

VILLAGE OF CLARKSVILLE, MICHIGAN

CODE OF ORDINANCES

AMERICAN LEGAL PUBLISHING CORPORATION

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CHARTER

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Editor=s note:

The amendments of Res. 2007-03 to Chapters II, III, IV and V were voted on and passed on August 5, 2008.

CHARTER OF THE VILLAGE OF CLARKSVILLE, IONIA COUNTY MICHIGAN

PREAMBLE

The electors of the Village of Clarksville, County of Ionia, and State of Michigan, under the authority and pursuant to the provisions of the Constitution and laws of the State of Michigan relating to the incorporation of Villages and the creating of Charters therefor, do hereby ordain and establish the following as the Charter of the Village of Clarksville, in the County of Ionia and State of Michigan.

Whenever the word ACouncil@ is used in this Charter it shall mean AThe Common Council of the Village of Clarksville and Legislative body thereof.

CHAPTER I.**ORGANIZATION AND GENERAL POWERS.**

Section 1. The following described territory shall constitute a body politic and corporate under the name of the Village of Clarksville, with power and authority to hereinafter change said boundaries in the manner prescribed by law.

Section 2. That all that tract of country situated in the Township of Campbell, County of Ionia, and State of Michigan and designated as follows, viz: Beginning at a point eighty (80) rods west of the southeast corner of the northeast quarter (1/4) of Section number ten (10), in Township five (5) north of range eight (8) west, Ionia County, Michigan, on the quarter line of said section: thence from said point running due north on the north and south eighth (1/8) line of the east and west quarter line of section number three (3), township and range aforesaid, and at a point eighty (80) rods east of the southwest corner of the northeast quarter (1/4) of said section three (3): thence west on the east and west quarter line of section three (3), one hundred and sixty (160) rods; thence due south on the eighth (1/8) line of sections three (3) and ten (10), three hundred and twenty (320) rods to the east and west quarter line of section ten (10), and at a point eighty (80) rods west of the southeast corner of the northwest quarter (1/4) of said section ten (10); thence from said point due east on the quarter line of said section ten (10) to place of beginning.

Section 3. All legislative power conferred on the Village shall rest in and be exercised by a President and six trustees, who together shall be known and designated as the Common Council.

CHAPTER II.**OFFICERS**

Section 1. The following officers shall be elected. viz: A President, six Trustees, one Clerk, one Treasurer who shall be ex officio collector; and one Assessor. The President and Trustees shall constitute the Common Council.

Section 2. The President shall, by and with the consent of the Council, appoint a Village Marshal and a street commissioner, and such other officers as shall be provided for by resolution or ordinance of the Council, and the Council may, from time to time, provide by ordinance or resolution for the appointment of such other officers, whose election or appointment is not herein specially provided for, as they shall deem necessary for the execution of the powers granted by this Charter, and the powers and duties of such officers shall be prescribed by the Council; PROVIDED, that the Marshal may also be appointed as Street Commissioner.

Section 3. Appointments to office, excepting appointments to fill vacancies, shall be made on the second Monday in April in each year, unless a different time shall be prescribed in the Ordinance or resolution creating the office; but appointments which, for any cause, shall not be made on that day, or on the day provided in the ordinance or resolution creating the office, may be made at any subsequent regular or special meeting of the Council.

Section 4. The Clerk, and Treasurer shall hold their respective offices for the term of four years, and President two years from the second Tuesday after the November General Election of the even year when elected, and until their successors are elected and qualified and enter upon the duties of their offices. The Clerk=s current term shall end in 2008 and every four years thereafter and the Treasurer=s current term shall end in 2010 and every four years thereafter.

Section 5. The Trustees shall hold their offices for the term of four years from the second Tuesday after the November even year General Election when elected, and until their successors are qualified and enter upon the duties of their offices. Three Trustees shall be elected for the term of four years every two years.

Section 6. All appointive officers, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the second Tuesday after the even year November General Election next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this act, or in the ordinance or resolution creating the office. Officers appointed to fill vacancies in elected offices shall hold their office until the next even year General election and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filing the requisite security, if any is required of them.

Section 7. No person shall be elected or appointed to any office unless he/she shall be an elector of the Village. And no person shall be elected or appointed to any office in the Village who has been or is a defaulter to the Village or to any board of officers thereof, or to any school district, county or other municipal corporation of the State. All votes for or any appointment of any such defaulter shall be void. All officers of the Village, elected or appointed, shall take and subscribe the oath of office prescribed by the Constitution of the State, and file the same with the Clerk, and in case of failure to do so, within ten days after receiving notice of their election or appointment, shall be deemed to have declined the office.

Section 8. Every officer elected or appointed in the Village, before entering upon the duties of his/her office, and within the time prescribed for filing his/her official oath, shall file with the Village Clerk such bond or security as may be required by law, or by any ordinance or resolution of the Council, conditioned for the due performance of the duties of his/her office, except that the bond or security given by the Clerk shall be deposited with the Treasurer.

Section 9. The Council may, at any time, require any officer to execute and file with the Clerk additional or new official bonds, with such new or further sureties as said Council shall deem requisite for the interest of the Corporation. Any failure to comply with such requirement within fifteen days shall subject the officer to immediate removal from office by the Council.

VACANCIES IN OFFICE.

Section 10. Resignations of officers shall be made to the Council.

Section 11. If any officer shall cease to be a resident of the Village during his/her term of office, the office shall be thereby vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

Section 12. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his/her office, within the time herein limited therefor, the Council may declare the office vacant, unless previously thereto he/she shall file the oath and give the requisite bond or security.

Section 13. Any vacancy occurring in the office of President, Trustees or any elective office, shall be filled by appointment by the Council, and such appointee shall hold his/her office until the next even year November general election thereafter. All vacancies in any other office shall be filled by the President, by and with the consent of the Council.

Section 14. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his/her sureties from any liability incurred by him/her or them.

Section 15. Whenever any officer shall resign or be removed from office, or the term for which he/she shall have been elected or appointed shall expire, he/she shall, on demand, deliver over to his/her successor in office, all the books, papers, moneys and effects in his/her custody as such officer, and in any way appertaining to his/her office; and every person willfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this state, now or hereafter in force and applicable thereto; and every officer appointed or elected shall be deemed as officer within the meaning and provisions of such general laws of the State.
(Res. 2007-01, passed 3-3-2008)

CHAPTER III.

ELECTIONS.

Section 1. After the first elections the election of officers shall be held at the even-year November general election to be conducted in accordance with State law.

Section 2. Special elections may be appointed by resolution of the Council, and held at such times as they shall determine, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Section 3. The President and Clerk, and two of the Trustees, or any four of the Trustees, to be appointed by the Council, shall be the inspectors of election. The President, when present, shall be chairperson of the board of election inspectors, and the Clerk, if present, shall act as Clerk of the election, and the inspectors shall appoint one of their number to act as second Clerk. In case four of the inspectors do not attend at the opening of the polls, or shall not remain in attendance, such vacancy shall be filled as provided by the general election laws of the State, and in case either the President or Clerk, or both of them, are absent, the inspectors shall designate from their number a chairman and a Clerk. Each inspector of election shall receive as compensation two dollars per day.

Section 4. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk, at least eight days before such election, by posting such notices in three public places in the Village, and by publishing a copy thereof in a newspaper in the Village, if any is published therein, the same length of time before the election; and in case of special election, the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Section 5. The Council shall, at least ten days previous to any election, appoint a board of three election commissioners, not more than two of whom shall belong to the same political party, who shall be the board of election commissioners for such Village for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties. The Council shall also provide and cause to be kept by the Clerk, for use at all elections, suitable ballot-boxes of the kind required by law to be kept and used in townships.

Section 6. On the day of elections, the polls shall be opened at seven o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes, and fifteen minutes, respectively, before closing thereof.

Section 7. All elections in said Village shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State. If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.

Section 8. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the results, and shall on the same day or the next day make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of election, or the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots in office of the Village Clerk. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at general elections.

Section 9. The council shall convene on thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the Clerk shall make duplicate certificates of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices

respectively; one of which certificate he/she shall file in the office of the County Clerk of the County of Ionia, and the other shall be filed in the office of the Village Clerk.

Section 10. If there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the Council shall at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Section 11. It shall be the duty of the Clerk within five days after the meeting and determination of the Council, as provided in this chapter, to notify each person elected, in writing, of his/her election; and he/she shall also, within five days after the appointment of any person to any office, in like manner notify such person of the appointment.

Section 12. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the Clerk shall report in writing to the Council the names of all persons elected or appointed to any office, who shall have neglected to file such oath or bond.
(Res. 2007-01, passed 3-3-2008)

CHAPTER IV.

DUTIES OF OFFICERS

PRESIDENT

Section 1. The President shall be the Chief Executive officer of the Village. He/She shall preside at the meetings of the Council, but shall have no right to vote upon any question except in case of a tie, in which case he/she shall give the deciding vote. He/She shall from time to time give the Council information concerning the affairs of the corporation, and recommend such measures, as he/she may deem expedient. It shall be his/her duty to exercise supervision over the affairs of the Village and over the public property belonging thereto, see that the laws relating to the Village and the ordinances and regulations of the Council are enforced.

Section 2. The President shall be a conservator of the peace, and may exercise within the Village the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the Council, and to suppress riot and disorderly conduct.

Section 3. The President may remove any officer appointed by him/her at any time when he/she shall deem it for the public interest and may suspend any police officer for neglect of duty. He/She shall have authority at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the Village.

Section 4. In the absence or disability of the President, the President pro tempore of the Council shall perform the duties of the President.

CLERK.

Section 5. The Clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the Village, not by this act or the ordinances of the Village entrusted to some other officer; he/she shall be clerk of the Council, and shall attend the meetings. In case of the absence of the Clerk, or if from any cause he/she shall be unable to discharge, or be disqualified from performing the duties required of him/her, then the Council may appoint one of their own number, or some other person, to perform the duties of the Clerk for the time being. The Clerk shall record all the proceedings and resolutions of the Council, and shall record or cause to be recorded all the ordinances of the Village. He/She shall countersign and register all licenses granted: he/she shall, when required, make and certify, under the seal of the Village, copies of the papers and records filed and kept in his/her office: and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He/She shall possess and exercise the powers of the Township Clerk so far as the same are required to be performed within the Village, except as to the filing of chattel mortgages: and he/she shall have authority to administer oaths and affirmations.

Section 6. The Clerk shall be the general accountant of the Village: and all claims against the corporation shall be filed with him/her for adjustment. After examination thereof, he/she shall report the same, with all accompanying vouchers and counter-claims of the Village, and the true balance, as found by him/her, to the Council for allowance, and when allowed shall draw his/her warrant upon the Treasurer for the payment thereof; designating thereon the fund from which payment is to be made, and take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the Clerk shall report the amount thereof to the Village Treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

Section 7. The Clerk shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he/she shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the Village, and of all its debts and liabilities; he/she shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he/she shall also keep an account with the Treasurer, in which he/she shall charge him/her with all the moneys received for each of the several funds in the Village, and credit him/her with all warrants drawn thereon, keeping an account with each fund.

Section 8. The Clerk shall report to the Council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the Village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his/her office as the Council may require.

TREASURER.

Section 9. The Treasurer shall have the custody of all moneys, bonds other than official, mortgages, notes, leases and evidences of value belonging to the Village; he/she shall receive all moneys belonging to, and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he/she shall pay no money out of the treasury, except in pursuance of, and by authority of law, and upon

warrants signed by the Clerk and President, which shall specify the purpose for which the amounts thereof are to be paid; he/she shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit therero all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued.

Section 10. The Treasurer shall render to the Clerk on the first Monday of every month, if required, a report of the amounts paid out by him/her from each fund during the preceding month, and the amount of money remaining in each fund on the day of his/her report. He/She shall exhibit to the Council annually on the first Monday in March, and as often and for such period as the Council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his/her last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund; which account shall be filed in the office of the Clerk, and shall be published in one of the newspapers of the Village, if any be published therein.

Section 11. Said Treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers upon settlement with the proper officers of the Village shall be surrendered and filed with the Clerk.

Section 12. The Treasurer shall keep all moneys in his/her hands belonging to the Village separte and distinct from his/her own moneys, and he/she is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt in his/her custody or keeping, for his/her own use of benefit, or that of any other person; any violation of the provisions of this section shall work a forfeiture of his/her office, and the Council, on proof of the fact, are authorized to declare the office vacant and appoint his/her successor for the remainder of his/her term.

MARSHAL.

Section 13. The Marshal shall be the Cheif of Police of the Village. As police officer he/she shall be subject to the direction of the President and Council. It shall be his/her duty to see that all the ordinances and regulations of the Council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the Village, are promptly enforced. As peace officer he/she shall, within said Village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He/she shall have power to serve and execute all process directed or delivered to him/her, in all proceedings for violations of the ordinances of the Village. Such process may be served anywhere within the County of Ionia.

Section 14. The Marshal may collect and receive the same fees for services performed by him/her as are allowed to Constables for like services.

STREET COMMISSIONER.

Section 15. It shall be the duty of the Street Commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the Village, as the Council shall direct to be

done by or under his/her supervision; and to oversee and do whatever may be required of him/her in relation thereto by the Council.

Section 16. he/she shall make a report to the Council, in writing and on oath once in each month giving an exact statement of all labor performed by him/her or under his/her supervision and the charges therefor; the amount of material used and the expenses thereof and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since his/her last preceding report.

ASSESSOR.

Section 17. The Assessor shall perform such duties in relation to assessing Property and levying taxes in the Village as are prescribed by this act.

COMPENSATION.

Section 18. The Council shall by resolution fix compensation for the President and Trustees for meetings attended. The Council may by motion reimburse Trustees or the President for reasonable expenses incurred in connection with the performance of their duties. All other officers except where other provision is made herein or by law regulating fees for services shall receive such compensation as the Council shall prescribe.

Res. 2007-01, passed 3-3-2008)

CHAPTER V.

VILLAGE COUNCIL.

Section 1. The legislative authority of the Village shall be vested in a Council consisting of the President and Trustees.

Section 2. The President shall be President of the Council and preside at the meetings thereof.

Section 3. On the first Monday in December in each year, or as soon thereafter as may be, the Council shall appoint one of their number President pro tempore of the Council, who in the absence of the President shall preside at the meetings thereof, and exercise the powers and duties of President. In the absence of the President and President pro tem., the Council shall appoint one of their number to preside.

Section 4. The Council shall hold regular stated meetings for the transaction of business, at such times as it shall prescribe, not less than one of which shall be held in each month. The President or any three members of the Council may appoint special meetings thereof, notice of which, in writing, shall be given to each Trustee, or be left at his/her place of residence at least six hours before the meeting; PROVIDED, That is all the members of the Council shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived.

Section 5. The Council shall prescribe the rules of its own proceedings, and shall keep a record thereof. All meetings and sessions of the Council shall be public. A majority of the Trustees shall be a

quorum for the transaction of business; a less number may adjourn from time to time and compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished nor any tax or assessment be imposed; street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold, or disposed of, or any public improvement ordered, unless by a concurring vote of two-thirds of all Trustees elect, which vote shall be taken by yeas and nays, and entered upon the journal; no money shall be appropriated except by ordinance or resolution of the Council, nor shall any such ordinance be passed, nor any resolution appropriating money be adopted, except by a concurring ye and nay vote of two-thirds of all the Trustees elect.

Section 6. Subject to the provision of 1968 PA 317, as amended, M.C.L.A. ' ' 15.321 et seq., which regulates contracts of public officials with the Village, no member of the Council, nor any officer of the corporation, shall be directly or indirectly interested in any contract or service made by, or to be performed for the corporation; PROVIDED, that this shall not prevent officers receiving compensation authorized by this charter or as otherwise authorized by the Village Council. Any violation of the provision of this section shall work forfeiture of the office, and on proof thereof the Council may declare the office vacant.

Section 7. The Council shall audit and allow all accounts chargeable against the Village; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he/she verily believes that the services therein charged have been actually performed or the property delivered for the Village, that the sums charged therefor are reasonable and just, and that to the best of his/her knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any motion or proceeding for the collection of any demand or claim against the Village for personal injuries or otherwise that it has never been presented, certified to or verified as aforesaid, to the Council for allowance; or if such claim is founded on contract, that the same was presented without the certificate or affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the Council had a reasonable time to investigate and pass upon it.
(Res. 2007-01, passed 3-3-2008)

CHAPTER VI

ORDINANCES

Section 1. The style or all ordinances shall be; AThe Village of Clarksville ordains.@ All ordinances except as herein otherwise provide shall require, for their passage, the concurrence of a majority of the Council. No ordinance imposing a penalty shall take effect in less than twenty days after its passage.

Section 2. All ordinances, when regularly enacted, shall be recorded by the Clerk of the council, in a book to be called AThe Record of Ordinances,@ and it shall be the duty of the President and Clerk to authenticate the same by their official signature upon such record.

Section 3. Within one week after the passage of any ordinance, the same shall be published in a newspaper printed in the Village, if any is published therein, otherwise copies of the ordinance shall, within the same time, be posted in three of the most public places in the Village; and the Clerk shall, immediately after such publication or posting, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and places of such publication or posting. Such certificate shall be prima facie evidence of the due publication and posting of the ordinance.

Section 4. Whenever it shall be necessary to prove any of the laws, regulations, or ordinances of any Village, or any resolution adopted by the council thereof, the same may be read in all courts of Justice and in all proceedings,

First, From a record thereof kept by the Clerk;

Second, From a copy of the ordinance, or of the record thereof, certified by the Clerk under the corporate seal of the Village;

Third, From any volume or ordinances purporting to have been written or printed by authority of the Council.

Section 5. Prosecutions for violation of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the Village, or in the Township in which the Village, or some part thereof, is located. Any Justice of the Peace of the Village or of the Township in which the Village or some part of it, is situated, shall have the authority to hear, try and determine all causes and suits arising under the ordinances of the Village, and to inflict punishment for violations thereof as provided in the Ordinances.

Section 6. Whenever a penalty shall be incurred for violation of any of the ordinances of the Village of Clarksville, the proceedings for the punishment or collection of penalty shall be governed by and conform as nearly as possible, to the provisions of law regulating proceedings in criminal causes cognizable by Justices of the Peace.

Section 7. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance, to set forth said ordinance or any provisions thereof, in any complaint, warrant, process or pleadings therein, but the same shall be deemed sufficiently set forth by reciting its title and the date of its passing or approval. In all prosecutions for violation of any of the ordinances the accused may demand a Jury trial and the proceedings shall be conducted in the same manner as near as may be as trials are conducted before Justice of the Peace of the State of Michigan, and the accused may appeal, or bring certiorari in like cases as prosecutions under the general laws of the State, which shall in all things apply to such trials and appeals for violation of the ordinances of the Village.

Section 8. The Council may provide for a Village jail or prison, as may be necessary for the confinement of offenders may be sentenced either to said Village jail or to the County jail of the County of Ionia.

Section 9. All fines collected for violation of the ordinances of said Village shall be turned over to

the village Treasurer and credited to the General Fund of the Village.

CHAPTER VII

POWERS OF COUNCIL

Section 1. The Village of Clarksville shall, in addition to such other powers as are expressly conferred and stated, have the general power and authority granted in this chapter, and the Council may pass such Ordinances in relation thereto as it may deem proper, namely:

First, To restrain and prevent vice and immorality;

Second, To punish vagrants, disorderly persons and common prostitutes;

Third; To abate nuisances and preserve the public health;

Fourth, To prohibit and suppress disorderly and gaming houses;

Fifth, To regulate, license, or suppress billard tables and ball alleys;

Sixth, To suppress gaming;

Seventh, To regulate and license public shows and exhibitions;

Eighth, To licence auctioneers, licence and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law; and also to require transient traders and dealers to take out licenses before engaging in business, and may regulate by Ordinance the terms and conditions or issuing the same;

Ninth, To license and regulate hacks, automobiles and other public vehicles;

Tenth, To provide for and regulate the inspection of provisions;

Eleventh; To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures by Venders;

Twelfth, To regulate or prohibit bathing in the rivers, ponds, streams and waters of the Village;

Thirteenth, To regulate or prohibit the selling, storing or transportation of combustible or explosive substances of materials within the Village, and to regulate and restrain the making of fires in the streets and other open spaces in the Village.

Fourteenth, To make ordinances for the organization and regulation of the Fire Department and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits.

Fifteenth, To licence and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, automobils, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Sixteenth, To require horses, mules, or other animals attached to any vehicle, or standing in any or the streets, lanes or alleys in the Village to be securely fastened, hitched, watched or held;

Seventeenth, To prevent and punish horse-racing and immoderate driving in any street, park or alley , and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, park or alley in the Village;

Eighteenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large, in violation of any Ordinance of the Village;

Nineteenth, To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend;

Twentieth, to prevent the erection and provide for the removal of all buildings deemed unsafe.

Twenty-first, To regulate the placing and provide for the preservation of horse or hitching posts;

Twenty-second, To declare and define the powers and duties of the Officers of the Village, whose powers and duties are not specifically prescribed in this act;

Twenty-third, To require the Treasurer, Marshal and such other officers of the Village as the Council shall deem proper, to give bonds for the discharge of their official duties;

Twenty-fourth, To see that the several officers of the Village perform their duties faithfully and that proper measures are taken to punish neglect of duty on the part of any of such officers;

Twenty-fifth, To provide for the care, custody and preservation of the public property of the Village;

Twenty-sixth, To adopt such other Ordinances and make such other regulations for the safety and good government of the Village and the general welfare of its inhabitants as are not inconsistent with the general laws of this State.

LICENSES.

Section 2. The Council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as shall be reasonable and proper. The person receiving the license shall, if required by the Council or Ordinance of the Village, before the issuing thereof, execute a bond to the corporation in such sum as the Council may prescribe, with one or more sufficient sureties, conditioned for a faithful performance of the laws relating to the corporation and the ordinances of the Council, and otherwise conditioned as the Council may prescribe. Every license

shall be revocable by the Council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any Ordinance or regulation passed or authorized by the Council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license. And the Council may provide for punishment, by fine or imprisonment, or both, of any person, who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any Ordinance or regulation of the Council. The Council of the Village may make such provisions as they shall deem expedient for the support and relief of poor persons residing in the Village; and for that purpose may provide, by Ordinance or resolution, for the appointment of a director of the poor for the Village, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

POUNDS.

Section 3. The Council may provide and maintain one or more pounds within the Village, and may appoint pound masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the Village; and if there shall be no pound or pound master they may provide for the impounding of such beasts and fowls by the Village Marshal, in some suitable place, under his immediate care and inspection and may confer on him the powers and duties of pound master. The Council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or fowl impounded.

PUBLIC BUILDINGS, GROUNDS AND PARKS

Section 4. Any Village may acquire, purchase, and erect such public buildings, as may be required for the use of the corporation, and may purchase, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and for the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold at public sale, or leased, as occasion may require; PROVIDED, HOWEVER, That no public parks shall be sold without the consent of a majority of the qualified electors of the Village.

Section 5. When the Council shall deem it for the public interest, grounds and buildings for the Village prison, hospital and post-house, may be purchased, erected and maintained beyond the corporate limits of the Village; and in such cases the Council shall have authority to enforce beyond the corporate limits of the Village, and over such lands, buildings and property, in the same manner and to the same extent as if they were within the Village, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, post-house or hospital.

Section 6. The Council shall have authority to lay out, establish, or vacate and discontinue public parks and grounds within the Village, and to improve, light and ornament the same, and to regulate the use thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment and

injury.

STREETS AND SIDEWALKS

Section 7. The Council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the Village, and shall have the like authority over the same as is given by the general laws of the State. No Village subject to the provisions of the act shall be liable in damages sustained by any person in such Village, either to his person or property, by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk or public highway, situated in such Village unless such person shall serve or cause to be served within sixty days after such injury shall have occurred a notice in writing upon the Clerk or deputy of the Village, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold such Village liable for such damages as may have been sustained by him; PROVIDED, That the bridges within the limits of any Village incorporated under this act in the highways leading into or through the said Village which have been laid out or shall hereafter be laid out by the commissioner of highways of the Township of Campbell, or laid out by any other authority other than that of said Village, shall be built, controlled and kept in repair by said Township of Campbell, the same as if said Village were not incorporated and the fact that any such highways are laid out and used as such at the time of such incorporation of said Village shall be deemed sufficient to make the same Township highways, and the Township of Campbell liable as aforesaid, and all other bridges in said Village shall be build, controlled and kept in repair by said Village.

Section 8. The Council shall have control of all sidewalks in the public streets and alleys of the Village, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and cross walks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks. The Council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the Council shall, by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the Council may by a two-thirds vote of all the Trustees elect pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund, or from the street district fund of any street district in which such walk may be located.

Section 9. The Council shall also have power either by ordinance or resolution to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuicances; PROVIDED, That the Council may, by a two-thirds vote of all the Trustees elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the Village, and for the removing of all ice and snow therefrom, and for keeping the same free from incumbrances, and pay the expense thereof from the general street fund, or from the street district fund of any street district in which such sidewalk may be located.

Section 10. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last section, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the Council in respect to such sidewalks, within such time and such manner as the Council shall require, the Council may cause the same to be done, and such sidewalk to be constructed or repaired, at the expense of such owner or occupant, and the Council may cause the amount of all expenses incurred thereby, together with a penalty of ten percent in addition thereto, to be reported to the Board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalks, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessments provided for this act; and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the Council shall order the assessor of the Village to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other Village taxes; or the Village may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with cost of suit.

Section 11. The Council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

Section 12. The Council shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate or abolish any highway, street, lane, alley, sidewalk, sewer, drain, water course, bridge, or culvert in the Village whenever they shall deem the same a public improvement, or necessary for the public convenience; and if in so doing shall be necessary to take or use private property, the same may be taken in the manner provided in this act. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments, or in the discretion of the Council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the General Highway Fund.

Section 13. When the Council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto: notice of such meeting, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Council may be filed with the Clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a vote of two-thirds of the Trustees elect.

Section 14. The Council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the Clerk in a book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, or accepted and confirmed by them to be recorded in like manner, and such record shall be prima facie evidence of the

existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

Section 15. The Council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the Village, and to require improvements and buildings, adjacent to, or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade; and the Council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the Clerk.

Section 16. Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be charged without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided in chapter thirteen of this act or said damages may be ascertained and agreed upon by and between the Village and the owner or occupant of such premises.

PAVING AND IMPROVEMENTS

Section 17. The Council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the Village.

Section 18. The expense of constructing and maintaining bridges, and the whole, or such part as the Council shall determine, of the expense of improving and working, including grading and graveling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the Village; or, the Village may be divided into street districts, and a part of the whole expense of improving and working the streets, in each district may be paid from a street district fund, to be raised by a tax upon the property in the district. The expense of grading, paving, graveling and planking any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street; or a part of such expense may be so paid and the remainder may be paid from the general highway fund, or from the street district fund, as the Council may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The term paving shall include curbing and the construction of cross walks in the paved streets.

Section 19. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the Village, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement as in the opinion of the Council or board of assessors making the special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in

proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the Council or Board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

Section 20. The Council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets and alleys of the Village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

Section 21. The Council may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the village, and for the protection thereof, and the trimming of all trees in or that overhang such highway, streets or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamps and lamp posts therein and protect the same.

Section 22. The Council may regulate the making of all openings in and removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the Council, and at such times and upon such terms and regulations as they may prescribe.

Section 23. The Council may regulate the use of public highways, streets, avenues and alleys of the Village, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements, banners, awnings, posts, poles or lamps in or over the streets; to regulate or prohibit all such sports, amusement proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the Village, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them for the creation or maintenance thereof, and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the Council shall have the same authority and powers over and in respect to the public streets of the Village as are conferred by law upon highway commissioners in townships.

SEWERS, DRAINS AND WATER-COURSES.

Section 24. The Council of the Village may establish, construct and maintain sewers, drains and water-courses whenever and wherever necessary, and of such dimensions and materials, and under such

regulations as they may deem proper for the drainage of the Village; and private property, or the use thereof, may be taken therefor in the manner provided by this act for taking private property for public use. But in all cases where the Council shall deem it practicable, such sewer, drain and water-courses shall be constructed in the public streets and grounds.

Section 25. Before proceeding to the construction of any sewer, drain or water-course, the expense or any part of the expense of which is to be defrayed by special assessment, the Council shall cause a map to be made of those lands and premises which in their opinion will be benefited by the drainage, and which they intend to assess for the cost of the sewer or drain. Said lands shall constitute a sewer district; and said map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the sewer through the same; also its depth, grade and dimensions. Said map, with an estimate of the cost of the proposed work, shall be deposited with the Clerk, and notice shall be given by publication in a newspaper of the Village for two weeks or by posting copies of such notice for the same length of time, in three public places in the Village, of the intention to construct the sewer or drain, and where the map and estimates aforesaid can be found, and appointing a time when the Council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

Section 26. When the Council shall determine to construct any such sewer, drain or water-course, they shall declare by resolution, designating the lands or district to be assessed, and describing, by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade and dimensions of the work, and shall state in the same resolution what part of the expense if any, is to be paid by general tax, and what part by special assessment, according to the benefits; such map and diagram as adopted shall be filed with the Clerk.

Section 27. Special assessments for the purposes aforesaid shall be made in the manner provided in chapter eighth of this act.

Section 28. Whenever the Council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements, the Council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Section 29. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the Council shall prescribe.

Section 30. The Council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon.

Section 31. Such part of the expense of providing ditches and improving water-courses, as the

Council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Section 32. The expense of repairing public sewers, ditches and water-courses may be paid by general tax. The expenses of reconstructing public sewers may be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Section 33. The Council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to the drainage of the Village.

PARTITION FENCES

Section 35. The Council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the Village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the Council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the Village.

POLICE.

Section 36. The Council of the Village may provide for and establish a police force, and may authorize the President to appoint, by and with the consent of the Council, from time to time, such number of policemen and night watchmen as they shall deem expedient for the good government of the Village, and for the protection of the persons and property of the inhabitants, and they may authorize the President of the Village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgment the occasion may require.

Section 37. The Village Marshal shall be the chief of the police, and subject to the President, shall have the direction of the police of the Village. For the preservation of the peace, the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State, or violating the ordinances of the Village in any manner involving a breach of the peace, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinance of the Council; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the Council for the good government of the Village.

PUBLIC HEALTH

Section 38. The Council of any Village may enact all such ordinances as may be deemed necessary

for the preservation and protection of the health of the inhabitants thereof; and to prevent the introduction of malignant, infectious, or contagious diseases within the Village or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the Village as the Council may prescribe and the public safety may require.

Section 39. The Council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the Village; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same upon such notice, and within such time and in such manner as the Council may by ordinance or resolution direct.

Section 40. If any cellar, vault, lot, sewer, drain, place or premises within the Village, shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the Council may cause the same to be drained, filled up, cleansed or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the Council may cause the same to be done by any officer of the Village.

Section 41. If the owner or occupant of any lot or premises, when required by the Council or board of health to remove any unsafe building or structure, or to cleanse, purify or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the Council shall incur any expense in causing the same to be done, such expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the Village in an action of debt or assumpsit against the owner or occupant of any such lot or premises.

Section 42. The Council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places for the exercise of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned or in any other place in the Village, shall become hurtful and dangerous to the health of the neighborhood, the Council may prohibit the further exercise of such business or employment at such place.

Section 43. The Council may provide for the appointment of the necessary officers and employees for the management of the Village hospital and for the care and treatment therein of such sick and diseased persons as to the Council or board of health of the Village shall deem proper; and by direction of the Council or board, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the Council may provide such restraints and punishments as may be necessary to prevent any such persons from departing from such hospital until duly discharged.

Section 44. The Council shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such

ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

Section 45. When the Council shall deem it necessary they may establish a board of health for the Village, and appoint officers therefor, and make rules for its government, and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

CHAPTER VIII

Section 1. The cost and expense of the following improvements, including the necessary lands therefor, viz., for public buildings and offices for the use of the Village officers, engine houses, and structures for the fire department, for water works, for lighting purposes, cemeteries, and parks, watch-houses, village prisons, shall be paid from the proper general funds of the Village. When, by the provisions of this law, the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

Section 2. There shall be a board of assessors in the Village, consisting of three members, who shall be freeholders and electors in the Village, to be appointed annually by the President by and with the consent of the Council, whose duty it shall be to make all special assessments. They shall take the constitutional oath of office. Their compensation shall be prescribed by the Council. Special assessments, authorized by this act, shall be made by such board. If a member of the board shall be interested in any special assessment directed by the Council, there shall be appointed some other person to act in his stead in making the assessment, who, for the purposes of that assessment, shall be a member of the board.

Section 3. When the Council shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, the Council shall cause estimates of the expense thereof to or from street district funds, and shall designate the district or lands and premeises upon which the special assessments shall be levied.

Section 4. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the Council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the Clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed by publication for two weeks at least in one of the newspapers of the Village, if any be published therein, or if not, by posting notices in three public places in the Village, and of the time when the Council will meet and consider any objections thereto.

Section 5. The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of survey, plans, assessments, and costs of construction. In no case shall the whole amount to be so levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed in the last preceding tax roll. Any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the Village.

Section 6. Special assessments, to defray the estimated cost of any improvement shall be levied or collected before the making of the improvement.

Section 7. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to the frontage or benefits, or both, the Council shall by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits, or both, and describe or designate the lots and premises, or locality constituting the district to be assessed. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the Council and the provisions of this act, applicable to the assessment, and when such assessment is completed they shall report the same to the Council. If the assessment is required to be according to the frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvements bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Section 8. When any special assessment shall be reported by the board of assessors to the Council, as in this chapter directed, the same shall be filed in the office of the Clerk, and numbered. Before adopting the assessment, the Council shall cause notice to be published for two weeks at least in some newspaper of the Village, if any be published therein, or if not, to be posted in three public places for the same length of time, of the filing of the same with the Clerk, and designating a time and place when and where the Council and board of assessors will meet to review the assessment and to hear any objections thereto.

Section 9. At the time appointed for that purpose as aforesaid, the Council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment and hear any objections thereto; and the Council shall correct the same if necessary, and confirm it as reported or as corrected; or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the Clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation.

Section 10. When any special assessment shall be confirmed by the Council, it shall be final and conclusive.

Section 11. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Section 12. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the Council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency; and in case a

larger amount shall have been collected than was necessary the excess shall be refunded ratably to those by whom it was paid.

Section 13. Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises, and the reassessment shall to that extent be deemed satisfied.

Section 14. When any special assessment shall be confirmed and be payable as hereinbefore provided, the Council may direct the assessment so made in the special assessment roll to be collected; and thereupon, the Village Clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

Section 15. Upon receiving said assessment roll and warrant, the Treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the Treasurer shall seize and levy upon any personal property found within the Village or elsewhere within the County, or within any adjoining county, belonging to such person, and sell the same at public auction, first giving six days= notice of the time and place of such sale, by posting such notices in three of the most public places in the Village or Township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Section 16. The Marshall shall pay the moneys, and all percentage collected by him, into the Village treasury, and take the Treasurer=s receipt therefor and file the same with the Clerk. The Treasurer shall also make return of said assessment roil and warrant to the Clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and promises upon which the assessments remain unpaid, and the amount unpaid on each.

Section 17. Said warrant may be renewed from time to time by the Clerk, if the Council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the Treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the Treasurer unpaid, as aforesaid, the same may be transferred to end reassessed in the next annual village tax roll, in a column headed Aspecial assessments,@ with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment, and be collected and paid in all respects as provided for collecting the Village taxes.

Section 18. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the Village, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the Village to recover judgement therefor.

Section 19. When any expense shall be incurred by the Village upon or in respect to any separate or single lot, parcel of land, or premises, which, by the provisions of this act, the Council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or persons performing the labor or services, with a description of the lot or premises upon on in respect to which the expense was incurred, and the name of the owner or persons chargeable therewith, shall be reported to the council in such manner as the Council shall prescribe.

Section 20. The Council shall determine what amount or part of every such expense shall be charged, and the persons, if known, agaisnt whom, and the premises upon which the same shall be levied, as a special assessment; and as often as the Council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively to be reported by the Clerk to the board of assessers for assessment.

Section 21. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them and against the person chargeable therewith, if known, the whole amount of amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the Council, and thereupon the same proceedings shall be had, and with like effect as is provided in this chapter in other cases of special assessments.

Section 22. Special assessment rolls to defray the cost of street paving shall be made in five parts, each part to contain a list of the lots or parcels constituting the special assessment district with the names of the owners or occupants of each lot or parcel, and one-fifth of the cost or expense of the work shall be assessed upon each one of said five parts. Such parts of the assessment roll shall be numbered one, two, three, four and five, respectively, and any person so electing may pay part one and have an extension of time for the payment of parts two, three, four and five of one, two, three and four years respectively. If part one is not paid on or before the same shall become due, the whole amount of the assessment against any lot or parcel shall be due and no extension of time shall be granted thereon. Deferred payments shall

draw interest at the rate of six per cent per annum, and if any default shall be made in the payment of an installment or of the interest thereon, the whole amount of the assessment then remaining unpaid shall mature and become due and payable, and thereupon the same proceedings shall be had for the collection of the amount still due as are authorized by this act in case the owners or occupants have not elected to pay in installments. The Village Council shall have power to issue bonds of the Village bearing not to exceed six per cent interest to the amount of the deferred payments, and pledging the faith and credit of the Village for the payment of said bonds out of the deferred payments when collected. Said bonds shall run for one, two, three and four years, and all payments made on the deferred installments shall be paid into and constitute a sinking fund for the payment of said bonds at maturity. Owners and occupants electing to pay by installments shall pay the full amount of the interest on each installment down to the maturity thereof, but may pay the principal and such interest into the Village treasury before maturity. Contractors for the laying of street paving may be required to take their pay in street paving bonds, and such bonds shall in no event be sold, or otherwise disposed of, at less than their par value. The Village Council may issue similar bonds to defray that portion of the cost and expense of any street paving chargeable to street intersections, or to lands belonging to the Village, school buildings or other public buildings or grounds, including such portion of said cost or expense as the Village Council may have decided to pay from the general highway fund or the street district fund.

CHAPTER IX

FINANCE AND TAXATION.

Section 1. The Council shall have authority to raise, by general tax upon the real and personal property liable to taxation in said Village (exclusive of taxes for highway and street purposes and not otherwise provided for in this Charter), such sum not exceeding in any one year one and one-fourth of one per cent of the assessed value of such property, as they shall deem necessary for the purpose of defraying the general expenses and liabilities of the corporation, and to carry into effect the powers in this Charter granted. The moneys so raised shall constitute a general fund.

Section 2. The Council shall also have power to raise, by general tax upon all real estate and personal property aforesaid, such sum not exceeding one-half of one per cent of the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a general highway fund, and shall be expended exclusively for working and improving the highways, streets, lanes and alleys of the Village and for the construction and repair of bridges therein.

Section 3. The Council shall have power to levy and cause to be collected, in each year, a poll-tax of one dollar upon every male inhabitant of the Village between the ages of twenty-one and fifty years, excepting active members of the fire department, and such other persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the general highway fund.

Section 4. The council may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the district in proportion to frontage or benefits, such sums as they shall deem

necessary to defray the costs of such improvements, but not to exceed in any one year five per cent of the assessed value of the property in the district chargeable with such expense. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys borrowed therefor.

Section 5. The Council may also raise annually such further sum, not exceeding five mills on the dollar of the assessed value of the property in the village, as may be needed for an interest and sinking fund to pay thje funded debt of the Village, if any, and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

Section 6. Within two weeks next preceding any annual Village election, the Council shall audit and settle the accounts of the Treasurer and other officers of the Village, and so far as practicable, of all persons having claims against the Village, and so far as practicable, of all persons having claims against the Village, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the year for all purposes, and the amount raised for each fund; the amount levied by special assessment, and the amount collected on each; also the items and amounts received from all other sources during the year, also the several items of all expenditures made during the year, and the objects thereof, classifying the same for each purpose separately, and containing such other information as shall be necessary to a full understanding of the financial concerns of the Village. Said statement, signed by the President and Clerk, shall be filed in the office of the Clerk, and a copy thereof published in a newspaper of the Village at least seven days previous to the next annual Village election, if one is published therein.

Section 7. The assessor of the Village subject to the provisions of this Charter shall, in each year, at and within the same time as required by the general laws of this State for the assessment of property in the Townships of this State, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the Village, and the name of the owner, agent or person liable to pay taxes therein if known, and the names of all persons liable to pay poll tax in the Village, and shall set down in such roll the valuation of such property, at its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing supervisors of Township performing like services, unless other wise in this charter provided: PROVIDED, That whenever in any year it shall not be necessary to raise any money by taxation in the Village, the Council of the Village may so determine by resolution, and when so determined by the Council they shall certify such determination to the assessor, and such assessor shall not make any assessment of property in the Village for such year; AND PROVIDED FURTHER, That the Council of the Village subject to the provisions of this Charter may, by resolution, direct the assessor to take the assessment and make an assessment roll on or before such date as shall be deemed to be for the best interests of the Village not later than the first day of May in each year.

Section 8. Immediately after the completion of such assessment roll, the assessor shall give notice thereof, and of the time and place in the Village, when and where the assessment will be reviewed, and that any persons deeming themselves aggrieved by the assessment may then be heard. Such notice shall be given by posting copies thereof in six public places in the Village, not less than seven days before the day of review, and by publishing the same in a newspaper of the Village, if any, the same length of time.

Section 9. The assessor and two qualified freeholders and electors of the Village, to be annually

appointed by the Council, shall constitute a board of review of the assessments. At the time appointed for the review, the board shall meet at the place designated in the notice and continue in session two days, for the purpose of reviewing and correcting such assessments; and for such purpose the board of review shall have the same powers, and perform like duties in all respects, as are conferred upon and required of boards of review in Townships, in reviewing assessments in Townships. They shall hear the complaints of all persons considering themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the board shall correct the roll in such manner as they shall deem just: PROVIDED; That the Council of the Village may by resolution passes at least seven days before the meeting of the board, determine that the board shall remain in session but one day, until such time as the population of the Village exceeds one thousand inhabitants.

Section 10. Said board of review shall make a record of all changes made in the roll, which record shall be signed by them and deposited with the Clerk.

Section 11. Immediately after the review of the assessment roll as aforesaid, the board of review shall certify the roll under their hands to the Council.

Section 12. The Council, after an examination of the assessment roll, shall certify the same to the assessor, together with the amount which they require to be raised by general tax, for highway purposes; and all amounts of special assessments which they require to be reassessed upon any lands, premises, or against any person, with a particular description of the lands and property to be reassessed, and the amounts to be reassessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with such tax, which certificate, endorsed upon or annexed to the roll, shall be signed by the President and Clerk.

Section 13. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding section, the assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes, in one column; the general highway taxes in another column; the street district taxes, if any, in a third column; all special assessment taxes in a fourth column; and shall also set down in another column on the roll one dollar opposite the name of every person liable to pay a poll-tax in the Village; and the total of all taxes assessed to each valuation shall be carried into the last column of the roll. The assessor shall also foot up the amounts carried to the last column, as aforesaid, and certify upon the roll the aggregate amounts of the taxes levied therein.

Section 14. After extending the taxes aforesaid, and not later than the third Monday of June in each year or in case the Council shall have fixed by resolution in accordance with the provide in section seven of this chapter, not later than the first Monday in May the assessor shall cause said assessment roll, certified under his hand, to be delivered to the Treasurer, with the warrant of the President of the Village annexed thereto, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods, and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein to be named, not less

than thirty nor more than fifty days from the date of said warrant. The President may renew said warrant from time to time, by order of the Council and for such time as the Council shall direct: PROVIDED, That the time shall not be extended later than the third Monday of October in any year.

Section 15. Immediately upon receiving the tax roll, with the warrant thereto annexed, as provided in section fifteen, the Treasurer shall proceed to collect the taxes levied therein according to the direction of said warrant, together with such percentage thereon for collection fees as shall be authorized by the Council.

Section 16. In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the Treasurer shall levy the same by distress and sale of the goods and chattels of the said person liable to pay the same, wherever such goods and chattels may be found, either in said Village or elsewhere in the County where the Village is located, to-wit: the County of Ionia, or in any adjoining County, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers, and for such purpose and for the collection of the taxes aforesaid, the Treasurer may bring suit therefor, and shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of Township Treasurers, in the collection of taxes levied in Townships.

Section 17. Within one week after the expiration of the time limited in the warrant for the collection of the taxes levied in said roll, or within one week after the time to which said warrant may have been renewed or extended, if the Treasurer has been unable to collect any of the taxes on his roll on real property, it shall be his duty to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returns by Township Treasurers. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and amount of charges shall be collected thereon, and all taxes upon lands so returned upon lands as delinquent shall be and remain a lien thereon until paid; PROVIDED; That the County Treasurer shall at the time that he makes his return to the auditor general of delinquent taxes assessed under the general tax laws, also make a return of all Village taxes that were returned delinquent to his office and remaining unpaid on the first day of March of the year in which the return is made.

Section 18. Moneys received for such sale shall be paid over to the Village Treasurer. All of the provisions of the general tax law relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this act.

Section 19. Whenever the Treasurer shall be unable to collect any tax assessed upon personal property in the Village it shall be lawful for the Treasurer of the Village to bring suit, in the name of the Village, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means provided by law for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, brought by Township Treasurers in the name of their Township for such purposes shall apply.

Section 20. The Council shall borrow, in any year, in anticipation of the collection of taxes for the same year, such sum, not exceeding one-fourth of the tax, as may be necessary to defray current expenses. The money so borrowed shall be repaid from such tax when collected. And they may in like manner borrow, in anticipation of the collection of special assessments actually made for any local improvement, such sum, not exceeding the assessment as may be necessary for the prosecution or completion of the improvement; and the assessment, when collected, shall be applied in payment of the loan.

Section 21. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings, or for other necessary corporate purposes, than can be raised by the Council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a two-thirds vote of the electors voting upon the question at an annual or special Village election. The amount that may be voted or raised, in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the Village, as shown by the last preceding tax roll made therein.

Section 22. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the Council, distinctly stating the purpose of the expenditure for which said money is required, the amount proposed to be raised therefor, and whether by tax or loan, and appointing the time when the vote will be taken. Such ordinance or resolution shall be published at least twice in a newspaper in the Village, if any is printed therein, and copies of the resolution or ordinance shall be posted in six of the most public places in the Village at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot: the contents of the ballots shall be prescribed in the ordinance or resolution submitting the proposition to the electors.

Section 23. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the Council, and upon the warrant of the Clerk, countersigned by the President. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the Village.

Section 24. No loans shall be made by the Council, or by its authority in any year, exceeding the amounts prescribed in this chapter. For any loans lawfully made, the bonds of the Village may be issued bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the Clerk. When deemed necessary by the Council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the Village. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Section 25. Every bond issued by the Village, shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such Village to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction

thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the Court.

Section 26. The Village of Clarksville shall have no power to levy or collect taxes for municipal purposes at a rate in excess of two per cent per annum of the assessed value of all the real and personal property in the Village.

Section 27. The Village shall not issue any bonds without creating a sinking fund for the payment of the same, except such assessment bonds which are a charge upon a special district created for the payment thereof, and serial bonds payable annually.

Section 28. The Village shall not incur any indebtedness by the issuing of bonds or otherwise, in any sum which, including existing indebtedness shall exceed eight per centum of the assessed valuation of the real and personal property within the Village, subject to taxation as shown by the last preceding assessment roll of the Village. Money on hand in sinking fund limited to the payment of indebtedness may be treated as a reduction of such indebtedness to that extent: PROVIDED, That in the case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the Village, or for the repairing or rebuilding of any of its municipal buildings, works, bridges or streets, the legislative body of the Village may borrow money due in not more than three years and in an amount not exceeding one-fourth of one percentum of the assessed valuation of the Village, notwithstanding such loan may increase the indebtedness of the Village beyond the limitations fixed by its Charter or the laws of the State of Michigan.

Section 29. All Village taxes shall be due and payable at the office of the Village Clerk from July 1st. to July 31st. inclusive in each year, and collections shall be made and enforced as provided in the general laws of the State of Michigan governing such matters, except as to time of collection, and all Village taxes shall be due and payable to the Village Treasurer at his office or place which may be designated by him in notice to the taxpayers either published or posted, from July 1st. to July 31st. inclusive, from nine A.M. to four P.M., Sundays and Holidays excepted, and if paid before July 31st. no penalty or collection fee shall be added, but if not paid until after July 31st. then a penalty or collection fee of five per cent shall be added.

Section 30. The fiscal year of the Village shall commence on the second Monday after election in march of each year.

Section 31. The revenues raised by general taxation on all the property of the Village, or by bonds or loans to be repaid by such tax, shall be divided into the following funds and such other funds as the Council may by resolution establish;

First; Salary Fund - To pay the salaries of the various Village officials.

Second; Fire Department Fund - To take care of the expenses of the Fire Department.

Third; Lighting Fund - For the construction, purchase and maintenance of the public lights of the Village, or the payment of the rental to such persons as may furnish lights for the Village.

Fourth; Streets and Walks Fund - For the grading, graveling, improving, repairing and cleaning streets and alleys, and for the construction and repair of crosswalks and sidewalks, and the care of same.

Fifth; Water Fund - For maintaining, operating and extending a system of water works for the Village, for constructing reservoirs, cisterns or wells and providing and furnishing to the inhabitants of the Village a sufficient supply of pure water.

Sixth; Interest and Bond Fund - For paying interest and principal on bonds.

Seventh; Printing Fund - For the payment of official Village printing.

Eighth; Contingent Fund - To take care of contingents and such other expenses as are not provided for by other funds.

Section 32. All revenues received from special assessment shall be kept in special assessment funds and shall be used for no other purpose except that for which they were raised.

CHAPTER X.

FIRES AND FIRE DEPARTMENT.

Section 1. The Council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom: and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to appoint and employ firemen; to make and establish rules and regulations for the government of the department, the employees, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department.

Section 2. The Council may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the Village, and make all necessary provisions for a convenient supply of water for the use of the department.

Section 3. The Council may also provide or erect all necessary buildings for keeping the engines, carriages, teams and fire apparatus of the department.

Section 4. The Council may provide by ordinance or resolution for the appointment of a chief of the fire department, who shall be subject to the direction of the President and the regulations of the council; shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property.

Section 5. When the population of the Village shall be five hundred or more the Council may prescribe by ordinance, the limits or districts within the Village, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such district, with respect to protection against fire, and the material of which the outer walls and

roofs shall be constructed.

Section 6. The Council of the Village may prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the Council, the danger or hazard from fire is thereby increased. They may regulate the storing of gunpowder, oil, gasoline, kerosene, and other combustible and explosive substances, and the use of lights in buildings, and generally may pass such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Section 7. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the Council.

Section 8. The officers and members of the fire department shall receive such compensation as the Council may, from time to time, determine by resolution.

CHAPTER XI

WATER WORKS.

Section 1. Whenever the Village shall have a resident population of five hundred or over, it shall have authority to purchase or construct and maintain water works for the introduction of water into the Village, and supplying the Village and inhabitants thereof with pure and wholesome water: for the extinguishment of fires; the ordinary and extraordinary use of the inhabitants thereof; and for such other purposes as the Council may prescribe.

Section 2. Whenever the Council shall deem it for the public interest, and such population shall exceed five hundred as hereinbefore stated, such water works may be purchased or constructed and maintained beyond the corporate limits of the Village; and in such case the Council shall have full authority to enforce beyond the corporate limits of the Village, within the County of Ionia, in which the Village is situated, and over the buildings, machinery and other property connected with such water works, in the same manner and to the same extent as if they or it were within the Village, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof, and may likewise pass all such ordinances, and adopt such resolutions, as may be necessary for the care, protection and control of the water works, and all appurtenances thereto, in every instance whether erected or maintained wholly within the Village or beyond.

Section 3. If it shall be necessary, in the judgement of the Council to appropriate private property for the construction, maintenance and operation of the water works, such property may be acquired by proper condemnation proceedings under the general laws of the State of Michigan, as provided in other cases for the taking of private property for public use.

Section 4. The Council may construct from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such Village and the inhabitants thereof, with water, upon such terms and conditions as may be agreed; and

may grant to such person, persons, or corporation the right to the use of the streets, alleys and public grounds of such Village as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of the Village, and the inhabitants thereof, upon such terms and conditions as shall be specified in such contracts.

CHAPTER XII

LIGHTING.

Section 1. It shall be lawful for the Village of Clarksville when it shall have reached a resident population or not less than five hundred inhabitants, to acquire by purchase or to construct, operate and maintain either independently or in connection with the water works of the Village, either within or without the Village, works for the purpose of supplying such Village and the inhabitants thereof, or either with gas, electric or other lights, at such times and on such terms and conditions as the Council of the Village shall direct.

Section 2. Whenever the Council of the Village shall, by resolution, declare that it is expedient for the Village to acquire by purchase, or to construct as the case may be, works for the purpose of supplying the Village and the inhabitants thereof, or either, with gas electric or other lights, then the Council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

Section 3. In case the Council shall declare that it is expedient for the Village to acquire by purchase or to construct, as the case may be, works for the purpose of supplying the Village and the inhabitants thereof, or either, with electric or other lights, then the Council shall cause to be made and recorded in their proceedings an estimate of the expense thereof and the question of raising the amount required for such purpose shall be submitted to the electors of the Village at its annual election, or at special election called for that purpose by the Council as provided in this Charter, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

Section 4. It shall be lawful for any such Village to borrow any sum of money not exceeding five per cent of the assessed value of the the property in the Village as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The Council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the Village therefor, but the rate of such interest shall not exceed six per cent per annum, and such bonds shall not be sold for less than their par value: PROVIDED, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense therefor provided for in section three of this chapter.

Section 5. After lighting works have been purchased or constructed as aforesaid, in the Village, the Council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the Village: PROVIDED, That the sum to be so raised, in any one year, shall be included in and shall not increase the total amount which, by the provisions of section one of chapter nine of this charter, the Council is authorised to raise.

Section 6. The Council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of the Village with lights.

Section 7. The Council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of the Village or the inhabitants thereof, or both, with gas, electric or other lights, upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys, and public grounds of the Village as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

Section 8. The Council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

CHAPTER XIII.

APPROPRIATION OF THE PRIVATE PROPERTY.

Section 1. Private property may be taken and appropriated for public use in the Village of Clarksville for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces: for sewers, drains and ditches, for public hospitals, pest houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

Section 2. If it shall become necessary to take and appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the Village either in the manner, and with like effect, as provided by the general laws of this State relating to taking of private property for public use in cities and Villages.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

Section 1. The term Village, whenever used in this Charter, shall be construed to mean the Village of Clarksville, and whenever the word Act is referred to herein, it shall mean this Charter.

Section 2. Whenever the governing body of the Village of Clarksville is herein described or referred to as the board of trustees, the trustees, or Common Council, it shall be construed to mean the body herein described and referred to as the Village Council of the Village of Clarksville.

Section 3. When, by the provisions of this Charter, notice of any matter or proceeding is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same when required to be by posting, shall be prima facie evidence of the facts therein contained: PROVIDED, That same be filed with the Village Clerk within six months from the date of the last publication thereof, or of posting the same.

Section 4. Whenever any judgement or decree of any court shall be rendered or decreed against the Village, and the Village shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the Council of said Village to issue the bonds of such Village to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such times and place and at such rate of interest, not exceeding six per cent per annum, as shall be prescribed by the Council, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by said Council.

Section 5. No lands or premises shall hereafter be laid out, divided and platted into lots, streets, and alleys, within any such Village, except by permission and approval of the Council by resolution passed for that purpose; nor until the proprietor shall file with the Village Clerk a correct survey, plan, and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the Council, and made to their satisfaction: showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the Village; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of register of deeds of the County in which the Village is located, to-wit; the County of Ionia, until a certificate has been endorsed thereon by the Clerk of the Village, under the seal of the Village, showing that such plat and dedication has been approved by the Council; nor shall the Village, by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys excepting such as the Council shall accept and confirm by ordinance or resolution.

Section 6. The President or any members of the Board of Trustees of the Village of Clarksville, may administer an oath or affirmation to any person required to make a statement or called upon for testimony concerning any matter pending before the Council, or any officer of the Village, and any person testifying falsely, or making false statement under such oath, shall be subject to the pains and penalty of perjury.

Section 7. If in any case it becomes necessary for the Village to appeal to any of the Courts of this State, no appeal bonds shall be required on behalf of the Village, but in case the Village be defeated, the judgment against the Village, if any, and costs, if any, shall be collected in the manner provided by law.

Section 8. Offices shall become vacant upon the occurrence of any of the following:

- (a) Death of incumbent.
- (b) Resignation of incumbent.

- (c) Permanent disability of incumbent.
- (d) Removal of incumbent from office.
- (e) Removal of incumbent from Village.
- (f) By such other means as may be provided by law.

Resignation shall be to the Council in writing, and shall be subject to its approval and acceptance.

Section 9. Should any portion of this Charter be declared void, illegal or unconstitutional, such findings shall not invalidate the remainder of the Charter.

Section 10. The Council is hereby authorized to pass and put in force any and all ordinances which may be found necessary to carry into effect any of the provisions of this Charter, wherein the method of carrying into effect any of said provisions has not been set forth in detail; and no section or provision of this Charter shall be held inoperative by reason of a lack of sufficient detail to carry the same into effect, but the detail thereof may be supplied by proper ordinance passed by the Council.

Section 11. There shall be but one election district in the Village of Clarksville until such time as the population shall exceed one thousand persons. All elections shall be held at the Hall in said Village.

Section 12. The Clerk of the Village of Clarksville shall obtain a proper book for the registration of the electors of said Village, and all persons desiring to vote at any annual or special election held after the adoption of this Charter shall have their names properly registered in said book of registration at least twenty days prior to the second Monday in March in each year.

Section 13. All sessions of the legislative body of the Village and all records of the municipality shall be open to the examination of the public.

Section 14. All accounts shall be kept in a systematic manner and shall conform to any uniform system required by law.

Section 15. At the first election held under this Charter, which shall be at the same time as the submission thereof to the electors of said Village, voting upon the question of its adoption, there shall be elected a President, one Clerk, one Treasurer, and one Assessor and six Trustees, three of whom shall hold office from the date of their election until the second Monday in March, 1926, and three of whom shall hold office until the second Monday in March, 1927, and at the regular election held on the second Monday in March, 1926, there shall be elected three Trustees for a period of two years, and at each annual election thereafter three Trustees shall be elected for a period of two years, as hereinbefore provided in this Charter.

Section 16. Candidates for the Village officers to be elected at the first election, under the provisions of this Charter, shall be nominated by caucus of the several political parties now recognized in the State of Michigan as having a standing as political parties, or by a non-partisan caucus or caucuses to be held on the _____ day of May, 1925, at 2:00 in the afternoon of such day, and to be held at _____ Hall.

Clarksville - Charter

Section 17. This Charter shall be submitted to the qualified voters residing within the territorial limits of the Village of Clarksville for adoption at a special election hereby called to be held in said Village of Clarksville on Monday, the fifteenth day of June, 1925, to be held at Nash Hall in said Village, at which time the polls will be open at seven o'clock in the morning, and held open until five o'clock P.M. of said day. Central standard time, and at the same time of voting upon the question of adopting this Charter, the elective officers hereinbefore provided for will be voted on and elected.

Section 18. The Charter Commission framing this Charter hereby designate and appoint the following persons as inspectors of the first election held under this Charter and voting upon the adoption thereof to-wit: and a canvassing board of three electors of said Village to canvass the votes cast at such election and declare the results, to-wit: and if the said Charter be adopted then the said persons so elected as Village officers shall take the constitutional oath of office before any person authorized to administer oaths, and at once enter upon the discharge of their official duties for the respective term as hereinbefore provided.

We, the undersigned Charter Commissioners of the Village of Clarksville, Ionia County, Michigan, hereby submit the above as the Charter for the Village of Clarksville.

Dated, _____, 1925

Signed:

Milo T. Norcutt

Marvin A. Harvey

Frank E. Brooks

Claude E. Scoville

Clarence E. Marvin

Approved, May 5th, 1925

Alex J. Gosebeck, Governor

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 How code designated and cited
- 10.02 Definitions
- 10.03 Section catchlines and other headings
- 10.04 Certain ordinances not affected by code
- 10.05 Continuation of ordinances
- 10.06 Prior rights, offenses, and the like
- 10.07 Ordinances repealed not reenacted
- 10.08 Amendments to code
- 10.09 Supplementation of code
- 10.10 Separability of provisions

- 10.99 General penalty

▸ 10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the Clarksville Code.

Statutory reference:

Codification authority, see M.C.L.A. ' 117.5b

▸ 10.02 DEFINITIONS.

(A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COUNCIL. The Council of the Village of Clarksville, Michigan.

CODE. The Clarksville Code as designated in ' 10.01.

Clarksville - General Provisions

COMPUTATION OF TIME. The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

COUNTY. County of Ionia, Michigan.

JUVENILE. Any person under 17 years of age.

MINOR. A person under 21 years of age.

MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by this code or any ordinance of the village, but which is not a crime under this code or any other ordinance of the village, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered, as authorized by Public Act 236 of 1961, Ch. 87, being M.C.L.A. ' ' 600.8801 through 600.8835. A **MUNICIPAL CIVIL INFRACTION** is not a lesser included offense of any criminal offense in this code.

OFFICER, DEPARTMENT, BOARD, AND THE LIKE. Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words Aof Clarksville, Michigan.@ Whenever, by the provisions of this code, any officer of the village is assigned any duty or empowered to perform any act or duty, reference to that officer shall mean and include the officer or his or her deputy or authorized subordinate.

ORDINANCES. The ordinances of Clarksville and all amendments thereto.

PERSON. Any natural individual, firm, trust, partnership, association, or corporation. Whenever the word **PERSON** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners, or members thereof, and as applied to corporations the word includes officers, agents, or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE. The term **THE STATE** or **THIS STATE** shall be construed to mean the State of Michigan.

TRUSTEE. The Trustees of the Village of Clarksville.

VILLAGE. The Village of Clarksville, Michigan.

VILLAGE COUNCIL or **COUNCIL.** The Council of Clarksville, Michigan.

10.03 SECTION CATCHLINES AND OTHER HEADINGS.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of the sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted. No provision of this code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, subchapter, or division.

10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(A) Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. The ordinances are on file in the Village Clerk=s office.

(B) (1) Promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village=s indebtedness, or any contract or obligations assumed by the village;

(2) Containing any administrative provisions of the Village Board;

(3) Granting any right or franchise;

(4) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like any street or public way in the village;

(5) Making any appropriation;

(6) Levying or imposing taxes;

(7) Establishing or prescribing grades in the village;

(8) Providing for local improvements and assessing taxes therefor;

(9) Dedicating or accepting any plat or subdivision in the village;

(10) Extending or contracting the boundaries of the village;

(11) Prescribing the number, classification, or compensation of any village officers or employees;

(12) Prescribing specific parking restrictions, no-parking zones; specific speed zones; parking meter zones; and specific stop or yield intersections or other traffic ordinances pertaining to specific streets;

(13) Pertaining to rezoning; and

(14) Any other ordinance, or part thereof, which is not of a general and permanent nature.

▪ **10.05 CONTINUATION OF ORDINANCES.**

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of the ordinances and not as new enactments.

▪ **10.06 PRIOR RIGHTS, OFFENSES, AND THE LIKE.**

Any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time of adoption of this code shall not be affected by the adoption, but may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if the adoption had not been effected.

▪ **10.07 ORDINANCES REPEALED NOT REENACTED.**

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

▪ **10.08 AMENDMENTS TO CODE.**

(A) Amendments to any of the provisions of this code shall be made by amending those provisions by specific reference to the section number of this code in the following language: AThat section _____ of the Clarksville Code is hereby amended to read as follows: . . .@ The new provisions shall then be set out in full as desired.

(B) If a new section not heretofore existing in the code is to be added, the following language shall be used: AThat the Clarksville Code is hereby amended by adding a section, to be numbered _____, which section reads as follows: . . .@ The new section shall then be set out in full as desired.

10.09 SUPPLEMENTATION OF CODE.

(A) By contract or by village personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Village Board. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in the catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words Athis ordinance@ or words of the same meaning to Athis chapter,@ Athis subchapter,@ Athis division,@ and the like, as the case may be, or to Asections _____ to _____@ (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

10.10 SEPARABILITY OF PROVISIONS.

Each section, paragraph, sentence, clause, and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

10.99 PENALTY.

(A) *General penalty.* Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both the fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, the greater penalty shall control. Each act of violation and every day upon which any 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 the penalty is re-enacted in the amendatory ordinance.

(B) *Civil infraction.*

(1) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. Act. No. 236 of the Public Acts of 1961, as amended.

AUTHORIZED OFFICIAL. Any public officer, agent or personnel authorized by the village Charter, a village ordinance, or a village resolution to issue municipal civil infractions and/or any police officer having jurisdiction within the village.

MUNICIPAL CIVIL INFRACTION. An act or omission that is prohibited by any ordinance, but which is not a crime, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act. No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this division that is a criminal offense.

MUNICIPAL CIVIL INFRACTION ACTION. A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION. A written complaint or notice prepared by an authorized official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

(2) *General penalties and sanctions for violations of ordinances; continuing violations; injunctive relief.*

(a) Unless a violation of an ordinance is specifically designated in the ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(b) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this division, plus any cost, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws.

1. Unless otherwise specifically provided for, the civil fine for a particular municipal civil infraction violation shall be not less than \$100, plus costs and other sanctions, for each infraction.

2. Increased civil fines may be imposed for repeated violations by a person of any ordinance provision. As used in this section, A repeat offense@ means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within any 12-month period, unless some other period is specifically provided by ordinance and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

A. The fine for any offense which is a first repeat offense shall be no less than \$250, plus costs.

B. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500, plus costs.

C. A violation includes any act which is prohibited by any ordinance or any omission or failure to act where the act is required by any ordinance.

D. Each day on which any violation of any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

E. In addition to any remedies available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the ordinance. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation of this division.

(3) *Action: commencement.* A municipal civil infraction action may be commenced upon the issuance by an authorized official of a municipal civil infraction citation directing the alleged violator to appear in court.

(4) *Citations; issuance and service.* Municipal civil infraction citations shall be issued and served by authorized officials as follows:

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

(b) The place for appearance specified in a citation shall be the District Court.

(c) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the authorized official and issued to the alleged violator as provided by Section 8705 of the Act.

(d) A citation for a municipal civil infraction signed by an authorized official shall be

treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: AI declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief@.

(e) An authorized official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

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

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

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

(g) Municipal civil infraction citations shall be served by an authorized official as follows:

1. Except as provided by subsection 2. below, an authorized official shall personally serve a copy of the citation upon the alleged violator.

2. If the municipal civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy of the citation or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner=s last known address.

(5) *Contents.*

(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

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

1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

2. Admit responsibility for the municipal civil infraction with explanation by mail by the time specified for appearance or, in person, or by representation.

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

A. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the authorized official or municipal attorney.

B. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

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

2. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

3. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the authorized official acting on behalf of the village.

4. That at an informal hearing, the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

5. That at a formal hearing, the alleged violator must appear in person before a judge and shall have the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

(Ord. 44, passed 3-7-2011)

TITLE III: ADMINISTRATION

Chapter

30. VILLAGE ORGANIZATIONS

31. VILLAGE OFFICIALS

32. EMERGENCY MANAGEMENT

33. FINANCES

34. VILLAGE POLICIES

CHAPTER 30: VILLAGE ORGANIZATIONS

Section

Planning Commission

- 30.01 Creation
- 30.02 Membership; appointment; terms
- 30.03 Meetings
- 30.04 Powers and duties
- 30.05 Staff
- 30.06 Approval, ratification, and reconfirmation
- 30.07 Effective date

Editor=s note:

The resolution or ordinance establishing the previous Village Planning Commission under the Municipal Planning Act, Public Act 285 of 1931, being M.C.L.A. ' ' 125.31 through 125.45, is hereby repealed.

PLANNING COMMISSION

‘ 30.01 CREATION.

There shall be a Planning Commission pursuant to Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. ' ' 125.3801 et seq., hereinafter referred to as the Commission, with the powers and duties as set forth herein. This subchapter shall be officially known as the AClarksville Planning Commission Ordinance.@
(Ord. 42, passed 5-3-2010)

‘ 30.02 MEMBERSHIP; APPOINTMENT; TERMS.

(A) *Members.* The Commission shall consist of five or seven members appointed by the Village President subject to approval of the majority of the members of the Village Council. One member may be a member of the Village Council who shall be an ex officio member. The term of office of the ex officio member shall coincide with his or her elected term of office on the Village Council. To be qualified to be a member and remain a member of the Commission, the individual shall meet the following qualifications:

Clarksville - Administration

(1) Shall be a qualified elector of the village, except that two members may be non-qualified electors who live outside the boundaries of the village; and

(2) Shall not be an employee of the village, except that a member of the Village Council shall serve on the Commission as required by division (A) of this section.

(B) *Representation; major interests.* The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the village in accordance with the major interests as they exist in the village as follows:

- (1) Natural resources;
- (2) Recreation;
- (3) Education;
- (4) Public health;
- (5) Government;
- (6) Transportation;
- (7) Industry; and
- (8) Commerce.

(C) *Representation; geography.* The membership shall also be representative of the entire geography of the village to the extent practicable, and as a secondary consideration to the representation of the major interests.

(D) *Terms of office; vacancies.*

(1) Members shall be appointed for three-year terms. However, when first appointed, a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of one-third of all Commission members will expire each year.

(2) If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third of all Commission members continue to expire each year. A member shall hold office until his or her successor is appointed.

(E) *Chairperson.* An ex officio member of the Planning Commission shall not serve as the Chairperson of the Planning Commission.

(F) *Removal from office.* The Village Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

(G) *Membership compensation.* All members of the Planning Commission shall serve as such with compensation as established by resolution of the Village Council.

(H) *Membership transition.* The transition from the previous Clarksville Planning Commission and the Commission established in this subchapter shall be gradual and shall take place over the next three years. The Village Council shall continue to make annual appointments, appointing approximately one-third of the membership of the Commission as specified in this subchapter, so that three years from the effective date of this subchapter the membership, membership representation, and number of members have completed the transition to fully comply with this subchapter and Public Act 33 of 2008, the Michigan Planning Enabling Act, M.C.L.A. ' ' 125.3801 et seq. All other aspects of this subchapter shall have immediate effect.

(Ord. 42, passed 5-3-2010)

' 30.03 MEETINGS.

(A) The Commission shall hold not less than four regular meetings per year. Regular meetings of the Commission shall be held once per month as necessary. A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of the Commission.

(B) An affirmative vote of the majority of the Commissioners present, provided there is a quorum, shall be required for the approval of any requested action or motion placed before the Commission.

(C) The affirmative vote of the majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a Master Plan.

(Ord. 42, passed 5-3-2010)

' 30.04 POWERS AND DUTIES.

(A) The Commission shall have its powers and duties as set forth in Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. ' ' 125.3801 et seq.; and Public Act 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act (M.C.L.A. ' ' 125.3101 et seq.).

(B) In addition, duties shall include the following:

(1) Take action on petitions, staff proposals, and Village Council requests for amendments to the zoning ordinance as required;

(2) Take action on petitions, staff proposals, and Village Council requests for amendments to

the Master Plan as required;

(3) Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings, and determinations;

(4) Prepare an annual report to the Village Council concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development;

(5) (a) The Planning Commission, assisted by village staff, may prepare an annual Capital Improvements Program (CIP) if so directed by the Village Council as part of the village budget process. The CIP shall show those public structures and improvements in their general order of priority that will be needed or desirable and can be undertaken within the ensuing six-year period. The CIP shall be forwarded as a recommendation to the Village Council if prepared by the Planning Commission.

(b) If the Village Council does not direct the Planning Commission to prepare the CIP, then the Village Council, after the Master Plan is adopted, shall prepare or cause to be prepared by the Village President or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six-year period.

(6) (a) Review subdivision and condominium proposals and recommend appropriate actions to the Village Council; and

(b) Prepare special studies and plans, as deemed necessary by the Planning Commission or Village Council and for which appropriations of funds have been approved by the Village Council, as needed.

(7) Attend training sessions, conferences, or meetings as needed and as recommended by village staff, the Village Council, Village President, or the Chair of the Commission to properly fulfill the duties of a Planning Commissioner and for which appropriations of funds have been approved by the Village Council, as needed.

(Ord. 42, passed 5-3-2010)

• **30.05 STAFF.**

(A) The Commission may recommend to the Village Council the hiring of a planning consultant or other planning staff within the budget provided for this purpose.

(B) The appointment of a planning consultant and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of the village.

(Ord. 42, passed 5-3-2010)

▪ **30.06 APPROVAL, RATIFICATION, AND RECONFIRMATION.**

All official actions taken by the Village Planning Commissions preceding the Commission created by this subchapter are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this subchapter shall continue with the Commission created by this subchapter, subject to the requirements of this subchapter, and shall be deemed a continuation of any previous Village Planning Commission. This subchapter shall be in full force and effect from and after its adoption and publication.

(Ord. 42, passed 5-3-2010)

▪ **30.07 EFFECTIVE DATE.**

This subchapter shall become effective upon its adoption and publication, on May 8, 2010, as provided by Village Charter.

(Ord. 42, passed 5-3-2010)

CHAPTER 31: VILLAGE OFFICIALS

Section

- 31.01 Staggering terms of office
- 31.02 Village President
- 31.03 Village Clerk
- 31.04 Village Trustees
- 31.05 Village Treasurer

Cross-reference:

Duties of village officials, see Charter

▸ **31.01 STAGGERING TERMS OF OFFICE.**

The term of each Trustee, the Clerk, and Treasurer shall be four years, the term of the President shall be two years, the terms of Clerk and Treasurer are staggered, and the terms of all Trustees be staggered. (Res. 2005-03, passed 12-5-2005; Res. passed 2-6-2006)

▸ **31.02 VILLAGE PRESIDENT.**

As of January 1, 2009, the salary of the Office of President is adjusted to an amount, per Village Council meeting attended, as determined by the Village Council from time to time. (Res. 2008-01, passed 11-3-2008)

▸ **31.03 VILLAGE CLERK.**

As of January 1, 2009, the salary of the Office of Village Clerk is adjusted to an amount, annually, as determined by the Village Council from time to time. (Res. 2008-02, passed 11-3-2008)

▸ **31.04 VILLAGE TRUSTEES.**

(A) As of January 1, 2009, the salary of the Office of Trustee, for those Trustees elected November 4, 2008, is adjusted to an amount, per Village Council meeting attended, as determined by the Village Council from time to time.

(B) As of January 1, 2009, the salary of the Office of Trustee, for those Trustees elected before

November 4, 2008, remains as previously determined per Village Council meeting attended, as determined by the Village Council from time to time.

(Res. 2008-03, passed 11-3-2008; Res. 2008-04, passed 11-3-2008)

' 31.05 VILLAGE TREASURER.

As of January 1, 2009, the salary of the Office of Treasurer shall be an amount, annually, as determined by the Village Council from time to time.

(Res. 2008-05, passed 11-3-2008)

CHAPTER 32: EMERGENCY MANAGEMENT

Section

32.01 National Incident Management System adopted

▪ 32.01 NATIONAL INCIDENT MANAGEMENT SYSTEM ADOPTED.

The Village Council hereby adopts the National Incident Management System (NIMS) as the foundation and standard for incident management, command, coordination, and support activities. It shall further be the policy of the village to provide appropriate training on the National Incident Management System (NIMS) and its core components to public personnel responsible for managing and/or supporting major emergency and disaster operations.

(Res. 2006-02, passed 7-10-2006)

CHAPTER 33: FINANCES

Section

Public Safety and Fire Emergency Response Cost Recovery

- 33.01 Purpose
- 33.02 Definitions
- 33.03 Cost recovery authorization and procedure
- 33.04 Billing and collection of assessable costs
- 33.05 Procedure for appealing assessable costs
- 33.06 Assessable costs; lien upon property
- 33.07 Other remedies
- 33.08 No limitation of liability
- 33.09 Effective date
- 33.10 Schedule of costs

Cross-reference:

Special assessments, see Charter

PUBLIC SAFETY AND FIRE EMERGENCY RESPONSE COST RECOVERY

▪ **33.01 PURPOSE.**

In order to protect the village from extraordinary expenses resulting from the utilization of village resources in response to certain public safety or fire emergency incidents, this subchapter authorizes the imposition of charges to recover actual costs incurred by the village in responding to the incidents. (Ord. 35, passed 10-2-2006)

▪ **33.02 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSESSABLE COSTS. Those costs for services incurred by the village in connection with a

response to a public safety or fire emergency incident, including but not limited to the actual labor and material costs of the village (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal, and costs of contracted labor) whether or not the services are provided by the village or by a third party on behalf of the village (for example Campbell Township); service charges and interest; attorneys= fees, litigation costs and any costs, charges, fines, or penalties to the village imposed by any court or state or federal governmental entities.

BOMB THREATS. The verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state, or local law.

EMERGENCY ASSISTANCE. Emergency medical, public safety, police, fire, and civil defense services.

EXCESSIVE REQUESTS FOR EMERGENCY ASSISTANCE. Any request for emergency assistance made to a particular location or premises if the location or premises has requested emergency assistance more than five times in the preceding 30 days.

FALSE ALARM. Any automated or manual device designed to request or summon emergency assistance which device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior person responding to a ***FALSE ALARM***. Provided, however, a ***FALSE ALARM*** shall not be deemed to have occurred if: caused by an act of God, i.e., a lightning storm; it originates from a motor vehicle alarm system; or has not occurred more frequently than three times in a calendar month or four times in a calendar year.

HAZARDOUS MATERIAL INCIDENT OR EMERGENCY. Any occurrence, incident, activity, accident, or emergency where a release of hazardous materials occurs or is reasonably imminent, and where the designated Fire Chief or his or her designee has so declared the activity, accident, or emergency a hazardous material incident or emergency.

HAZARDOUS MATERIALS. Those elements, substances, wastes, or byproducts, including but not limited to combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health, or safety of persons or property, or to the ecological balance of the environment as determined by the Fire Chief or the senior fire official of the village (or Campbell Township) in charge at the scene.

ILLEGAL FIRE. A fire set or determined to have been set in violation of a federal, state, or local law and shall include an arson fire and a fire set in violation of a No burning@ ban or order. An ***ILLEGAL FIRE*** does not include an unintentional fire or fire caused by an act of God, i.e., a lightning storm.

MOTOR VEHICLE. Any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon

the public streets, roads, and highways and for the purposes hereof all trailers or appurtenances attached to any motor vehicle.

PUBLIC SAFETY OR FIRE EMERGENCY INCIDENT.

- (1) Excessive requests for emergency assistance;
- (2) A false alarm;
- (3) A hazardous material incident or emergency;
- (4) An illegal fire;
- (5) Bomb threats;
- (6) Threats of harm to oneself or others;
- (7) A structure demolition;
- (8) A utility line failure; or
- (9) Any time fire, police, public safety, or other emergency personnel are dispatched.

RELEASE. Any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment, including but not limited to the air, soil, groundwater, and surface water.

RESPONSIBLE PARTY. Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity responsible for a public safety or fire emergency incident, or any owner, tenant, occupant, or party in control of real and personal property from which, onto which, or related to which there is a public safety or fire emergency incident and his, her, or their heirs, estates, successors, and assigns.

STRUCTURE DEMOLITION. The tearing down of a structure damaged by fire which must, in the opinion of the Fire Chief or his or her designee, be promptly demolished following the fire to protect public safety.

THREATS OF HARM TO ONESELF OR OTHERS. The verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state, or local law.

UTILITY LINE FAILURE. The disabling of any transmission or service line, cable, conduit, pipeline, wire, or the like used to provide, collect, or transport electricity, natural gas, communication, or electronic signals (including but not limited to telephone, computer, cable television, and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of the utility line does not respond within one hour to a request to repair or correct the

failure.

(Ord. 35, passed 10-2-2006)

▪ **33.03 COST RECOVERY AUTHORIZATION AND PROCEDURE.**

(A) The village may recover all assessable costs in connection with a public safety or fire emergency incident from any or all responsible parties jointly or severally.

(B) The Village President or his or her designee shall determine the total assessable costs and shall in consultation with other village personnel involved in responding to a public safety or fire emergency incident determine whether to assess any, all, or part of the costs against any of the responsible parties. In making this determination, the following shall be considered:

- (1) The total assessable costs;
- (2) The risk the public safety or fire emergency incident imposed on the village, its residents, and their property;
- (3) Whether there was any injury or damage to person or property;
- (4) Whether the public safety or fire emergency incident required evacuation;
- (5) The extent the public safety or fire emergency incident required an unusual or extraordinary use of village personnel and equipment; and
- (6) Whether there was any damage to the environment.

(C) After consideration of the factors in division (B) immediately above, the Village President may allocate assessable costs among and between responsible parties, including allocating all or some of the costs jointly and severally against more than one responsible party, regardless of whether a responsible party has other legal liability or is legally at fault.

(D) If the Village President determines not to assess all or a part of assessable costs against a responsible party, that determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

(Ord. 35, passed 10-2-2006; Res. 2011-04, passed 12-5-2011)

▪ **33.04 BILLING AND COLLECTION OF ASSESSABLE COSTS.**

After determining to assess assessable costs against a responsible party, the Village Treasurer shall mail an itemized invoice to the responsible party at his, her, or its last known address. The invoice shall be due and payable within 30 days of the date of mailing and any amounts unpaid after that date shall bear a late payment fee equal to 1% per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid. If a responsible party shall appeal assessable costs pursuant to

' 33.05, the costs, if upheld, in whole or in part, shall be due and payable 30 days from the date of determination of the appeal, and any late payment fees shall apply thereafter.
(Ord. 35, passed 10-2-2006)

' **33.05 PROCEDURE FOR APPEALING ASSESSABLE COSTS.**

Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the Village President or his or her designee to request a modification of assessable costs. The responsible party shall request in writing such meeting within seven calendar days of the date of the invoice assessing the assessable costs. If, after meeting with the Village President or his or her designee, the responsible party is still not satisfied, he or she may request an opportunity to appear before the Village Council to further request a modification of assessable costs. A responsible party who desires to appear before the Village Council must first meet with the Village President or his or her designee as provided above and shall file a written request to appear before the Village Council with the Village Clerk within seven calendar days of the date of the meeting with the Village President or his or her designee. Upon receipt of the request, the Village Clerk will place the responsible party on the agenda of the next regularly scheduled Village Council meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified. Any reason, basis, or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party. Failure to timely file a written request to appear shall constitute a waiver of the responsible party's right to appear before the Village Council, and shall further constitute the responsible party's agreement to pay the assessable costs invoiced. After a responsible party has been given an opportunity to appear before it, the Village Council shall promptly determine whether to confirm, modify, or void the payment of assessable costs invoiced.
(Ord. 35, passed 10-2-2006)

' **33.06 ASSESSABLE COSTS; LIEN UPON PROPERTY.**

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon the real property of the responsible party in the village, from which, upon which, or related to which the public safety or fire emergency incident occurred. The lien shall be of the same character and effect as the lien created by Village Charter for real property taxes and shall include accrued interest and penalties. The Village Treasurer shall, prior to March 1 of each year, certify to the County Assessor the fact that the assessable costs are delinquent and unpaid. The County Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.
(Ord. 35, passed 10-2-2006)

' **33.07 OTHER REMEDIES.**

In addition to the remedy set forth in ' 33.06 above, the village shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.
(Ord. 35, passed 10-2-2006)

' 33.08 NO LIMITATION OF LIABILITY.

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state, or federal law.
(Ord. 35, passed 10-2-2006)

' 33.09 EFFECTIVE DATE.

This chapter shall take effect upon its publication on October 10, 2006.
(Ord. 35, passed 10-2-2006)

' 33.10 SCHEDULE OF COSTS.

In accordance with the village Cost Recovery Ordinance codified in ' ' 33.01 through 33.09 above, it is necessary to set a schedule of the costs to be charged for emergency responses, as follows.

(A) *Personnel.* Personnel costs shall be charged at the actual hourly rate paid to the employee, or, if not paid hourly then at the actual estimated effective hourly rate, which includes indirect costs (full-time 45% and part-time 11%). Personnel costs shall be based upon the time actually spent by the employee and shall be computed to the nearest one-tenth of an hour.

(B) *Vehicle costs.*

| | |
|------------------------------------|-----------------------------|
| Fire truck total cost | as charged by a third party |
| Fire rescue vehicle total cost | as charged by a third party |
| Other vehicles | as charged by a third party |
| Police vehicles total cost | as charged by a third party |
| Public works backhoe total cost | as charged by a third party |
| Public works dump truck total cost | as charged by a third party |
| Public works pick-up total cost | as charged by a third party |

(C) *Other costs.*

| | |
|------------------------------------|------------------------|
| Attorney=s fees | as charged by provider |
| Blood tests | as charged by provider |
| Breathalyzer vials | as charged by provider |
| Contracted labor | as charged by provider |
| Court/government charges/penalties | as charged by provider |
| External specialists | as charged by provider |
| Litigation | as charged by provider |
| Material disposal | as charged by provider |
| Material purchases | as charged by provider |
| Other costs | as charged by provider |
| Rented equipment | as charged by provider |
| Service charges and interest | as charged by provider |
| Transportation services | as charged by provider |

(Res. 2006-05, passed 10-2-2006; Res. 2011-04, passed 12-5-2011)

CHAPTER 34: VILLAGE POLICIES

Section

34.01 Public records retention and disposal

▪ **34.01 PUBLIC RECORDS RETENTION AND DISPOSAL.**

The General Retention and Disposal Schedule #8 as suggested by the Michigan Municipal League, attached to Resolution 2006-06, having been reviewed and approved by the Village Attorney and Village Auditor, is hereby approved as the Retention and Disposal Schedule for the village. This schedule is hereby adopted by reference as if set out in full herein. Copies are available through village offices.
(Res. 2006-06, passed 10-2-2006)

TITLE V: PUBLIC WORKS

Chapter

50. SEWER REGULATIONS

CHAPTER 50: SEWER REGULATIONS

Section

50.01 Clarksville-Morrison Lake Sewer Authority rules and regulations adopted by reference

50.01 CLARKSVILLE-MORRISON LAKE SEWER AUTHORITY RULES AND REGULATIONS ADOPTED BY REFERENCE.

The Clarksville-Morrison Lake Sewer Authority rules and regulations is hereby adopted by reference as if set out in full herein. Copies of the rules and regulations are available through village offices.

(Ord. passed 3-17-2006)

TITLE VII: TRAFFIC CODE

Chapter

- 70. TRAFFIC REGULATIONS**
- 71. PARKING REGULATIONS**
- 72. PARKING SCHEDULES**

CHAPTER 70: TRAFFIC REGULATIONS

Section

70.01 Uniform Traffic Code adopted

70.99 Penalty

▪ **70.01 UNIFORM TRAFFIC CODE ADOPTED.**

(A) The *Uniform Traffic Code for Cities, Townships, and Villages*, being M.C.L.A. ' ' 257.951 - 257.955 as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Proceedings Act of 1969, Public Act 306 of 1969, being M.C.L.A. ' ' 24.201 to 24.328, and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are hereby incorporated by reference.

(B) References in the *Uniform Traffic Code for Cities, Townships, and Villages*, being M.C.L.A. ' ' 257.951 - 257.955 to a governmental unit shall mean the Village of Clarksville.

(C) This section shall take effect 30 days after it is adopted by the Village Council on October 5, 2009.
(Ord. 39, passed 10-5-2009)

▪ **70.99 PENALTY.**

The penalties provided by the *Uniform Traffic Code for Cities, Townships, and Villages* are adopted by reference.
(Ord. 39, passed 10-5-2009)

CHAPTER 71: PARKING REGULATIONS

Section

- 71.01 Enforcement
- 71.02 Emergency or special conditions; temporary regulations
- 71.03 Restricted parking locations
- 71.04 Standing or parking prohibited by signs
- 71.05 Parking of vehicles for sale or repair
- 71.06 Junk vehicles
- 71.07 Nuisance declaration
- 71.08 Obstruction of sidewalks, streets, or alleys; private driveways; fire station prohibited
- 71.09 All other cases
- 71.10 Effective date

- 71.99 Penalty

• **71.01 ENFORCEMENT.**

It shall be the duty of the Village Marshal to enforce the provisions of this chapter or any law enforcement officer.

(Ord. 14, passed 12-7-1964)

• **71.02 EMERGENCY OR SPECIAL CONDITIONS; TEMPORARY REGULATIONS.**

The Village Council is hereby empowered to make and enforce regulations necessary to cover emergency or special conditions and to establish parking zones and types of parking, i.e. parallel or angle parking, and to regulate time limits for parking.

(Ord. 14, passed 12-7-1964; Ord. 15, passed 9-2-1969)

• **71.03 RESTRICTED PARKING LOCATIONS.**

It shall be unlawful for any person, firm, or corporation to park any vehicle upon the public streets of the village on the locations set forth in Chapter 72, Schedule I.

(Ord. 14, passed 12-7-1964) Penalty, see ' 71.99

' 71.04 STANDING OR PARKING PROHIBITED BY SIGNS.

It shall be unlawful for the driver of a vehicle to stop, stand, or park the vehicle in any place where official signs have been officially placed prohibiting standing or parking.

(Ord. 14, passed 12-7-1964) Penalty, see ' 71.99

' 71.05 PARKING OF VEHICLES FOR SALE OR REPAIR.

It shall be unlawful for any person, firm, or corporation to park upon any street or alley any vehicle displayed or offered for sale or trade, and no car, truck, or any other vehicle shall be repaired or overhauled at any time on any street or alley in the village.

(Ord. 14, passed 12-7-1964) Penalty, see ' 71.99

' 71.06 JUNK VEHICLES.

It shall be unlawful for any vehicle whether a so-called Ajunk@ car, truck or vehicle, useable or unuseable or other vehicles of any kind without current license plates attached, to be parked upon any alley or street at any time; provided, however, this section does not apply to farm tractors parked in any street or alley for a period of time not to exceed the time heretofore provided for in ' 71.03.

(Ord. 14, passed 12-7-1964) Penalty, see ' 71.99

' 71.07 NUISANCE DECLARATION.

Any vehicle which shall be so parked, abandoned, or displayed in violation of this chapter shall be deemed to be a public nuisance. The duty is hereby imposed upon the owner of the vehicle, useable or unuseable to prevent such vehicle or Ajunk@ vehicle from becoming a public nuisance, and the owner shall be punished under the provisions of this chapter if the vehicle owned by him or her shall be so parked or displayed in violation of this chapter; provided further, that any vehicle not in useable condition with no current license plates attached thereto, whose ownership cannot be established, will be removed to the Village Dump and be destroyed.

(Ord. 14, passed 12-7-1964)

Cross-reference:

New development, see Zoning Code ' 10.1 (not included in this codification)

' 71.08 OBSTRUCTION OF SIDEWALKS, STREETS, OR ALLEYS; PRIVATE DRIVEWAYS; FIRE STATION PROHIBITED.

No vehicle of any kind shall be parked in or upon any public sidewalk, nor shall any vehicle be allowed to remain upon or be driven through any street or highway so as to blockade or obstruct any street or alley, nor shall any vehicle be parked or allowed to stand, whether attended or unattended, upon a street or highway in front of a private driveway or within 15 feet in either direction of the entrance to the fire station.

(Ord. 14, passed 12-7-1964) Penalty, see ' 71.99

' 71.09 ALL OTHER CASES.

In all cases not specifically covered by this chapter, the traffic laws of the state shall be deemed to apply and the words and phrases used in this chapter shall have the meaning ascribed to them in the traffic laws of the state.

(Ord. 14, passed 12-7-1964)

' 71.10 EFFECTIVE DATE.

This chapter shall take affect and be in force on January 1, 1965, at 12:01 a.m.

(Ord. 14, passed 12-7-1964)

' 71.99 PENALTY.

Any person, firm or corporation who shall violate any provisions of this chapter shall be deemed guilty of a misdemeanor and shall upon conviction thereof be liable to a fine not exceeding \$100 or imprisonment in the County Jail for a period not exceeding 90 days, or both the fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. 14, passed 12-7-1964)

CHAPTER 72: PARKING SCHEDULES

Schedule

I. Restricted parking

SCHEDULE I: RESTRICTED PARKING.

| <i>Restricted Location</i> | <i>Time Restriction</i> | <i>Ord. No.</i> | <i>Date Passed</i> |
|---|-----------------------------------|-----------------|--------------------|
| Cross Street, one block east and one block west of Main Street | for a longer period than 12 hours | 14 | 12-7-1964 |
| Main Street, from the Wesleyan Methodist Church (Ferney Street) to the Clarksville Bible Church (High Street) | for a longer period than 12 hours | 14 | 12-7-1964 |
| Nash Street, one block east and one block west of Main Street | for a longer period than 12 hours | 14 | 12-7-1964 |
| Any other public streets in the village | for longer periods than 24 hours | 14 | 12-7-1964 |

Penalty, see ' 71.99

TITLE IX: GENERAL REGULATIONS

Chapter

90. NUISANCES, SANITATION

91. SIDEWALKS

92. ANIMALS

93. FIRE PREVENTION AND PROTECTION

CHAPTER 90: NUISANCES, SANITATION

Section

Nuisances

- 90.01 Definitions
- 90.02 Notice
- 90.03 Duty to abate the nuisance
- 90.04 Time to abate the nuisance
- 90.05 Civil infraction
- 90.06 Lien
- 90.07 Effective date

Noxious Vegetation and Lawn Grass

- 90.20 Definitions
- 90.21 Duty of owner to cut
- 90.22 Notice to owner
- 90.23 Abatement; cutting by village upon failure of owner
- 90.24 Civil infraction
- 90.25 Lien
- 90.26 Effective date

- 90.99 Penalty

NUISANCES

• **90.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not specifically defined herein and throughout this subchapter shall have the meaning customarily attributed to them.

NUISANCE. As used in this subchapter, any act or acts or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures, or endangers the peace, welfare, order, health, or safety of the public in their persons or property. As defined herein, a ***NUISANCE*** includes but is not limited to:

Clarksville - General Regulations

(1) Conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter, whether the effects and emanations are natural or result from human or mechanical alteration or manipulation of materials;

(2) Residues or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals;

(3) A condition which is indecent, obnoxious, or offensive to the senses;

(4) Dangerous buildings and structures, or any building or structure that violates the State Housing Law being M.C.L.A. ' ' 125.401 et seq., Public Act 187 of 1917 and Public Act 217 of 1968, as they may be amended from time to time;

(5) The existence of any pond, pool of water, or vessel holding stagnant water;

(6) The existence of trash, garbage, litter, junk, or dead animals on private property, other than in a trash container that is used to store trash or garbage on a temporary basis;

(7) A structure that is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended;

(8) The unsafe or improper storage of explosives, flammable liquids, and/or other dangerous substances;

(9) Any condition or structure which provides harborage for or attracts rats, mice, snakes, skunks, raccoons, opossum, and/or other vermin;

(10) The failure to immediately remove and dispose of animal waste on public property, if not done by the person in control of the animal that deposited the waste; and

(11) The possession of, harboring of, or providing shelter for an excessive number of animals in violation of the Village Zoning Ordinance.

PERSON. Any person, persons, partnership, firm, company, limited liability company, corporation, association, organizations, agent, or entity to which the law attributes rights and responsibilities, including owners and/or occupants holding any interest in land in the village upon which there is a nuisance.

(Ord. 37, passed 1-5-2009; Res. 2011-04, passed 12-5-2011)

▪ **90.02 NOTICE.**

The Village President or his or her designee shall notify, either in person or by certified mail with return receipt requested, the person(s) responsible for any nuisance found to be in violation of this subchapter. The notice shall contain either a summary of the provisions of this chapter, or a copy of this subchapter. If this method of service is not successful, the following methods may be used:

(A) Service may be made by publishing in a newspaper at least once a week for three weeks; or

(B) Service may be made if the written notice is posted in a conspicuous location on the property in question.

(Ord. 37, passed 1-5-2009)

▪ **90.03 DUTY TO ABATE THE NUISANCE.**

It is the duty of the person who creates, causes, allows, or permits the existence of a nuisance, to abate the same. The term *ABATE* or *ABATEMENT* shall include demolition removal, repair, maintenance, construction, reconstruction, replacement, and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, buying, disposal, and treatment of refuse, manure, or other substance capable of causing obnoxious odors or of attracting or breeding flies, insects, or other pests, and the application of chemicals, insecticides, or other substances or the use of mechanical means to control, eradicate, and eliminate the nuisance conditions.

(Ord. 37, passed 1-5-2009)

▪ **90.04 TIME TO ABATE THE NUISANCE.**

A person must abate the nuisance within ten days after notice is given. If the nuisance is not abated within that time period, then the Village President or his or her designee(s) may cause entry upon the land by the village or its agent(s) and cause the nuisance to be abated. The person(s) who created, caused, allowed, or permitted the nuisance to occur on the property shall pay all expenses and costs incurred in the abatement of the nuisance. The village shall have a lien for the abatement of the nuisance, which shall be enforced in the manner prescribed by the general laws of the state for the enforcement of tax liens.

(Ord. 37, passed 1-5-2009)

▪ **90.05 CIVIL INFRACTION.**

Failure to comply with the requirements of this subchapter shall constitute a civil infraction, which shall be processed in accordance with M.C.L.A. ' 600.8701. The assessment and collection of fines shall be in accordance with M.C.L.A. ' ' 600.8701 et seq. Any person, owner and/or occupant who creates, causes, allows or permits the existence of a nuisance as outlined herein shall be deemed to have committed a civil infraction, subject to the payment of civil fines as set forth in ' 90.99.

(Ord. 37, passed 1-5-2009) Penalty, see ' 90.99

▸ 90.06 LIEN.

Any expenses and costs, including actual attorney fees, incurred by the village in the abatement of the nuisance shall be a lien upon the premises and, if unpaid after 60 days, shall be charged as a special assessment against the real property on which the nuisance was located and thereafter collected in the same manner as other special assessments.

(Ord. 37, passed 1-5-2009)

▸ 90.07 EFFECTIVE DATE.

This subchapter shall take effect 30 days after the Village Council adopts it on January 5, 2009.
(Ord. 37, passed 1-5-2009)

NOXIOUS VEGETATION AND LAWN GRASS**▸ 90.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not specifically defined herein and throughout this subchapter shall have the meaning customarily attributed to them.

LAWN GRASS. Any type and variety of grass(es) which is typically established as a ground cover for any occupied or unoccupied residence, industrial, business, or commercial property. The term does not include ornamental grasses.

NOXIOUS VEGETATION. Those plants described in section II of Public Act 359 of 1941, being M.C.L.A. ' 247.62, as amended and may be amended from time to time, and all types and varieties of wild grass and weeds which exceed the height of six inches above ground level.

OWNER. Any person, persons, partnership, firm, company, limited liability company, corporation, associated, organizations, agent, or entity to which the law attributes rights and responsibilities, including occupants holding any interest in land in the village upon which there is noxious vegetation or lawn grass growth. The term shall not include the County Road Commission.
(Ord. 36, passed 4-7-2008)

▸ 90.21 DUTY OF OWNER TO CUT.

It shall be the duty of all owners of any land to keep noxious vegetation and lawn grass to a maximum height of not more than six inches above ground level or a level which prohibits a flower-bearing state, whichever is less. Any noxious vegetation and/or lawn grass in excess of this provision shall be deemed a public nuisance.

(Ord. 36, passed 4-7-2008)

‘ 90.22 NOTICE TO OWNER.

The Village President or his or her designee shall notify, either in person or by certified mail with return receipt requested, the owner(s) of any property on which prohibited noxious vegetation and/or lawn grass growth in violation of this subchapter is found. The notice shall contain either a summary of the provisions of this chapter, or a copy of this subchapter. If this method of service is not successful, the following methods may be used: service may be made by publishing in a newspaper at least once a week for three weeks; service may be made if the written notice is posted in a conspicuous location of the property in question. For the second and each subsequent notice required to be sent in the same calendar year, there shall be an additional charge to be determined from time to time by Council.

(Ord. 36, passed 4-7-2008; Ord. 56, passed 10-3-2011)

‘ 90.23 ABATEMENT; CUTTING BY VILLAGE UPON FAILURE OF OWNER.

(A) An owner as defined in ‘ 90.20 must cut the noxious vegetation or lawn grass as provided in ‘ 90.21 within three days after notice is given or five days after posted on property. If the noxious vegetation or lawn grass is not cut within that time period, then the Village President or his or her designee(s) may cause entry upon the land by the village or its agent(s) and cause the noxious vegetation or lawn grass to be cut with appropriate equipment. All expenses and costs incurred in the cutting of the noxious vegetation or lawn grass shall be paid by the owner.

(B) The village shall have a lien for the cutting expenses and costs incurred, which shall be enforced in the manner prescribed by the general laws of the state and/or the village code for the enforcement of tax liens.

(Ord. 36, passed 4-7-2008; Ord. 56, passed 10-3-2011)

‘ 90.24 CIVIL INFRACTION.

Failure to comply with the requirements of this subchapter shall constitute a civil infraction which shall be processed in accordance with M.C.L.A. ‘ 600.8701. The assessment and collection of fines shall be in accordance with M.C.L.A. ‘ ‘ 600.8701 et seq. Any owner and/or occupant who creates, causes, allows, or permits the existence of a nuisance as outlined herein shall be deemed to have committed a civil infraction, subject to the payment of civil fines as set forth in ‘ 90.99.

(Ord. 36, passed 4-7-2008) Penalty, see ‘ 90.99

▸ 90.25 LIEN.

Any expenses and costs, including actual attorney fees, incurred by the village, in the abatement of the nuisance and/or cutting of the noxious vegetation and/or lawn grass shall be a lien upon the premises and, if unpaid after 60 days, shall be charged as a special assessment against the real property on which the nuisance was located and thereafter collected in the same manner as other special assessments. (Ord. 36, passed 4-7-2008)

▸ 90.26 EFFECTIVE DATE.

This subchapter shall take effect 30 days after it is adopted by the Village Council on April 7, 2008. (Ord. 36, passed 4-7-2008)

▸ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person, owner and/or occupant who creates, causes, allows, or permits the existence of a nuisance as outlined in ' 90.05 shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50 plus costs and expenses, for the first violation.

(C) Any owner and/or occupant who creates, causes, allows, or permits the existence of a nuisance as outlined in ' 90.24 shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50 plus costs and expenses, for the first violation. (Ord. 36, passed 4-7-2008; Ord. 37, passed 1-5-2009)

CHAPTER 91: SIDEWALKS

Section

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| 91.03 | Order to construct |
| 91.04 | Notice to owner |
| 91.05 | Cost of construction |
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| 91.07 | Assessment to owner |
| 91.08 | Construction by owner |
| 91.09 | Removal of snow and ice |

• 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS DISTRICT. Includes that area within the following zoning classifications; P, TC, BC, D1.

BUSINESS HOURS. Hours between 8:00 a.m. and 6:00 p.m. on any day not a Sunday or holiday; hours between 12:00 p.m. and 5:00 p.m. on a Sunday or holiday, or during hours of operation.

CONSTRUCTED SIDEWALK. A concrete or asphalt sidewalk, possibly including gravel sections.

PUBLIC STREET. The entire width between the boundary lines of every public right-of-way open to vehicular traffic.

RESIDENTIAL DISTRICT. Includes that area within the following zoning classifications; A1, R1, R2, MF.

SIDEWALK. The portion of a public street between the curb lines and the adjacent property lines intended for the use of pedestrians.
(Ord. 47, passed 6-6-2011)

▸ 91.02 CONSTRUCTION AND MAINTENANCE.

It shall be the duty of all owners and occupants of any lot or parcel of land fronting or being upon or along any public street in the village under the supervision of the Street Commissioner to build, keep in repair and rebuild sidewalks in the public street adjacent to and abutting upon each lot or parcel of land at such time, in such manner, and of such material as the Village Council may direct.
(Ord. 47, passed 6-6-2011)

▸ 91.03 ORDER TO CONSTRUCT.

Whenever the Village Council shall deem it expedient or necessary that a sidewalk should be constructed in and along the line and side of any public street in the village or, the same having been constructed, shall deem that the same be repaired or rebuilt, the Village Council shall so declare by resolution. The resolution shall state the place where each sidewalk is required to be built, repaired or rebuilt, and the kind of material with which the same is to be done, the width of the same, and the time in which the same is to be completed and thereupon it shall be the duty of all owners or occupants of all land affected thereby to proceed within the time mentioned therein to do the work and make the improvements required thereby and in the manner and of the kind of material therein mentioned.
(Ord. 47, passed 6-6-2011)

▸ 91.04 NOTICE TO OWNER.

After the passage by the Village Council of any such resolution mentioned in ' 91.03, it shall be the duty of the Village Clerk to prepare copies thereof and to attach thereto a notice directed to each of the owners or occupants of all the land upon which such improvements would be a charge informing them that unless the improvement specified in such resolution shall be made and completed by them within the time, in the manner and of the material therein mentioned then and in that case, the village will make and complete such improvements of which one-half of the cost and expense thereof shall be assessed to the owner or occupant of the land affected thereby and will become a lien on such land as hereinafter provided. Copies of the resolutions and notices shall be served by the Village Clerk delivering the same to each owner personally if found within the village or by certified mail by the Village Clerk. If the owner is not found in the village or the mail is not delivered, then the same shall be served by posting the same in some conspicuous place on such premises and the Village Clerk shall make due return of the service and the time and manner thereof which returns shall be filed in the office of the Village Clerk.
(Ord. 47, passed 6-6-2011)

▸ 91.05 COST OF CONSTRUCTION.

The village will pay from the appropriate village fund for the cost of materials necessary for the same not to exceed 50% of the total cost including labor and all other expense incidental thereto to build, repair or rebuild such sidewalk as shall be determined by the Street Commissioner. The village may by resolution of Council pay 100% of the total cost of construction, including labor, when it deems necessary that such construction would benefit the entire village.

(Ord. 47, passed 6-6-2011)

• 91.06 CONSTRUCTION BY VILLAGE.

If the owner or occupant of any lot or parcel of land adjoining or along any public street where any such improvement shall or may be ordered shall neglect or refuse to make or complete the same in accordance with, or within the time required, by any such resolution (such resolution and notice having been properly served) then it shall be the duty of the Street Commissioner to proceed forthwith to make and to complete such improvements and the Street Commissioner shall immediately after the same shall be completed by him or her, render to the village a complete, full and certified statement of all of the costs of such improvements and also the length of time expended by him or her in superintending the same together with a particular description of all of the lots or parcels of land fronting upon or adjoining to which such improvements shall have been made by him or her and also the name or names of all of the owners or occupants of all such lots or parcels of lands as far as can be ascertained by him or her which certificate and statement shall be filed in the office of the Village Clerk.

(Ord. 47, passed 6-6-2011)

• 91.07 ASSESSMENT TO OWNER.

When any such certificates or statement shall be filed in the office of the Village Clerk, the owner=s share of the cost shall be assessed to the property owner on the next tax notice.

(Ord. 47, passed 6-6-2011)

• 91.08 CONSTRUCTION BY OWNER.

If the owner or occupant of any lot or parcel of land or owners or occupants of any lots or parcels of land adjoining or along any public street within the village shall desire to construct, repair or rebuild a sidewalk and have the benefits of this chapter, as herein provided, such owner or occupant shall first signify his or her intention to the Village Council in writing, at one of its regular sessions thereof, stating therein the lot or parcel of land and the street along which he or she proposes to build such walk, the length and width of the walk and the kind of material with which the same is to be done and if the Village Council shall deem it expedient or necessary to construct, repair or rebuild such sidewalk, then the Village Council shall so declare by appropriate resolution in like manner as set forth in ' 91.03.

(Ord. 47, passed 6-6-2011)

• 91.09 REMOVAL OF SNOW AND ICE.

The occupant of any premises, or the owner of any unoccupied premises or real property, is required to keep the constructed sidewalks in front of, or adjacent to such premises cleared from snow and ice which will impede passage on such sidewalks.

(A) Except as provided in division (C) hereof, snow and ice shall be so removed from sidewalks in all business districts by four business hours after the cessation of any fall of snow, sleet, or freezing rain, or by the beginning of business hours of the next day following such fall, whichever occurs first.

(B) Except as provided in divisions (C) or (D), snow and ice shall be so removed from all residential sidewalks within 24 hours after the cessation of any fall of snow, sleet, or freezing rain.

(C) In the event snow and ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person responsible for its removal shall, within the time requirements of divisions (A) or (B), have enough sand or other abrasive put on the sidewalk to make travel thereon reasonably safe. Snow and ice shall then be removed as soon as it can be accomplished without the likelihood of damage to the sidewalk.

(D) In residential districts only, persons who, for reasons of infirmity, believe compliance with divisions (B) and (C) would cause undue hardship, may file a request for exemption with the Village Clerk. The Clerk shall approve or disapprove the request according to guidelines adopted by Council. If approved the village, may then remove snow and ice from these sidewalks at a cost to be established by Council resolution, based on length, in feet, of sidewalk.

(E) If the person responsible for the removal of snow and ice fails to comply with the requirements of this section, then the village may remove the snow and ice, and the cost thereof may be collected as a single lot assessment. Further, such responsible party shall be liable to the village for all losses to the village or recoveries from the village for damages to person or property of others caused by the failure of such responsible party to so remove all snow and ice accumulations in accordance with this section.

(Ord. 47, passed 6-6-2011) Penalty, see ' 10.99

CHAPTER 92: ANIMALS

Cross-reference:

Household pets, see ' 90.01 and Zoning Code ' 5.20.1 (not in codification)

CHAPTER 93: FIRE PREVENTION AND PROTECTION

Cross-reference:

Joint Fire Department Dissolution Agreement, see TSO II

Extension of Fire Department Agreement, see TSO II

TITLE XI: BUSINESS REGULATIONS

Chapter

110. TELECOMMUNICATIONS

CHAPTER 110: TELECOMMUNICATIONS

Section

- 110.01 Purpose
- 110.02 Conflict
- 110.03 Definitions
- 110.04 Permit required
- 110.05 Issue of permit
- 110.06 Construction/engineering permit
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- 110.15 Cable television operators
- 110.16 Existing rights
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• 110.01 PURPOSE.

The purposes of this chapter 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 48 of the Public Acts of 2002) (AAct@) 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. 34, passed 10-6-2003)

▸ 110.02 CONFLICT.

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

(Ord. 34, passed 10-6-2003)

▸ 110.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

AUTHORITY. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC. 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.

PERMIT. A non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the village for its telecommunications facilities.

PUBLIC RIGHT-OF-WAY. The area on, below, or above a public roadway, highway, street, alley, easement or waterway. **PUBLIC RIGHT-OF-WAY** does not include a federal, state, or private right-of-way.

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

TELECOMMUNICATIONS PROVIDER, PROVIDER AND TELECOMMUNICATIONS SERVICES. Those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, M.C.L.A. ' 484.2102. **TELECOMMUNICATION PROVIDER** does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 C.F.R. 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this chapter only, a

provider also includes all 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.

VILLAGE COUNCIL. The Village of Clarksville or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

VILLAGE PRESIDENT. The Village President or his or her designee.
(Ord. 34, passed 10-6-2003)

▪ **110.04 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 chapter.

(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 and one copy with the Village President. Upon receipt, the Village Clerk shall make copies of the application and distribute a copy to each Council member and 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, M.C.L.A. ' ' 15.231 to 15.246, 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 a one-time non-refundable application fee in the amount of \$500.

(E) *Additional information.* The Village President may request an applicant to submit such additional information which the Village President 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 Manager. If the village and the applicant cannot agree on the requirement of additional information requested by the village, the village or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

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(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, M.C.L.A. ' 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 chapter.

(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, M.C.L.A. ' 484.2251, shall submit to the village an application for a permit in accordance with the requirements of this chapter. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this division is not required to pay the \$500 application fee required under division (D) of this section. A provider under this division 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. 34, passed 10-6-2003)

' 110.05 ISSUANCE OF PERMIT.

(A) *Approval or denial.* The authority to approve or deny an application for a permit is hereby delegated to the Village President. Pursuant to Section 15(3) of the Act, the Village President shall approve or deny an application for a permit within 45 days from the date a telecommunications provider files an application for a permit under ' 110.04(B) for access to a public right-of-way within the village. Pursuant to Section 6(6) of the Act, the Village President shall notify the MPSC when the Village President 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 President shall not unreasonably deny an application for a permit.

(B) *Form of permit.* If an application for permit is approved, the Village President 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 15(4) of the Act, the Village President 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 division (C) of this section, the Village President may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider=s access and use.

(Ord. 34, passed 10-6-2003)

▪ **110.06 CONSTRUCTION/ENGINEERING PERMIT.**

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the village without first obtaining a construction or engineering permit as required under ' 110.04, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.
(Ord. 34, passed 10-6-2003)

▪ **110.07 CONDUIT OR UTILITY POLES.**

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.
(Ord. 34, passed 10-6-2003)

▪ **110.08 ROUTE MAPS.**

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the village. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.
(Ord. 34, passed 10-6-2003)

▪ **110.09 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 preexisting condition.
(Ord. 34, passed 10-6-2003)

▪ **110.10 ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.**

In addition to the non-refundable application fee paid to the village set forth in ' 110.04(D), 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. 34, passed 10-6-2003)

▪ **110.11 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 chapter, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged, telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the village=s policy and intent, and upon application by a provider or discovery by the village, shall be promptly refunded as having been charged in error.

(Ord. 34, passed 10-6-2003)

▪ **110.12 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 ' 110.11 shall be void from the date the modification was made.

(Ord. 34, passed 10-6-2003)

▪ **110.13 USE OF FUNDS.**

Pursuant to Section 10(4) of the Act, all amounts received by the village from the authority shall be used by the village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the village from the authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the village under Act 51 of the Public Acts of 1951.

(Ord. 34, passed 10-6-2003)

▪ **110.14 ANNUAL REPORT.**

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

(Ord. 34, passed 10-6-2003)

▪ **110.15 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. 34, passed 10-6-2003)

‘ 110.16 EXISTING RIGHTS.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this chapter 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. 34, passed 10-6-2003)

‘ 110.17 COMPLIANCE.

The village hereby declares that its policy and intent in adopting this chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The village shall comply in all respects with the requirements of the Act, including but not limited to the following:

(A) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, M.C.L.A. ‘ ‘ 15.231 to 15.246, as provided in ‘ 110.04(C);

(B) Allowing certain previously issued permits to satisfy the permit requirements in this chapter in accordance with ‘ 110.04(F);

(C) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with ‘ 110.04(G);

(D) Approving or denying an application for a permit within 45 days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the village, in accordance with ‘ 110.05(A);

(E) Notifying the MPSC when the village has granted or denied a permit in accordance with ‘ 110.05(A);

(F) Not unreasonably denying an application for a permit, in accordance with ‘ 110.05(A);

(G) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in ‘ 110.05(B);

(H) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider=s access and usage of the public right-of-way, in accordance with ‘ 110.05(C);

(I) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to

ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider=s access and use, in accordance with ' 110.05(D);

(J) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with ' 110.06;

(K) Providing each telecommunications provider affected by the village=s right-of-way fees with a copy of this chapter, in accordance with ' 110.11;

(L) Submitting an annual report to the authority, in accordance with ' 110.14; and

(M) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with ' 110.15.

(Ord. 34, passed 10-6-2003)

' 110.18 RESERVATION OF POLICE POWERS.

Pursuant to Section 15(2) of the Act, this chapter 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. 34, passed 10-6-2003)

' 110.19 AUTHORIZED VILLAGE OFFICIALS.

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

(Ord. 34, passed 10-6-2003)

' 110.20 MUNICIPAL CIVIL INFRACTION.

A violation of this chapter shall be a violation of the village code. 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 chapter or a permit.

(Ord. 34, passed 10-6-2003)

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. OFFENSES AGAINST THE PEACE**
- 131. OFFENSES AGAINST PROPERTY**
- 132. MISCELLANEOUS OFFENSES**
- 133. CURFEW**

CHAPTER 130: OFFENSES AGAINST THE PEACE

Section

- 130.01 Assault and battery; malicious destruction
- 130.02 Riot; immorality; intoxication; loitering; inciting
- 130.03 Other disorderly and unlawful conduct
- 130.04 Obstruct free passage of public
- 130.05 Hinder or intimidate free passage of others
- 130.06 Definitions

130.99 Penalty

Editor=s note:

Effective date of this chapter is June 24, 1990.

' 130.01 ASSAULT AND BATTERY; MALICIOUS DESTRUCTION.

Any person who shall do any of the following, whether in a public or private place within the village, shall be deemed guilty of a misdemeanor punishable as set forth in ' 130.99:

(A) Assault another;

(B) Intentionally commit a battery upon another person; or

(C) Willfully or maliciously destroy the property of another person, business entity, or other public or private entity.

(Ord. 31, passed 6-4-1990) Penalty, see ' 130.99

' 130.02 RIOT; IMMORALITY; INTOXICATION; LOITERING; INCITING.

(A) Any person who shall do any of the following shall be subject to the provisions of ' 130.99:

(1) Create or aid in any disturbance or riot;

(2) Expose male or female genitals in a place of business or public place;

Clarksville - General Offenses

(3) Be intoxicated in a public place and who is endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance;

(4) Make or incite any disturbance in any tavern, store or grocery, manufacturing establishment, or any other place of business or in any street, sidewalk, lane, alley, highway, public building, grounds, or park in the village;

(5) Be a window peeper;

(6) Knowingly loiter in or about a place where an illegal occupation or business is being conducted;

(7) Be found jostling or roughly crowding people unnecessarily in a public place or in a place open to the public;

(8) Enter upon the private yard, garage, driveway, entrance hall, stairway, fire escape, or residence of any other person in the nighttime without authority or permission of the owner or tenant of the premises; or

(9) Enter or remain upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner, occupant, or agent of the owner.

(B) A conviction under this section shall be punishable as set forth in ' 130.99. (Ord. 31, passed 6-4-1990) Penalty, see ' 130.99

' 130.03 OTHER DISORDERLY AND UNLAWFUL CONDUCT.

(A) It shall be unlawful and punishable as is provided in ' 130.01 for any person, while on a public street, or in a right-of-way, or in a public place or building, or in any public parking area to:

(1) Congregate in such a fashion so as to obstruct the free and uninterrupted passage of the public;

(2) Obstruct vehicular traffic;

(3) Lie on the sidewalk;

(4) Sit on the steps leading to any building open to the public or to which the public is invited in such a manner as to impede unrestricted public ingress or egress;

(5) It shall be unlawful for a person to drive or park a motor vehicle on the private property of another without the express consent of the owner of the property, his or her agent, or a proper person in charge of the property;

(6) It shall be unlawful for any person to disturb any public or private assembly by making any

noise or any loud behavior in or near the place of assembly so as to disturb the proceedings;

(7) It shall be unlawful for any person to permit any noisy, boisterous, or riotous activity in any house, dwelling, or building owned or occupied or controlled by him or her to the annoyance or disturbance of the neighborhood or the public peace;

(8) It shall be unlawful for any person to knowingly turn in any false alarm of fire, burglary, intrusion, felony, misdemeanor, hazard, or injury to any public authority, police agency, or fire department or communications network organized to receive emergency messages;

(9) It shall be unlawful to knowingly make a false statement or report to a police or peace officer in the course of a lawful investigation or to a peace officer in the course of his or her lawful duty;

(10) It shall be unlawful for anyone, with intent to cause public inconvenience, annoyance, or alarm to congregate with others in a public place and thereafter refuse to disperse and move on when ordered to do so by a police or peace officer;

(11) It shall be unlawful for any person to sleep, whether in a motor vehicle or not, in any park, street, public way, public beach, or other public place in the village during the nighttime. This section shall not apply to events which are held with the Village Council approval;

(12) No person shall furnish to any minor any controlled substance as is defined in state law, nor shall any person furnish to any minor compounds releasing toxic or hallucinogenic vapors, and no person shall otherwise contribute to the delinquency of a minor;

(13) No person shall relieve himself or herself in any public street, park, beach, or other area open to or in view of the public;

(14) No person owning, renting, or occupying any premises in the village shall allow the premises to be used as a place of resort for common prostitutes, nor shall any person permit prostitutes to assemble in those places, nor shall any person allow the illegal sale, use, or possession of any drugs, intoxicants, or controlled substances upon the premises;

(15) No proprietor or keeper of any tavern, saloon, bar, hotel, motel, or other public place within the village limits shall allow his or her premises to be used for exchange, possession, or delivery of controlled substances, gambling, or prostitution;

(16) No person shall intentionally expose to the view of others all or any portion of the genitals, the female breasts, the male or female buttock, or the pudendum;

(17) No person shall engage in any petting or fondling of the genitals, breasts, or buttock of another in a public place, and no person shall engage in sexual relations or sexual touching in a public place or any place visible or open to the public;

(18) No person shall engage in prostitution and no person shall solicit or accost or invite another for the purposes of prostitution;

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(19) No person shall publish, sell, offer for sale, give away, distribute, exhibit, or possess any obscene, indecent, or lewd book, pamphlet, paper, picture, statuary, image, or representation;

(20) No person shall give any false identification to any person lawfully requesting the same;

(21) No person shall give or lend his or her identification to another for illegal purposes;

(22) No person shall engage in any fraudulent scheme, devise, or trick to obtain money or other valuable things, and no person shall obtain money or any other valuable thing under false pretenses or aid or abet the same;

(23) No person shall maliciously or improperly use any service, telephone system, or radio communication=s carrier with the intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy any other person; and

(24) Obstruct, resist, hinder, or oppose any peace officer or process server in the discharge of the officer=s duties as a peace officer or process server.

(B) A conviction under this section shall be punishable as set forth in ' 130.99.
(Ord. 31, passed 6-4-1990; Res. 2011-04, passed 12-5-2011) Penalty, see ' 130.99

' 130.04 OBSTRUCT FREE PASSAGE OF PUBLIC.

(A) It shall be unlawful for any person to conduct himself or herself on any village street or sidewalk in such a manner as to obstruct the free and uninterrupted passage of the public.

(B) A conviction under this section shall be punishable as set forth in ' 130.99.
(Ord. 31, passed 6-4-1990) Penalty, see ' 130.99

' 130.05 HINDER OR INTIMIDATE FREE PASSAGE OF OTHERS.

(A) It shall be unlawful for any person to conduct himself or herself on any village street or sidewalk, whether alone or in a group of persons, so as to cause interference or so as to hinder or intimidate the free passage of others on the street or sidewalk.

(B) A conviction under this section shall be punishable as set forth in ' 130.99.
(Ord. 31, passed 6-4-1990) Penalty, see ' 130.99

• **130.06 DEFINITIONS.**

For the purpose of Chapters 130, 131, and 132 of this title, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to public view, or to which the public has access.

(Ord. 31, passed 6-4-1990)

• **130.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person doing the acts described under ' 130.01 shall be deemed guilty of a misdemeanor punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(C) A conviction under ' 130.02 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(D) A conviction under ' 130.03 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(E) A conviction under ' 130.04 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(F) A conviction under ' 130.05 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.

(Ord. 31, passed 6-4-1990)

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

131.01 Trees and shrubs; removal prohibited

131.99 Penalty

Editor=s note:

Effective date of this chapter is June 24, 1990.

‘ 131.01 TREES AND SHRUBS; REMOVAL PROHIBITED.

(A) (1) It shall be unlawful for any person to take and carry away from any place within the village any ornamental tree, shade tree, or shrub with the intent to deprive the owner thereof of the plant.

(2) It shall also be unlawful to detach from the ground or injure any ornamental tree, shade tree, or shrub, or part thereof, without the consent of the owner thereof.

(B) A conviction under this section shall be punishable as set forth in ‘ 131.99.
(Ord. 31, passed 6-4-1990) Penalty, see ‘ 131.99

‘ 131.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ‘ 10.99.

(B) A conviction under ‘ 131.01 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.
(Ord. 31, passed 6-4-1990)

CHAPTER 132: MISCELLANEOUS OFFENSES

Section

132.01 Park areas; vehicles, liquor, descriptions, and definitions

132.99 Penalty

Editor=s note:

Effective date of this chapter is June 24, 1990.

‘ 132.01 PARK AREAS; VEHICLES, LIQUOR, DESCRIPTIONS, AND DEFINITIONS.

(A) No person shall, in any park or in any street, sidewalk, or parking area open to the general public, have in his or her possession any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken. No operator or owner (if present at the vehicle) shall permit any person to possess any alcoholic liquor which is open, uncapped, or upon which the seal is broken within or upon any vehicle which is in any street, sidewalk or parking area open to the general public.

(B) With regard to any vehicle, it shall be presumed that the operator and/or owner (if the owner is present within or upon the vehicle), as the owner is stated upon the most current vehicle registration records at the office of the Michigan Secretary of State, is permitting any other person within or upon the vehicle to possess any open, uncapped, or unsealed alcoholic liquor within or upon the vehicle.

(C) Alcoholic liquor means beer, or wine, or any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, the sale of which must be by an entity licensed by the State Liquor Control Commission.

(D) A conviction under this section shall be punishable as set forth in ‘ 132.99.
(Ord. 31, passed 6-4-1990) Penalty, see ‘ 132.99

‘ 132.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ‘ 10.99.

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(B) A conviction under ' 132.01 shall be punishable by a fine not exceeding \$100 or imprisonment not exceeding 90 days in the County Jail, or both.
(Ord. 31, passed 6-4-1990)

CHAPTER 133: CURFEW

Section

133.01 Establishment of curfew

133.02 Exceptions

Editor=s note:

Effective date of this chapter is June 24, 1990.

' 133.01 ESTABLISHMENT OF CURFEW.

There is hereby established a curfew in the village for minors under 17 years of age as follows: it shall be unlawful for a minor to be on the public streets, playgrounds, vacant lots, alleys, public parking lots, or private lots open to the public between the following hours:

(A) If a minor is 15 or 16 years of age, curfew is between the hours of 12:00 midnight and 6:00 a.m.; and

(B) If a minor is under 15 years of age, curfew is between the hours of 9:00 p.m. and 6:00 a.m.
(Ord. 30, passed 6-4-1990) Penalty, see ' 10.99

' 133.02 EXCEPTIONS.

The curfew set out in ' 133.01 shall not apply under the following circumstances:

(A) The minor is accompanied by a parent or legal guardian;

(B) The minor can be shown to be acting in an emergency situation;

(C) The minor is lawfully driving a motor vehicle during the course of employment, or driving to and from lawful employment; or

(D) The minor is directly coming to, attending, or directly returning from a social or athletic event scheduled by a public entity.
(Ord. 30, passed 6-4-1990)

TITLE XV: LAND USAGE

Chapter

150. BUILDING CODES

151. DEVELOPMENT

152. ZONING

CHAPTER 150: BUILDING CODES

Section

Building Code Adopted

- 150.01 Construction Code
- 150.02 Enforcement

BUILDING CODE ADOPTED

150.01 CONSTRUCTION CODE.

(A) Pursuant to the provisions of Section 29 of Act 230 of the Public Acts of 1972, also known as the Stille-DeRossett-Hale Single State Construction Code Act, as amended M.C.L.A. ' ' 125.1501 et seq., (AConstruction Code@), the Building Official of the village is hereby designated as the enforcing agency to discharge the responsibilities of the village under the Construction Code. The village hereby assumes responsibility for the administration and enforcement of the Construction Code throughout the village limits.

(B) The Building Official shall be appointed by the Village Council and shall hold office at its pleasure. The Building Official shall receive such compensation as the Village Council, shall from time to time determine.

(C) The Village Council designates the county and its agents as the Building Official.
(Ord. 49, passed 6-6-2011; Res. 2011-13, passed 7-11-2011)

150.02 ENFORCEMENT.

(A) The enforcement of the Building Code within the jurisdiction of the village shall be turned over to the county.

(B) All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this section are hereby repealed.

(C) This section shall take effect on August 1, 1989.
(Ord. 29, passed 8-1-1988)

Cross-reference:

Construction Code, see ' 150.01

CHAPTER 151: DEVELOPMENT

Section

151.01 Comprehensive Development Plan adopted

Cross-reference:

Planning Commission, see Chapter 30

▪ **151.01 COMPREHENSIVE DEVELOPMENT PLAN ADOPTED.**

The Village Council adopts the Village Comprehensive Development Plan. Copies are available through village offices.

(Res. 2010-05, passed 11-1-2010)

CHAPTER 152: ZONING

Section

- 152.01 1996 Zoning regulations adopted
- 152.02 Planning and Zoning fee schedule adopted by reference

▪ **152.01 1996 ZONING REGULATIONS ADOPTED.**

The 1996 zoning ordinance is hereby adopted by reference as if set out in full herein. The effective date of the ordinance and this section is December 12, 1996. Copies are available through village offices. (Ord. passed 3-2-1996; Ord. 43, passed 3-7-2011; Ord. 46, passed 4-4-2011; Ord. 50, passed 6-6-2011; Ord. 51, passed 7-11-2011; Ord. 52, passed 7-11-2011; Ord. 53, passed 7-11-2011; Ord. 54, passed 9-12-2011; Ord. 55, passed 9-12-2011)

▪ **152.02 PLANNING AND ZONING FEE SCHEDULE ADOPTED BY REFERENCE.**

The Planning and Zoning fee schedule for the village is hereby adopted by reference as if set out in full herein. Copies are available through village offices. (Res. 2011-02, passed 7-11-2011)

TABLE OF SPECIAL ORDINANCES

Table

- I. FRANCHISES**
- II. AGREEMENTS AND CONTRACTS**
- III. STREET VACATIONS**
- IV. ANNEXATIONS AND STREET ADDITIONS**

TABLE I: FRANCHISES

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| 25 | 4-7-1986 | Granting to Consumers Power Company an electric business franchise |
| 33 | 4-3-2000 | Granting to Consumers Energy Company a gas franchise for the period of 30 years |
| - | 5-5-2003 | Granting Millenium Digital Media Systems, LLC a cable television franchise for 15 years |
| - | 3-31-2011 | Granting Michigan Bell Telephone Company (AT&T) a telephone franchise |

TABLE II: AGREEMENTS AND CONTRACTS

| <i>Ord./Res. No./ Contract</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------------------------|--------------------|--|
| - | 9-22-1977 | Clarksville-Morrison Lake Area Sewage Disposal System: County Bd of Public Works agrees to accept all wastewater from the named municipalities (Boston, Campbell, Clarksville), for 40 years |
| - | 9-12-1978 | County and Boston, Campbell, Clarksville approve establishment of Ionia County Sewage Disposal System (Clarksville-Morrison Lake), leasing to the Clarksville-Morrison Lake Sewer Authority; providing for issuance of bonds, ad valorem tax; for 40 years |
| - | 11-14-1978 | Amending costs in contract of 9-12-1978 |
| - | 3-24-1995 | Joint Fire Department dissolution agreement between Campbell Township and the village |
| Res. | 11-6-2000 | Opting into the county Brownfield Redevelopment Authority |
| Res. 2006-03 | 9-11-2006 | Concurring in the adoption by the Clarksville-Morrison Lake Sewer Authority of the Authority Rules and Regulations, dated March 17, 2006, and transferring enforcement thereof to the Authority, with amendments to the Articles of Incorporation |
| - | 5-13-2010 | Extension of Fire Department agreement between Campbell Township and the village for ten years |

Clarksville - Table of Special Ordinances

| <i>Ord./Res. No./ Contract</i> | <i>Date Passed</i> | <i>Description</i> |
|------------------------------------|--------------------|---|
| Res. 2010-01 | 6-7-2010 | Restating and amending the Articles of Incorporation of the Clarksville-Morrison Lake Sewer Authority |

TABLE III: STREET VACATIONS

| <i>Ord./Res./ Order No.</i> | <i>Date Passed</i> | <i>Description</i> |
|---------------------------------|--------------------|--|
| Order | 4-1-2002 | Vacating the portion of Third Street in Ferney=s Addition to the village, which lies between the south line of W. Ferney Avenue and the north line of W. Ferney Avenue |
| Res. 2003-01 | 9-8-2003 | Vacating First Street north of Ferney Avenue, between the west one-third of Lot 1 and all of the part of Lot 20 owned by the VandenBurgs, as shown on the village plat |
| Res. 2004-01 | 4-5-2004 | Vacating four alleys: 1) an alley with a northern boundary of Cross Street and a southern boundary of High Street, in Nash=s First Addition; 2) an alley with a northern boundary of Nash Street and a southern boundary which extends 192 feet south of Front Street, in Nash=s First Addition; 3) an alley with a northern boundary of Nash Street and a southern boundary of Front Street, in McCormick=s Addition; and 4) an alley with a northern boundary of Cross Street and a southern boundary of Front Street, in McCormick=s Addition |
| Res. 2004-02 | 4-5-2004 | Vacating an alley in Ferney=s Addition to the village plat, which alley has a western boundary of Fourth Street and an eastern boundary of Second Street |

TABLE IV: ANNEXATIONS AND STREET ADDITIONS

| <i>Ord./Res. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|----------------------|--------------------|---|
| Res. 2005-5-2 | 5-2-2005 | Accepting the street plat of Second Street from Ferney Avenue to Lind Avenue; Lind Avenue in its entirety; and Fourth Street from Lind to Ferney Avenue |

PARALLEL REFERENCES

References to Michigan Compiled Laws Annotated
References to Orders and Contracts
References to Resolutions
Reference to Ordinances

REFERENCES TO MICHIGAN COMPILED LAWS ANNOTATED

| <i>M.C.L.A. Cite</i> | <i>Code Section</i> |
|---------------------------|-----------------------|
| 15.231 through 15.246 | 110.04, 110.17 |
| 15.321 et seq. | Charter Ch. 5, Sec. 6 |
| 24.201 to 24.328 | 70.01 |
| 117.5b | 10.01 |
| 125.31 through 125.45 | Ch. 30 |
| 125.401 et seq. | 90.01 |
| 125.1501 et seq. | 150.01 |
| 125.3101 et seq. | 30.04 |
| 125.3801 et seq. | 30.01, 30.02, 30.04 |
| 247.62 | 90.20 |
| 257.951 through 257.995 | 70.01 |
| 484.2102 | 110.01 |
| 484.2251 | 110.04 |
| 600.8701 | 90.05, 90.24 |
| 600.8701 et seq. | 90.05, 90.24 |
| 600.8801 through 600.8835 | 10.02 |

REFERENCES TO ORDERS AND CONTRACTS

| <i>Order No.</i> | <i>Date Passed</i> | <i>Code Section</i> |
|------------------|--------------------|---------------------|
| Order | 4-1-2002 | T.S.O. III |

| <i>Contract</i> | <i>Date Passed</i> | <i>Code Section</i> |
|-----------------|--------------------|---------------------|
| - | 9-22-1977 | T.S.O. II |
| - | 9-12-1978 | T.S.O. II |
| - | 11-14-1978 | T.S.O. II |

REFERENCES TO RESOLUTIONS

| <i>Res. No.</i> | <i>Date Passed</i> | <i>Code Section</i> |
|-----------------|--------------------|-----------------------------|
| B | 11-6-2000 | T.S.O. II |
| 2003-01 | 9-8-2003 | T.S.O. III |
| 2004-01 | 4-5-2004 | T.S.O. III |
| 2004-02 | 4-5-2004 | T.S.O. III |
| 2005-5-2 | 5-2-2005 | T.S.O. IV |
| 2005-03 | 12-5-2005 | 31.01 |
| B | 2-6-2006 | 31.01 |
| 2006-02 | 7-10-2006 | 32.01 |
| 2006-03 | 9-11-2006 | T.S.O. II |
| 2006-05 | 10-2-2006 | 33.10 |
| 2006-06 | 10-2-2006 | 34.01 |
| 2008-01 | 11-3-2008 | 31.02 |
| 2008-02 | 11-3-2008 | 31.03 |
| 2008-03 | 11-3-2008 | 31.04 |
| 2008-04 | 11-3-2008 | 31.04 |
| 2008-05 | 11-3-2008 | 31.05 |
| 2010-01 | 6-7-2010 | T.S.O. II |
| 2010-05 | 11-1-2010 | 151.01 |
| 2011-02 | 7-11-2011 | 152.01 |
| 2011-04 | 12-5-2011 | 33.03, 33.10, 90.01, 130.03 |
| 2011-13 | 6-2-2011 | 150.01 |

REFERENCES TO ORDINANCES

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i> |
|-----------------|--------------------|--|
| 14 | 12-7-1964 | 71.01 - 71.10, 71.99, Ch. 72 Sch. I |
| 15 | 9-2-1969 | 71.02 |
| 25 | 4-7-1986 | T.S.O. I |
| 27 | 6-1-1987 | 91.31 |
| 29 | 8-1-1988 | 150.02 |
| 30 | 6-4-1990 | 133.01, 133.02 |
| 31 | 6-4-1990 | 130.01 - 130.06, 130.99, 131.01, 131.99, 132.01, 132.99 |
| B | 3-24-1995 | T.S.O. II |
| B | 3-2-1996 | 152.01 |
| 33 | 4-3-2000 | T.S.O. I |
| B | 5-5-2003 | T.S.O. I |
| 34 | 10-6-2003 | 110.01 - 110.20 |
| B | 3-17-2006 | 50.01 |
| 35 | 10-2-2006 | 33.01 - 33.09 |
| 36 | 4-7-2008 | 90.20 - 90.26, 90.99 |
| 37 | 1-5-2009 | 90.01 - 90.07, 90.99 |
| 39 | 10-5-2009 | 70.01, 70.99 |
| 42 | 5-3-2010 | 30.01 - 30.07 |
| B | 5-13-2010 | T.S.O. II |
| 43 | 3-7-2011 | 152.01 |
| 44 | 3-7-2011 | 10.99 |
| B | 3-31-2011 | T.S.O. I |
| 46 | 4-4-2011 | 1520.01 |
| 47 | 6-6-2011 | 91.01 - 91.09 |
| 49 | 6-6-2011 | 150.01 |
| 50 | 6-6-2011 | 152.01 |
| 51 | 7-11-2011 | 152.01 |
| 52 | 7-11-2011 | 152.01 |
| 53 | 7-11-2011 | 152.01 |
| 54 | 9-12-2011 | 152.01 |
| 55 | 9-12-2011 | 152.01 |
| 56 | 10-3-2011 | 90.22, 90.23 |

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