the boundaries of the proposed special assessment district, what proportion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, the proposed method of spreading the proposed special assessments, and what proportion of the cost of such improvement, in any, shall be paid by the village at large. The resolution shall also schedule a public hearing before the Village Council concerning the necessity of the improvement, as required in Section 8. A copy of this resolution shall be filed with Village Clerk for public inspection. The Village Clerk shall give notice of the public hearing on the proposed improvement as provided in Section 14.
(ord. no. 25 eff. Apr. 11, 2006)

48.208 Section 8. **HEARING ON NECESSITY.**

At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the Village Council may modify the scope of the local public improvement in such a manner as it shall deem to be in the best interest of the Village of Mancelona as a whole; provided, however, if the amount of work is increased or additions are made to the district boundaries, then another public hearing shall be held pursuant to notice prescribed in Section 14. If the Village Council determines to proceed with the improvement, it shall adopt a resolution approving the necessary profiles, plans, specifications, assessment district boundaries and detailed estimates of cost. The resolution shall also direct the assessor to prepare a special assessment roll in accordance with the Village Council's determination and to report the assessment roll to the Village Council for confirmation.
(ord. no. 25 eff. Apr. 11, 2006)

48.209 Section 9. **DEVIATION FROM PLANS AND SPECIFICATIONS.**

No deviation from the original plans or specifications for the improvement as adopted shall be permitted by any officer or employee of the Village of Mancelona without a resolution of the Village Council authorizing such deviation. A copy of the resolution authorizing such changes or deviation shall be certified by the Village Clerk and attached to the original plans and specifications on file in the office of the Village Clerk.
(ord. no. 25 eff. Apr. 11, 2006)

48.210 Section 10. **LIMITATIONS ON PRELIMINARY EXPENSES.**

The Village Council shall specify the provisions and procedures for financing a local public improvement. No contract or expenditure, except for the cost of preparing the necessary profiles, plans, specifications, and estimates of cost shall be made for the improvement, nor shall any improvement be commenced until the special assessment roll to defray the costs of the improvement shall have been made and confirmed.
(ord. no. 25 eff. Apr. 11, 2006)

48.211 Section 11. **SPECIALL ASSESSMENT ROLL.**

The assessor or other official designated by the Village Council shall make a special assessment roll of all lots and parcels of land within the designated district benefited by the proposed improvement, and shall assess to each lot or parcel of land the proportionate amount of the cost of the improvement based on the proportionate benefit derived by the improvement. The amount spread in each case shall be based upon the detailed estimated cost as approved by the Village Council.
(ord. no. 25 eff. Apr. 11, 2006)

48.212 Section 12. **ASSESSOR TO FILE ASSESSMENT ROLL.**

When the assessor shall have completed such assessment roll, the assessor shall file the roll with the Village Clerk for presentation to the Village Council for review and certification by it.
(ord. no. 25 eff. Apr. 11, 2006)

48.213 Section 13. **PUBLIC HEARING TO REVIEW SPECIAL ASSESSMENT ROLL; OBJECTIONS IN WRITING.**

Upon receipt of the special assessment roll, the Village Council, by resolution, shall accept the proposed assessment roll and order it to be filed in the office of the Village Clerk for public examination. The Village Council will hold a public hearing for the purpose of public comments on the proposed special assessment roll. Notice of the public hearing shall be given as specified in Section 14. After the public hearing, the Village Council shall confirm the assessment roll as presented, confirm the assessment roll as modified, or refer the assessment roll back to the assessor for revisions. If the assessment roll is referred back to the assessor, then another public hearing concerning the assessment roll shall be held pursuant to notice prescribed in Section 14.
(ord. no. 25 eff. Apr. 11, 2006)

48.214 Section 14. **NOTICE OF PUBLIC HEARINGS.**

Notice of any public hearing required by this ordinance shall be given as provided in this section. The notice of the public hearing shall specify the time, date, and place for the public hearing, shall contain a description of the proposed improvement and the estimated costs of the improvement, shall describe the boundaries of the special assessment district, shall indicate when and where the plans and estimated cost for the improvement can be inspected by the public, shall indicate that appearance and protest at the public hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal, if an appeal should be desired, and shall include a statement that the owner or any person having an interest in the real property may file a written appeal of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll. The notice of the public hearing shall be sent by first-class mail to all owners of records or other parties in interest whose names and mailing addresses appear on the assessment records no less than ten (10) days before the public hearing. For the purposes of this section, the last local tax assessment records means the last assessment for ad valorem tax purposes which has been reviewed by the

local board of review, as supplemented by any subsequent changes in the names or the addresses of such owners or parties listed on that roll. Notice of the public hearing shall also be published twice in a newspaper of general circulation within the Village, the first being publication no less than ten (10) days before the public hearing. If a published notice includes a list of the property identification numbers of the property to be assessed, that list may provide either the individual property identification number for each parcel of property to be assessed or one (1) or more sequential sets of property identification numbers, which include each parcel of property to be assessed. If a published notice includes a list of the property identification numbers of the property to be assessed, that published notice shall also include either a map depicting the area of the proposed special assessment district or a written description of the proposed special assessment district. (ord. no. 25 eff. Apr. 11, 2006)

48.215 Section 15. **REVIEW OF SPECIAL ASSESSMENT; CHANGES AND CORRECTIONS.**

- a) The public hearings required by this ordinance may be held at any regular or special meeting of the Village Council. The assessor shall be present at every meeting of the Village Council at which a special assessment is to be reviewed.
- b) The Village Council shall meet at the time and place designated for the review of such special assessment roll, and at such public hearing, shall consider all objections thereto. An owner or party in interest, or their agent, may appear in person at the hearing to protest the special assessment, shall be permitted to file their appearance or protest by letter, and their personal appearance shall not be required. The Village Council shall maintain a record of parties who appear to protest at the public hearing. If a public hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded is considered to have protested the special assessment in person.
- c) The Village Council may correct the roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may, by resolution, annul the assessment roll and direct that new proceedings be instituted. The same proceedings shall be followed in making a new roll as in the making of the original roll.
- d) If after hearing all objections and making a record of such changes as the Village Council deems justified, the Village Council determines that it is satisfied with the special assessment roll and that assessments are in proportion to benefits received, it shall there upon pass a resolution reciting such determinations, confirming such roll, placing it on file in the office of the Village Clerk and directing the Village Clerk to attach his or her warrant to a certified copy of such roll within ten days, therein commanding the assessor to spread and the treasurer to collect the various sums and amounts appearing thereon as directed by the Village Council. The roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies unless contested in the manner provided in Section 34 of Public Act No. 4 of 1974 (MCL 68.34, as amended), and subject to

adjustment to conform to the actual cost of the improvement, as provided in Section 20.

(ord. no. 25 eff. Apr. 11, 2006)

48.216 Section 16. **WHEN SPECIAL ASSESSMENTS ARE DUE.**

All special assessments, except such installments of special assessments as the Village Council shall make payable at a future time as provided in this ordinance, shall be due and payable upon confirmation of the special assessment roll.

(ord. no. 25 eff. Apr. 11, 2006)

48.217 Section 17. **PARTIAL PAYMENTS; DUE DATE.**

The Village Council may provide for the payment of special assessments in annual installments. Such annual installments shall not exceed thirty (30) in number, the first installment being due upon confirmation of the roll or on such date as the Village Council may determine, and deferred installments being due annually thereafter, or in the discretion of the Village Council, may be spread upon and made a part of each annual village tax roll thereafter until all are paid. Interest shall be charged on all deferred installments at an annual rate not to exceed the maximum amount allowed by law, commencing on the due date of the first installment, or sixty (60) days after the date of confirmation if the first installment is not due upon confirmation if the first installment is not due upon confirmation, and payable on the due date of each subsequent installment. The full amount of all or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due dates of such installments. If the full assessment or the first installment of such assessment shall be due upon confirmation, each property owner shall have sixty (60) days from the date of confirmation to pay the full amount of such assessment, or the full amount of any installments, without interest or penalty. Following such sixty-day (60-day) period, the assessment or first installment of the assessment shall, if unpaid, be considered as delinquent, and the same penalties shall be collected on such unpaid assessments or first installments of such assessments as are provided by law to be collected without penalty until sixty (60) days after the due date of such installments, after which time such installments shall be considered as delinquent, and such penalties on such installments shall be collected as are provided by law to be collected on delinquent general village taxes. After the Village Council has confirmed the roll, the Village Treasurer shall notify by mail each property owner on such roll that such roll has been filed, stating the amount assessed and the terms of payment. Failure on the part of the Village Treasurer to give such notice or of such owner to receive such notice shall not invalidate any special assessment roll of the Village of Mancelona or any assessment thereon, nor excuse the payment of interest or penalties.

(ord. no. 25 eff. Apr. 11, 2006)

48.218 Section 18. **DELINQUENT SPECIAL ASSESSMENTS.**

Any assessment, or part of such assessment, remaining unpaid on the first Monday of March following the date when the assessment became delinquent shall be reported as unpaid by the Village Treasurer to the Village Council. Any such delinquent assessment, together with all accrued interest shall be transferred and reassessed on the next annual

village tax in a column headed "Special Assessments" with a penalty of four percent (4%) upon such total amount added there to and, when so transferred and reassessed upon such tax roll, shall be collected in all respects as provided for the collection of village taxes.

(ord. no. 25 eff. Apr. 11, 2006)

48.219 Section 19. **CREATION OF LIEN.**

Special assessments and all interest, penalties, and charges thereon from the date of confirmation of the roll shall become a debt to the Village of Mancelona from the persons to whom they are assessed and, until paid, shall be and remain a lien upon the property assessed, of the same character and effect as the lien created by general law for state, county, and village taxes and the land upon which the same are a lien shall be subject to sale therefore the same as are lands upon which delinquent village taxes constitute a lien.

(ord. no. 25 eff. Apr. 11, 2006)

48.220 Section 20. **ADDITIONAL ASSESSMENTS; REFUNDS.**

The Village Clerk shall within sixty (60) days after the completion of each local public improvement that was subject to a special assessment, compile the actual cost of such improvement and certify the cost to the assessor who shall adjust the special assessment roll to correspond therewith. If the actual cost exceeds the amount of the special assessments, then an additional assessment sufficient to cover the shortfall shall be levied against the land within the special assessment district on the same pro rata basis as the original assessments. If the assessment exceeds the amount of the actual cost by five percent (5%) or more, the Village shall refund the difference on the same pro rata basis as the original assessments. If the assessment exceeds the amount of the actual cost by less than five percent (5%), the Village Council may place the excess in the village treasury or make a refund pro rata according to the assessment. No refunds of special assessments may be made which impair or contravene the provision of any outstanding obligation or bond secured in whole or part by such special assessments. In the case of assessments due in installments, the Village Council may order the refund given credit against the installments last coming due. When any special assessment roll shall prove insufficient to meet the cost of the improvement for which it was made, the Village Council may make an additional pro rata assessment, but the total amount assessed against any one parcel of land shall not exceed the benefits received by such lot or parcel of land.

(ord. no. 25 eff. Apr. 11, 2006)

48.221 Section 21. **ADDITIONAL PROCEDURES.**

In any case where the provisions of this ordinance may prove to be insufficient to carry out fully the making of any special assessment, the Village Council shall provide by ordinance any additional steps or procedures required.

(ord. no. 25 eff. Apr. 11, 2006)

48.222 Section 22. **COLLECTION OF SPECIAL ASSESSMENTS.**

If bonds are issued in anticipation of the collection of special assessments as provided in this ordinance, all collections on each special assessment roll or combination of rolls shall be sent in a separate fund for the payment of the principal and interest on bonds so issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

(ord. no. 25 eff. Apr. 11, 2006)

48.223 Section 23. **SPECIAL ASSESSMENT ACCOUNTS.**

Moneys raised by special assessment to pay the cost of any local improvement shall be held in a special fund to pay such cost to repay any money borrowed therefore. Each special assessment account must be used only for the improvement project for which the assessment was levied, expenses incidental thereto, including the repayment of the principal and interest on money borrowed therefore, and to refund excessive assessments, if refunds are authorized.

(ord. no. 25 eff. Apr. 11, 2006)

48.224 Section 24. **CONTESTED ASSESSMENTS.**

An action to contest or enjoin the collection of a special assessment shall be instituted under the tax tribunal act, Public Act No. 186 of 1973 (MCL 205.701 *et seq.*).

(ord. no. 25 eff. Apr. 11, 2006)

48.225 Section 25. **REASSESSMENT FOR BENEFITS.**

Whenever the Village Council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the Village Council shall have the power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part of such improvement has been completed, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for its collection shall be made in the manner as provided for the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.

(ord. no. 25 eff. Apr. 11, 2006)

48.226 Section 26. **COMBINATION OF PROJECTS.**

The Village Council may combine several districts into one project for the purpose of effecting a saving in the costs. There shall be established for each district separate funds and accounts to cover the cost of the same.

(ord. no. 25 eff. Apr. 11, 2006)

48.227 Section 27. **DIVISION OF PARCELS.**

Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the assessor shall apportion the uncollected amounts upon the several lots and lands so divided, and shall enter the several amounts as amendments upon the special assessment roll. The Village Treasurer shall, within ten (10) days after such apportionment, send notice of such action to the persons concerned at their last known address by first class mail. Such apportionment shall be final and conclusive on all parties unless protest in writing is received by the Village Treasurer within twenty (20) days of the mailing of such notice.

(ord. no. 25 eff. Apr. 11, 2006)

48.228 Section 28. **DEFERRED PAYMENTS OF SPECIAL ASSESSMENTS.**

The Village Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Village Council and the assessor, by reason of poverty are unable to contribute toward the cost of such assessment. In all such cases, as a condition to the granting of such deferred payments, the Village of Mancelona shall require mortgage security on the real property of the beneficiary payable on or before his death, or, in any event, on the sale or transfer of the property. For purposes of this section a person shall be eligible for deferred payment of special assessments if he or she meets the federal poverty guidelines updated annually in the federal register by the United States department of health and human services under authority of section 673 of subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9902.

(ord. no. 25 eff. Apr. 11, 2006)

48.229 Section 29. **RECONSIDERATION OF PETITIONS.**

If the Village Council shall fail to make any public improvement petitioned for under the provisions of Section 5 during the calendar year during which any petition is filed, such petition shall be reconsidered by the Village Council prior to March 1 of the succeeding calendar year for the purpose of determining whether such improvement should be made during such calendar year.

(ord. no. 25 eff. Apr. 11, 2006)

48.230 Section 30. **REPEALER.**

Any ordinance or ordinances regulating the levy of special assessments within the Village of Mancelona adopted previous to this ordinance are hereby repealed in their entirety.

(ord. no. 25 eff. Apr. 11, 2006)

48.231 Section 31. **SEVERABILITY.**

If any provision or section of this Ordinance should be held invalid for any reason, such holdings will not affect the validity of the remaining provisions of this Ordinance. It is the legislative intent that this Ordinance shall remain valid despite the invalidity of any such provision or section.

(ord. no. 25 eff. Apr. 11, 2006)