

# **VILLAGE OF KENT CITY**

## **COUNTY OF KENT, MICHIGAN**

### **GENERAL ORDINANCES**

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(A compilation of all ordinances adopted by the Village of Kent City, as amended, through May 14, 2009, except the zoning ordinance. The zoning ordinance is available separately.)

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## **ORDINANCE NO. 9**

### **AN ORDINANCE RELATIVE TO DOGS AND OTHER STRAY ANIMALS IN THE VILLAGE OF KENT CITY**

#### **Section 1.**

It shall be unlawful for any person or persons who own, possess, harbor or have the care of any dog or other animal in the Village of Kent City to allow the said dog or other animal to run loose and unattended on the streets of the said Village to the extent of becoming a public nuisance or a traffic hazard.

#### **Section 2.**

Any peace officer of the said Village is hereby authorized to impound any such dog or other animal and to hold the same impounded for three (3) days, during which time the person entitled may redeem such animal by paying the reasonable cost of impounding. If not so redeemed, the peace officer shall dispose of such animal.

#### **Section 3.**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100, nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

Adopted: March 13, 1952.

Effective: April 2, 1952

**ORDINANCE NO. 10**

**AN ORDINANCE GOVERNING LITTERING STREET,  
ALLEYS OR SIDEWALKS, AND RUBBISH IN THE  
VILLAGE OF KENT CITY**

**Section 1.**

It shall be unlawful for anyone to discard in or upon any street, alley, sidewalk or premises within the Village of Kent City any rubbish, garbage, refuse, bottles, cans, containers or any other substance, excepting that such may be deposited in containers used for such articles.

**Section 2.**

It shall be unlawful for anyone to allow any refuse to smolder or rot to the extent of becoming a public nuisance within the Village of Kent City.

**Section 3.**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100, nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

Adopted: March 13, 1952.

Effective: April 2, 1952

**ORDINANCE NO. 10**

**VILLAGE TRASH ORDINANCE**

As an ordinance to prevent, reduce or eliminate blight, blighting factors, or causes of blight, within the Township, and to secure the public health, safety, and general welfare by prohibiting the accumulation of trash and junk or either of them on premises other than in properly designated sanitary landfills or licensed junk yards, and to provide penalties for the violation of said ordinance.

NOW, THEREFORE, THE VILLAGE ORDAINS:

**Section 1. Definitions.**

- (a) The terms “Trash” and “Junk” are used synonymously and each as herein used shall include the following: Used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage for rats, ashes, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.
- (b) The term “Person” as used herein shall include any person, firm or corporation.

**Section 2.**

It shall be unlawful for any person to accumulate, place, or allow or permit the accumulation or placing of trash or junk on any premises in said township, except in a sanitary landfill licensed by the State of Michigan or in a junk yard duly licensed by the Village, or not to exceed eight (8) days storage in watertight storage receptacles designed for the temporary



antinoise.adp.wpd accumulation of trash, such receptacles must be tight fitting watertight covers.

**Section 3. Penalties.**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

**Section 4.**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

**Section 5.     Effective Date.**

This Ordinance shall be in full force and effect on the twentieth day after passage by the Village Council.

**Section 6.     Amendment or Prior Ordinances.**

This Ordinance amends the provisions of the ordinance adopted by the Village Council of Kent City at the regular meeting held March 13, 1952.

Adopted: March 13, 1952

Effective: April 2, 1952

**ORDINANCE NO. 11**

**AN ORDINANCE TO FIX AND REGULATE THE COLLECTION OF CERTAIN LICENSES TAXES IN THE VILLAGE OF KENT CITY AND TO REGULATE THE ISSUING OF LICENSES NOT OTHERWISE PROVIDED FOR; AND TO REPEAL PRIOR ORDINANCES**

THE PEOPLE OF THE VILLAGE OF KENT CITY DO ORDAIN:

**Section 1.**

No person, firm, partnership or corporation shall carry on or engage in any of the following occupation, trades or businesses in the Village of Kent City without first obtaining a license therefor from the Clerk or Treasurer of said Village and the tax levied upon or the charge made for every such license shall be as follows:

- (a) Every circus, menagerie, museum panorama or show charging:

Fifty cents or more admission (including tax): Ten dollars per day

Twenty-five cents or more admission (including tax): Five dollars per day.

Less than twenty-five cents admission: Three dollars per day.

- (b) Every public match, contest, concert, race, exhibition or entertainment in any tent or building, charging an admission fee, or for the purpose of making sales, or taking up collection, excepting those promoted by residents of the Village of Kent City, or for charitable, religious or political purposes, and excepting those herein expressly designated - One Dollar per day.

**Section 2.**

No person, firm, or corporation shall engage in the business of hawking, peddling or vending any goods, wares, merchandise, fruits, vegetables, food stuffs or services from door to door, or from upon the streets, alleys or public places, or from any hotel or rooming house, either by sample or by taking orders, or otherwise, for delivery then or in the future without first obtaining a license as hereinafter provided - excepting any farmer or gardener selling products of his own farm or garden:

- (a) Each person desiring to obtain a license for the aforementioned purposes shall make application therefor to the Village Clerk. Said application shall be in writing, shall state the name and permanent address of the applicant, the length of time the applicant expects to continue in said business in the Village, the article or articles to be offered for sale and any other information which may be required by the Clerk. If acting as the agent of any person, corporation, or firm in the sale of such articles, the applicant shall also state the name and address of such principal.

- (b) Upon receipt of such application and the payment of the appropriate fee according to the schedule hereinafter provided the Village Clerk shall issue to the applicant a license to hawk, peddle, or vend the article or articles mentioned in the application for the length of time therein specified. Said license shall show on its face the information required in the application, the dates of issue and expiration, and shall be signed by the Village President, and countersigned by the Village Clerk. No license shall be issued for a period greater than one (1) year; nor shall any license be transferable or assignable.

**Section 3.**

Each person to whom a license is granted under this Ordinance shall pay the following fees therefor to the Village Clerk:

For One Year ..... \$50.00

For Six Months ..... \$30.00

For One Month ..... \$15.00

For any period less than one month - fee per day ..... \$2.00.

- (a) Persons engaged in selling or soliciting in interstate commerce, upon presentation of evidence satisfactory to the Village Clerk, shall be licensed without payment of the fees herein provided.
- (b) The Village Clerk shall deposit all fees collected under this Ordinance in the Village Treasury and shall report to the Village Council at the first meeting of each month all such fees collecting.

**Section 4.**

Persons licensed under this Ordinance shall carry said license at all times when engaged in their business and shall display said license upon demand of any adult resident of the Village. Failure to display said license upon demand of any adult resident so requesting shall be deemed a violation of this Ordinance.

**Section 5.**

Any license granted under this Ordinance shall be accepted upon the express condition that it may be suspended by the Village President whenever in his judgment it is for the best interests of the community to do so, having in mind the welfare, safety, and health of the Village; and may be revoked by the Village President after giving the licenses reasonable notice and an opportunity to be heard. Any activity undertaken under such license shall be in accordance with other applicable ordinances of the Village of Kent City.

**Section 6.**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100, nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

**Section 7.**

All prior ordinances and regulating of the Village of Kent City conflicting with the foregoing ordinance are hereby repealed.

Adopted: March 13, 1952

Effective: April 2, 1952

**ORDINANCE NO. 15**

**AN ORDINANCE TO FORBID KEEPING OR PERMITTING  
KEEPING OF DOGS WHICH CAUSE OFFENSE OR  
NUISANCE AND TO PROVIDE A PENALTY**

THE VILLAGE OF KENT CITY ORDAINS:

That it shall be unlawful for any person or persons to keep, or for any person or persons possessing or having control of any real property to permit keeping thereon, any dog, bitch, canine or other animal which regularly causes any offense or nuisance to neighboring persons or to the general public by the creation or causing of any noise, odor or other unpleasantness.

It is further ordained that if any such noise, odor or other unpleasantness occurs after the person keeping or permitting the keeping of such animal has been warned by any law enforcement or Village officer that offense is being created proof thereof shall be deemed prima facie proof that the offense is regular.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100, nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

This Ordinance takes effect twenty days after its passage by the Village Council.

Adopted: January 9, 1967

Effective: January 29, 1967

**ORDINANCE NO. 17**

**REGULATION OF PARKING ON VILLAGE STREETS**

THE VILLAGE OF KENT CITY ORDAINS:

That it is unlawful for any person to allow any vehicle, automobile, truck, trailer, or other thing similar in nature thereto to remain parked on any public street within the Village during any time between 12:01 a.m. and 6:00 a.m. during the months of January, February, March, April, May, June, July, August, September, October, November and December.

It is further ordained that the registered owner of any such vehicle or thing parked in violation hereof shall be presumed prima facie to have allowed said vehicle or thing to be so parked.

It is further ordained that any vehicle or thing parked in violation hereof may be removed by the Village and possession thereof retained until payment of any fine and costs levied as the result of said violation has been made, that the costs may include the cost of removing and storing said vehicle.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

This Ordinance takes effect twenty (20) days after its passage by the Village Council.

Adopted: September 14, 1987

Effective: October 4, 1987

**ORDINANCE NO. 18**

**AN ORDINANCE TO PROVIDE TO THE REGULATION OF  
INOPERABLE AND JUNK VEHICLES AND MOTOR VEHICLES**

WHEREAS, the presence of inoperable and junk vehicles and motor vehicles on public or private lands constitutes an attractive nuisance, for children and endangers their safety; provides harborage for vermin; creates or enhances fire hazards, causes neighborhoods to become unsightly resulting in the depreciation of property values and, if on city streets or public highways, creates a traffic hazard and endangers the public safety;

NOW, THEREFORE, THE KENT CITY VILLAGE ORDAINS:

**Section 1. Definitions.**

- (a) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon rail or tracks.
- (b) “Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from over-head trolley wires, but not operated upon rails.
- (c) “Inoperable vehicle or motor vehicle” means any vehicle or motor vehicle which cannot be started or legally or physically operated on city streets or public highways by virtue of lacking the equipment required by the laws of the State of Michigan, or which does not bear valid and current license plates.
- (d) “Junked vehicles or motor vehicles” means vehicles or motor vehicles which have been so damaged or dismantled as to be total losses.
- (e) “Total loss” means the cost to repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally recognized appraisal books or method.

**Section 2. Storage of Inoperable or Junked Vehicles or Motor Vehicles.**

No person, firm, or corporation shall accumulate, store, place or permit the accumulation, storage, or placement of any inoperable or junk vehicle or motor vehicle in the Village of Kent City, for more than thirty (30) days, unless stored in an enclosed building.

**Section 3. Prima Facie Evidence.**

The ownership, occupation or use of land by any person, firm or corporation upon which an inoperable or junked vehicle or motor vehicle are accumulated, stored, or placed shall be prima facie evidence that such person, firm, or corporation accumulated, stored or placed such inoperable vehicle or motor vehicle upon such land, or permitted such inoperable vehicle or motor vehicle to be accumulated, stored, or placed upon such land.

**Section 4. Penalties.**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250, nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

**Section 5. Amendment of Prior Ordinances.**

This Ordinance amends the provisions of the ordinance adopted by the Village Council of Kent City at the regular meeting held on the 11th day of December, 1967, at the regular meeting held on the 11th day of April, 1983, and at the regular meeting held on the 14th day of May, 1984.

**Section 6. Adoption and Effective Date.**

This Ordinance was adopted by the Village Council of Kent City at the regular meeting held on the 14th day of October, 1985.

This Ordinance shall be effective immediately upon publication.

Adopted: October 14, 1985

Effective: November 6, 1985

**ORDINANCE NO. 25**

**AN ORDINANCE TO PROHIBIT USE OF  
PUBLIC PARKS AFTER SUNDOWN**

THE VILLAGE OF KENT CITY ORDAINS:

That it is unlawful for any person to use, occupy or be in any public park, recreation or picnic area within the Village between the time of sunset and sunrise unless pursuant to a written permit issued by the Village Council or by persons designated by resolution of the Village Council to issue such permits.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

This Ordinance to take effect immediately upon posting.

Adopted: July 13, 1981

**ORDINANCE NO. 89-4**

**VILLAGE MANAGER ORDINANCE**

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

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Establishment of Office.**

In accordance with the authority for the appointment of such village officers as the Council shall deem necessary for the execution of the powers granted to the Village, contained in Section 2 of Chapter II and Section 8 of Chapter V of Act No. 3, P.A. of 1895, as amended, which is the charter of the Village, there is hereby established the office of Village Manager.

**Section 2. Appointment of Village Manager.**

The President shall, with the concurrence of four or more Trustees, appoint a Village Manager for an indefinite term and the Council may, by contract, enter into such other terms and conditions as the Manager and Council deem appropriate. The Manager shall serve at the pleasure of the Council and may be removed by the affirmative vote of 4 or more Trustees, but only after a hearing before the Council. The President may, for cause, suspend the Manager with full pay, until the hearing. The action of the Council in removing the Manager shall be final.

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

The Manager need not be a resident of the Village at the time of appointment but shall become a resident within 180 days from the date of the appointment with extensions permitted upon approval of Council. The Manager shall reside in the Village thereafter during the term of office.

**Section 3. Acting Village Manager.**

The President, with the concurrence of four or more Trustees, shall appoint or designate an acting Manager during a vacancy in the office of Village Manager and shall make a permanent appointment within 180 days from the effective date of the vacancy. A Village Manager, appointed in accordance with Section 2 of this Ordinance, shall be deemed to be the acting Manager from the date of the appointment until the appointee becomes a resident, if residency is deemed to be a qualification for the appointment.

**Section 4. Compensation.**

The Village Manager shall receive such compensation as the Council shall determine annually by resolution or contract.

**Section 5. Duties.**

The Village Manager shall be the Chief Administrative Officer of the Village and shall be responsible to the Village Council for the efficient administration of all affairs of the Village and all departments except as that responsibility is explicitly delegated to another officer by Act No. 3, P.A. of 1895, the Charter of the Village, or by ordinance.

The Manager shall have the following functions and duties:

- (1) Attend all meetings of the Village Council and take part therein but without a vote;
- (2) Appoint or remove those employees under the jurisdiction of the Village Manager, subject to the approval of the Council, except as otherwise provided for by law or ordinance;
- (3) Be an ex-officio member of all committees of the Village Council and the Village Planning Commission without a right to vote;
- (4) Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, Act No. 2, P.A. of 1968, as amended\*
- (5) Recommend to Council salaries or wages of officers or employees under the jurisdiction of the Manager;
- (6) Be the purchasing agent of the Village;
- (7) Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village;
- (8) Perform other duties required from time to time by the Village Council.

\*A separate ordinance detailing budget procedures is desirable. The General Law Village Managers' Committee has prepared an ordinance for this purpose. Contact the Michigan Municipal League for further information.

**Section 6. Purchasing Responsibilities.**

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

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed \$1,000 provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Except as hereinafter provided, the Village Manager shall not purchase any product or service the cost of which exceeds the above dollar amount without prior approval of the Village Council. The Village Manager may promulgate rules governing the purchase of products or services.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. "Emergency condition" is defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a Village service which is essential to the public health or safety.\*

\*The foregoing could be or already may be the subject of a separate ordinance in which case this section could be eliminated with a reference to the separate ordinance added to section 5, function 6, above.

**Section 7. Dealing with Employees.**

Neither the Council nor the Village President shall attempt to influence the employment of any person by the Village Manager or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for purpose of inquiry the President and Council and its members shall deal with departments under the jurisdiction of the Village Manager through the Manager.

**Section 8. Severability.**

If any portion of this Ordinance or the application thereof, to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or application, provided that such remaining portions or applications are not determined by said Court to be inoperable, and to this end, this Ordinance is declared to be severable.

Adopted: August 14, 1989

Published: October 3, 1989

**ORDINANCE NO. 89-7**

**COMPENSATION OF PRESIDENT AND TRUSTEES ORDINANCE**

An Ordinance to Fix the Compensation to be Paid the President and Trustees of the Village of Kent City.

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1.**

The president of the Village of Kent City shall be paid a monthly salary of \$200.00. Each trustee of the Village of Kent City shall be paid an annual salary equal to the sum of \$80.00 for each regular meeting and \$40.00 for each special meeting of the village council actually attended by him/her during his/her term of office.

**Section 2.**

The salary due the president and each trustee for the year starting the month of March and thru the month of November shall be paid at the December council meeting. And the months of December, January and February shall be paid after the February council meeting, but before the last day of the month in February. Compensation shall be from the general fund of the Village.

**Section 3.**

This Ordinance shall be effective on and after publication.

Adopted: November 6, 1989

Published: November 28, 1989

Amended: December 11, 1995

Amendment Effective: December 19, 1995

**ORDINANCE NO. 4.91-05**

**PARKING IN FIRE LANES**

An Ordinance which prohibits parking of all but emergency vehicles in fire lanes within the boundaries of the Village of Kent City.

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Definitions.**

FIRE LANE. A Fire Lane is any means of access, public or private, improved or unimproved, that is essential or designated for use by emergency vehicles by the Fire Department.

**Section 2. Designation of Fire Lanes.**

Designation of Fire Lanes shall be made by posting of signs which read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING TOW AWAY ZONE.” Type of enforcement in designated Fire Lanes shall be determined by the Kent County Sheriff Department, Office of Traffic and Safety and the Kent City Tyrone Township Fire Department. All signs shall be posted and maintained by the property owner.

**Section 3. Required Signs.**

Required signs shall not be less than one hundred (100) square inches in area. All lettering of signs shall be red letters laced on a white background. The words “FIRE LANE” shall not be less than two (2) inches in height per letter.

**Section 4. Location.**

Signs shall be placed at both ends of the Fire Lane and at intervals along said Fire Lane not to exceed one hundred (100) feet.

**Section 5. General Provisions.**

Parking of all non-emergency vehicles is prohibited in all designated Fire Lanes.

**Section 6. Enforcement.**

The Fire Chief or his designated agents of the Village of Kent City or the officers of the Kent County Sheriff’s Department or any duly authorized law enforcement officer may cause complaint to be made for the violation of the provisions of this Ordinance.

**Section 7. Violations and Penalties.**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other

costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

Means of Complaint Shall be Made By:

- (a) Placing a parking violation citation on said vehicle which shall plainly state the nature of the violation; or
- (b) In areas so designated “FIRE LANE NO PARKING TOW AWAY ZONE” by placing a parking violation citation on said vehicle which shall plainly state the nature of the violation and by removing or causing to be removed said vehicle to the place of vehicle impoundment.

Whenever a parking violation citation is placed on a vehicle, a copy of such citation shall be transmitted to the 63rd District Court Traffic Bureau where a file record shall be made and kept of said violation.

The owner or operator of any vehicle upon which a parking violation citation has been placed and which has been removed to a place of vehicle impoundment may have said vehicle released by paying all charges which are due against said vehicle by reason of impoundment to the towing agent or agency of the Village of Kent City. Any lienholder may claim an impounded vehicle by entering into an indemnity agreement with the Village of Kent City to save harmless the Village from any and all liability the Village may incur at the hand of the registered owner for releasing said vehicle to said lienholder, and upon paying all charges due against said vehicle.

Whenever any person authorized by this Ordinance to enforce this Ordinance shall determine that a vehicle parking in violation of this Ordinance shall be cited with a parking violation citation and removed to a place of vehicle impoundment, as provided, it shall thereafter be unlawful for any person to drive or otherwise remove said vehicle from the scene of the violation in disobedience of a direct verbal order given by such authorized person that the vehicle not be moved.

## **Section 8. Presumption of Ownership.**

In all cases of parking violations, either the registered owner or the operator of such vehicle may be proceeded against by complaint and warrant in the 63rd District Court which shall be in addition to the right of impounding heretofore given, and in any such proceeding proof by verifying ownership of the vehicle with the Secretary of State that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall be accepted by the Court as establishing probable cause for the issuance of a warrant for the arrest of the registered owner, and creates in evidence a presumption that the registered owner of the vehicle was the person who parked the vehicle at the point where, and for the time during which, the violation occurred.

**Section 9. Effective Date.**

This Ordinance shall be effective immediately upon publication.

Adopted: April 8, 1991

Published: April 16, 1991

Effective: April 16, 1991

**ORDINANCE NO. 1.92-01**

**DOWNTOWN DEVELOPMENT AUTHORITY ORDINANCE**

An Ordinance to Amend Ordinance No. 90/1 to Establish a Downtown Development Authority in the Village of Kent City Pursuant to Act 197 of the Public Acts of Michigan of 1975, as Amended; to Define the Boundaries of the Downtown District Constituting the Downtown Development Authority; and to Provide for Other Matters Necessary and Related Thereto.

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Title.**

This Ordinance shall be known and may be cited as the “Downtown Development Authority Ordinance.”

**Section 2. Definitions.**

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

- (a) “Authority” means the Downtown Development Authority of the Village of Kent City created by this Ordinance.
- (b) “Act 197” means Act No. 197 of the Public Acts of Michigan of 1975 as now in effect or hereafter amended.
- (c) “Board” or “Board of Directors” means the Board of Directors of the Authority.
- (d) “Village” means the Village of Kent City.
- (e) “Council” or “Village Council” means the Village Council of the Village.
- (f) “Downtown District” means the downtown district designated herein or as hereafter amended.
- (g) “President” means the President of the Village Council.

**Section 3. Purpose and Findings.**

The Village Council of the Village hereby determines and finds that it is in the best interests of the Village to create a public body corporate in order to halt property value deterioration and increase property tax valuation where possible in the Downtown District, eliminate the causes of the deterioration and to promote economic growth pursuant to Act 197.

**Section 4. Creation of Authority.**

There is hereby created pursuant to Act 197 a Downtown Development Authority for the Village. The Authority shall be a public body corporate and shall be known and exercise the powers under title of “Downtown Development Authority of the Village of Kent City”. The Authority may adopt a seal, may sue and be sued in any court of this State, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided herein and in Act 197. The enumeration of a power herein or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

**Section 5. Description of Downtown District.**

The Downtown District in which the Authority shall exercise its power as provided by Act 197 shall consist of the property in the Village described on Exhibit A dated January 17, 1990 and Exhibit A dated November 11, 1991 as amended attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this Ordinance and Act 197.

**Section 6. Board of Directors.**

The Authority shall be under the supervision and control of the Board consisting of the President and eight members. The members shall be appointed by the President subject to approval by the Council. Eligibility for membership of the Board and terms of office shall be as provided by Act 197. Each member shall hold office until the member’s successor is appointed.

**Section 7. Powers of the Authority.**

The Authority shall possess all of the powers necessary to carry out the purposes of its incorporation and shall have all the powers provided by Act 197.

**Section 8. Fiscal Year; Adoption of Budget; Reports; Audits.**

- (a) The fiscal year of the Authority shall begin on March 1st of each year and end on February 28th of the following year, or such other fiscal year as may hereafter be adopted by the Village.
- (b) The Board shall annually prepare a budget and shall submit it to the Village for consideration by the Village Council. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Village Council. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.
- (c) The Authority shall be audited annually by the same independent auditors auditing the Village and copies of the audit report shall be filed with the Council.

**Section 9. Termination.**

Upon completion of its purposes the Authority may be dissolved by an ordinance duly adopted by the Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the Village.

**Section 10. Section Headings; Severability; Repealer.**

Section headings are provided for convenience only and are not intended to be a part of this Ordinance. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 11. Publication, Recording and Filing.**

After its adoption, this Ordinance shall be published once in full in a newspaper of general circulation in the Village, and the Village Clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

**Section 12. Effective Date.**

This Ordinance shall become effective upon publication in a newspaper of general circulation within the Village of Kent City.

Adopted: January 13, 1992

Published: January 21, 1992

Effective: January 21, 1992

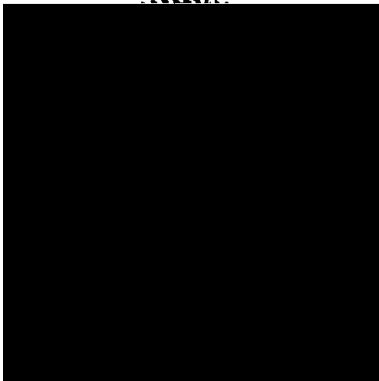
## EXHIBIT A

### PROPOSED DOWNTOWN DEVELOPMENT

#### District for the Village of Kent City Kent County, Michigan

That part of the South 1/2 of the South 1/2 of the South 1/2 of Section 29, and that part of the North 1/2 of the North 1/2 of Section 32, Town 10 North, Range 12 West, Tyrone Township, Village of Kent City, Kent County, Michigan, which is described as: Beginning at the Southeast corner of the Southwest Quarter of Section 29, T10N, R12W, Tyrone Township, Kent County, Michigan; thence North  $89^{\circ}33'15''$  West, 456.52 feet to the POINT OF BEGINNING of this description; thence North  $00^{\circ}26'45''$  East, 60.00 feet to the point of beginning of a limited access right-of-way line restricting all rights of ingress and egress; thence North  $89^{\circ}33'15''$  West, along said limited access right-of-way line, 32.00 feet; thence North  $52^{\circ}03'15''$  West 253.87 feet; thence North  $14^{\circ}33'15''$  West, 200.00 feet; thence North to an East-West line that passes through a point located 470 feet South of a point on the Southwesterly right-of-way line of Ball Creek Road (Old Highway M-37) (66 feet wide), 38 Rods, 1 foot Northwesterly along said Southwesterly right-of-way line of Ball Creek Road from the intersection of the said Southwesterly right-of-way line of Ball Creek Road and the East line of the Southwest Quarter of Section 29; thence East to the East line of the Southwest Quarter of Section 29; thence North along the North and South 1/4 line to the Northerly and Northeasterly right-of-way line of aforescribed Ball Creek Road; thence South  $55^{\circ}36'31''$  East along the Northeasterly right-of-way line to the South right-of-way line of 17 Mile Road (M-37), said right-of-way line being 33.00 feet south of (measured at right angles) the section line between said Sections 29 and 32; thence North  $89^{\circ}34'00''$  West, parallel with said section line, to a point which is 420.00 feet East of the North and South 1/4 line of Section 32; thence South 379.5 feet parallel with said North and South 1/4 line; thence North  $89^{\circ}34'00''$  West 420.0 feet parallel with the North line of said Section 32 to the intersection of the North and South 1/4 line; thence South along the said North and South 1/4 line to the Northerly and Northeasterly right-of-way for M-37 (limited access), said right-of-way line being 138.00 feet northeasterly of the centerline of survey for M-37, perpendicular measurement; thence North  $54^{\circ}39'05''$  West along said right-of-way line to the intersection of the South right-of-way line for 17 Mile Road, said right-of-way line being 85.0 feet South of the North line of Section 32, perpendicular measurement; thence South  $89^{\circ}33'15''$  East along the South right-of-way line of 17 Mile Road, to a point which is South  $00^{\circ}20'15''$  East 85.0 feet from the place of beginning, said point also being the end of limited access, thence North  $00^{\circ}26'15''$  West 85.0 feet to the place of beginning; also, all that part of the East 1/2 of the Northeast 1/4 of Section 32 and the West 1/2 of the Northwest 1/4 of Section 33, Town 10 North, Range 12 West, Village of Kent City, Tyrone Township Kent County, Michigan, which is described as: commencing at a point which is 1,140 feet more or less West of and 33.0 feet South of the Northeast corner of said Section 32, said point being at the intersection of right-of-way lines for 17 Mile Road and Ball Creek Road, thence South  $55^{\circ}36'31''$  East along the Northerly and Northeasterly right-of-way of Ball Creek Road 1,890 feet more or less to a line which is 47.0 feet East of and parallel with the East line of lot 26, Plat of Kent City, Section 33 as recorded in Liber 5 of plats page 4, Kent County records, and its northerly extension, thence South along said line and its northerly extension to a point which is 15.35 feet South of the southerly right-of-way line for Ball Creek Road, said point being 198.0 feet North and 47.0 feet East of the Southeast corner of said lot 26, thence West 303.95 feet parallel with the South

line of said lot 26 to a point which is 106.05 feet East of the east right-of-way line of Main Street, thence North 77.35 feet parallel with the right-of-way line of Main Street, thence Northwesterly 130.0 feet parallel with Ball Creek Road to the East right-of-way line of Main Street, thence West 66.0 feet to the West right-of-way line of Main Street, thence North along said right-of-way line to the lot corner common with lots 10 and 11, Plat of Kent City, Section 32 as recorded in Liber 5 of plats page 4 Kent County records, thence West along said lot line 264.0 feet to the Southwest corner of said lot 11, thence North 130.65 feet along the West lot line of said lot 11 to a point which is 200.0 feet south of the Southwesterly right-of-way line of Ball Creek Road, thence West-Northwesterly 511.96 feet to a point which is 400.0 feet South of the Southwesterly right-of-way line of Ball Creek Road, measured parallel with the East line of Section 32, thence North 400.0 feet to the southwesterly right-of-way line of Ball Creek Road, thence North  $55^{\circ}36'31''$  West along said right-of-way line 550 feet more or less to a point which is 33.0 feet South of the North line of Section 32, perpendicular measurement, said point also being the intersection of the South right-of-way line of 17 Mile Road, thence East parallel with the North line of said Section 32, 120 feet more or less to the place of beginning.



Prepared by

WW ENGINEERING & SCIENCE

A.L. Meyer, L.S.

**PROPOSED DOWNTOWN DEVELOPMENT**

**District for the Village of Kent City  
Kent County, Michigan**

All that part of the Southwest one-quarter of Section 28, the Southeast one-quarter of Section 29, the Northeast one-quarter of Section 32, and the Northwest one-quarter of Section 33, all in Town 10 North Range 12 West, Tyrone Township, Kent County, Michigan, described as: Commencing at the Southeast corner of said Section 29, thence West along the south line of said Section, also being the center line of 17 Mile Road (State Street) to the intersection of the west line of Lots 14, 15, 16 and 17 of Putney's Addition to the Village of Kent City extended southerly FOR THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence Northerly along said line to the southwest corner of said Lot 17, thence Westerly 10.0 feet along the south line of said Lot 17 extended west to the center line of the 20.0 foot wide alley lying west of and adjacent to the west line of said Lots 14, 15, 16 and 17 and the southerly extension thereof, thence Northerly along said alley center line to the intersection of the easterly extension of the south line of Lot 24 of Putney's Addition to the Village of Kent City, thence Westerly along the south line of said Lot 24 and the easterly extension thereof to the southwest corner of said Lot 24, thence Northerly along the west line of Lots 24 and 25 of said Putney's Addition to the northwest corner of said Lot 25, thence Easterly along the north line of said Lot 25 and the easterly extension thereof to the center line of the 20 foot wide alley lying west of and adjacent to the west line of said Lots 14, 15, 16 and 17 and the southerly extension thereof, thence Northerly along said alley center line to the intersection of the westerly extension of the north line of said Lot 14, thence Easterly along said north line of Lot 14 and the extension thereof to the northwest corner of Lot 1 of Block 1 of Clark's Addition to the Village of Kent City, thence Easterly along the North line of said Lot 1 and the easterly extension thereof to the intersection of the west line of Lot 5 of Block 1 of said Clark's Addition, thence Northerly along the west line said Lot 5 to the northwest corner thereof, thence Easterly along the north line of Blocks 1 and 2 of said Clark's Addition to the northeast corner of said Block 2, thence Southerly along the east line of said Block 2 of Clark's Addition to the southeast corner of Lot 28, Block 2 of said Clark's Addition, thence Westerly along the south line of said Lot 28 to the southwest corner thereof, thence Southerly along the west line of Lots 29 thru 36 inclusive of said Block 2 to the southwest corner of Lot 36 of Block 2 of said Clark's Addition, thence Westerly along the north line of Lot 4 of said Block 2 to the center line of East Street (66 feet wide) as platted, thence Southerly along said center line of East Street to the center line of 17 Mile Road (State Street), thence westerly along said center line of 17 Mile Road to the intersection of the westerly line of the East 93.75 feet of Lots 37 and 38 of the Original Plat of Kent City extended northerly, thence Southerly along said west line and the northerly extension thereof to the south line of said Lot 38, thence westerly along the south line of said lot 38 to the southwest corner thereof, thence southerly along the west line of Lots 39 thru 44 inclusive, of the Original Plat of Kent City, to the southwest corner of said Lot 44, thence Easterly along the south line of said Lot 44 to the west line of the East 115 feet of Lot 45 of the Original Plat of Kent City, thence southerly along said west line of the East 115 feet to the south line of said lot 45, thence Easterly along the south line of said Lot 45 and the easterly extension thereof to the northwest corner of Lot 54 of the Original Plat of Kent City, thence Southerly along the west line of said Lot 54 to the

southwest corner thereof, thence Easterly along the south line of said Lot 54 and the south line of Lot 10 of Whitney's Addition to Kent City and the extensions thereof to the northwest corner of Lot 14 of Whitney's Addition to Kent City, thence Southerly along the west line of said Lot 14 to the southwest corner thereof, thence Easterly along the south line of Lot 14 to the southeast corner thereof, thence Northerly along the east line of Lots 14 thru 21 inclusive of said Whitney's Addition to Kent City to the southeast corner of Lot 22 of said Whitney's Addition, thence Westerly along the south line of said Lot 22 to the southwest corner thereof, thence Northerly along the west line of Lots 22, 23 and 24 of Whitney's Addition to Kent City and the northerly extension thereof to the center line of 17 Mile Road (State Street), thence Easterly along the center line of said 17 Mile Road to the east line of the West 368 feet of the Northwest 1/4 of the Northeast 1/4 of Section 33, Town 10 North, Range 12 West, Tyrone Township, Kent County, Michigan, thence Southerly along said line to the south line of said Northwest 1/4 of the Northeast 1/4 of Section 33, thence Westerly along the south line of said Northwest 1/4 of the Northeast 1/4 of Section 33 to the southwest corner thereof, thence Southerly along the east line of the Southeast 1/4 of the Northwest 1/4 of said Section 33 to the south line of said Southeast 1/4 of the Northwest 1/4, thence Westerly along the south line of said Southeast 1/4 of the Northwest 1/4, to the southwesterly right of way line of Ball Creek Road (66 feet wide) extended southeasterly, thence Northwesterly along said south right of way line to the intersection of the west line of Lot 11 of the Original Town of Kent City extended northerly, thence Northerly along said extension to the northeasterly right of way line of Ball Creek Road (66 feet wide), thence Southeasterly along said right of way to the intersection of the west line of Lots 13, 14 and 15 inclusive of the Original Plat of Kent City extended southerly, thence Northerly along said line and the southerly extension thereof to the northeast corner of Lot 1 of Thompson Addition to Kent City, thence Westerly along the north line of said lot 1 to the southeast corner of Lot 2 of said Thompson Addition, thence Northerly along the east line of Lots 2 thru 7 inclusive of said Thompson Addition and the northerly extension thereof to the center line of 17 Mile Road (State Street), thence Easterly along said center line of 17 Mile Road to the place of beginning.



Prepared by

WW ENGINEERING & SCIENCE, INC.

A handwritten signature in black ink that reads "Lawrence W. Albaugh". The signature is written in a cursive style with a large, stylized initial "L" at the end.

Lawrence W. Albaugh, L.S.

**ORDINANCE 4.92-08**

**DOWNTOWN DEVELOPMENT AND TAX INCREMENT  
FINANCING PLAN ORDINANCE**

An Ordinance To Approve And Adopt An Amended Downtown Development And Tax Increment Financing Plan of The Downtown Development Authority Of The Village of Kent City.

THE VILLAGE OF KENT CITY:

**Section 1. Title.**

This Ordinance shall be known and cited as the Village of Kent City Downtown Development and Tax Increment Financing Plan Ordinance.

**Section 2. Findings.**

It is hereby determined that:

- (a) A public hearing was held on the proposed amended Downtown Development and Tax Increment Financing Plan on April 13, 1992, following notice thereof, all in accordance with Act 197 of the Public Acts of Michigan of 1975, as amended.
- (b) The proposed amended Downtown Development and Tax Increment Financing Plan meets the requirements of Act 197 of the Public Acts of Michigan of 1975, as amended, including without limitation, Section 17(2) of said Act.
- (c) The proposed method of financing the development is feasible and the Downtown Development Authority has the ability to arrange the financing.
- (d) The development is reasonable and necessary to carry out the purposes of Act 197 of the Public Acts of Michigan of 1975, as amended.
- (e) The proposed plan is in reasonable accord with the Village of Kent City Master Plan.
- (f) Public services are adequate to service the project area.
- (g) Changes in zoning, streets, street levels, intersections and utilities are reasonably necessary for the project and for the Village of Kent City.
- (h) The proposed amended Downtown Development and Tax Increment Financing Plan constitute a public purpose.

**Section 3. Adoption of the Plan.**

The Village Council of the Village of Kent City hereby adopts and approves and incorporates by reference the Village of Kent City Downtown Development and Financing Plan, as amended.

**Section 4. Availability of Plans.**

The Village Clerk shall keep a copy of the Village of Kent City Downtown Development and Financing Plan available for review by the public during regular business hours at the Village Offices.

**Section 5. Publication, Recording and Filing.**

After its adoption, this Ordinance shall be published once in full in a newspaper of general circulation in the Village.

**Section 6. Effective Date.**

This Ordinance shall become effective immediately upon publication in a newspaper of general circulation within the Village.

Adopted: April 13, 1992

Published: April 21, 1992

Effective: April 21, 1992

## **ORDINANCE NO. 5.92.10**

### **AN ORDINANCE TO PROVIDE FOR THE REPAIR, MAINTENANCE AND USE OF SIDEWALKS, AND TO SET STANDARDS FOR CONSTRUCTIONS OF SIDEWALKS WITHIN THE VILLAGE**

#### **Section 1. Definition.**

“SIDEWALK” shall mean the portion of the street right-of-way designed for pedestrian travel.

#### **Section 2. Permits.**

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established for such sidewalk, nor without first obtaining a written permit from the Zoning Administrator or such other official as may be designated by the Village Council. The Village of Kent City may issue a stop work order to any permittee holding a permit issued under the terms of this Ordinance for failure to comply with this Ordinance, or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk, and the issuance of such stop work order shall be deemed a suspension of such permit.

The Village Council may, by resolution, establish escrow and permit application fees for the review and processing of permits, variances or other approvals required under this Ordinance.

#### **Section 3. Curb Cuts and Driveways.**

No opening in or through any curb or driveway access to any street shall be made without first obtaining a written permit from the Zoning Administrator or such other official as may be designated by the Village Council. Curb cuts and sidewalk driveway crossing to provide access to private property shall comply with the following:

- (a) No single curb cut shall exceed twenty five (25) feet, nor be less than ten (10) feet in width.
- (b) The minimum distance between any cut and a public crosswalk shall be twenty five (25) feet.
- (c) The minimum distance between curb cuts, except those serving residential property, shall be twenty five (25) feet.
- (d) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be forty five (45%) percent of the total abutting street frontage, plus twenty (20%) percent of the lineal feet of street frontage in excess of two hundred (200) feet.

- (e) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements, shall be accomplished without cost to the Village of Kent City.

**Section 4. Specifications.**

All construction shall be in accordance with plans and specifications approved by the Village of Kent City.

- (a) Sidewalks shall not be less than four (4) inches in thickness, and not less than six (6) inches in thickness at driveway crossings.
- (b) Sidewalks shall not be less than five (5) feet in width.
- (c) All concrete shall be broom finished.
- (d) Expansion paper shall be placed in all joints, to be in no event further apart than fifteen (15) feet.
- (e) Concrete shall be a minimum of five (5) ninety four (94) lb. bags per cubic yard.
- (f) Sidewalks and curbs at all intersections shall be constructed with barrier free approaches.
- (g) Bridges will be made of concrete or metal with a minimum height of a forty eight (48) inch high railing, and a floor width of six (6) feet.
- (h) An applicant may be required to provide the certification of a licensed professional civil engineer or other professional that the applicant's proposed sidewalk complies with the standards set forth in this Ordinance, and thereafter, that the sidewalk has been constructed in compliance with the standards set forth in this Ordinance.

**Section 5. Sidewalk Obstructions.**

- (a) Placing of any obstruction to pedestrian use of a sidewalk is prohibited unless incidental to construction, demolition, or repair of the sidewalk or a structure on adjoining property, and done pursuant to a permit issued by the Village.
- (b) No motorized vehicle shall be driven along any sidewalk other than for the purpose of clearing or maintaining the sidewalk, and excepting wheelchair or other device used by a handicapped person.
- (c) A violation of this Section 5 regarding obstructing or driving on Village sidewalks, is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate

incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

**Section 6. Sidewalk Maintenance.**

- (a) No person shall permit any sidewalk within the Village which adjoins property owned by him or her, to fall into a state of disrepair or to be unsafe.
- (b) Any unsafe sidewalk shall be repaired to a safe condition within a reasonable time to be specified in the notice, but not less than one hundred eighty (180) days after the Village has served written notice of the unsafe condition on the owner of the property adjoining or abutting the sidewalk.
- (c) If the person notified as required in the previous Section 6(b) fails to properly repair the sidewalk, the Village may have the sidewalk repaired and assess the costs and other charges against the adjacent abutting property as provided in the Michigan Compiled Laws, Section 67.10.

**Section 7. Liability of Owner.**

- (a) Any person responsible for maintenance of any sidewalk shall reimburse the Village for any loss the Village suffers due to damage or injury resulting from the unsafe condition of the sidewalk.

**Section 8. Removal of Snow and Ice from Sidewalks.**

- (a) The occupant of any premises, and the owner of any unoccupied premises, shall keep the adjoining sidewalk clear of ice and snow so far as is practical and reasonable to facilitate pedestrian use.
- (b) If any snow and ice is not removed within twenty four (24) hours after having accumulated, the Village may have it removed and charge the costs of removing it to the adjoining and adjacent property owner as provided in Michigan Compiled Laws, Section 67.10.

**Section 9. Variance in Certain Provisions of Ordinance.**

- (a) In its discretion, the Village Council may grant a variance from any of the terms, provisions and conditions of Section 3 and Section 4 of this Ordinance, in whole or in part, in the manner and to the extent provided in this section.
- (b) In considering whether to approve a variance in any of the terms, provisions and conditions of Section 3 or Section 4 of this Ordinance, the Village Council shall consider and make findings upon the following factors:
  - (1) The reasons and grounds for the variance being requested;

- (2) Whether there would be practical difficulties or unnecessary hardship if the Village were to enforce the terms, provisions or conditions as to which a variance is being requested;
  - (3) Whether there are special circumstances or extraordinary conditions that justify the granting of a variance;
  - (4) The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the lands;
  - (5) Whether the granting of the requested variance would be substantially detrimental to adjacent or nearby lands or whether it would be contrary to the spirit or purpose of this Ordinance.
- (c) If a variance is being requested in the terms, provisions and conditions of Section 3 of this Ordinance, the Village Council shall consider and make findings upon the following factors, in addition to those specified in subsection (b):
- (1) Whether the requested variance in the curb cut and driveway provisions would have a serious adverse effect upon public safety and the safe, convenient and adequate travel and parking of vehicles and the travel of pedestrians upon and about the public streets and sidewalks on and near the lands as to which the variance is being requested.
  - (2) Whether the curb cut or driveway variance being requested would have other serious adverse effects upon public facilities on or near the lands as to which the variance is being requested, including street or railway signs, traffic signals and public utility facilities.
- (d) In considering whether to approve a variance in any of the terms, provisions and conditions of Section 4 of this Ordinance, the Village Council shall consider and make findings upon the following factors, in addition to those in subsection (b):
- (1) Whether the sidewalk or curb variance being requested would have a serious adverse effect upon the safety and convenience of pedestrians or vehicle drivers or passengers.
  - (2) Whether there would be other serious adverse effects if the variance were granted, including the sufficiency and quality of sidewalks and the reasonable compatibility of any proposed sidewalk or curb construction, in relation to existing sidewalks and curbs on adjacent and nearby lands.
- (e) In granting a variance requested under the terms of this section, the Village Council may impose additional terms and conditions.
- (f) In applying for a variance under the terms of this section, an applicant shall submit to the Village office a written application, describing in detail the scope and nature of the variance being requested, together with an accurate drawing showing the

resulting sidewalk, driveway or curbcut construction or conditions if the variance were granted.

- (g) In its discretion, the Village Council may require a site plan, drawn to scale, showing the physical features of the property, if the variance were granted, and showing relevant portions of adjacent or nearby lands, in addition to the drawing referred to in subsection (f). If the Village Council requires a site plan, the cost of the review thereof, by the Village's consultants and other professionals, and other associated costs, shall be promptly paid by the applicant, upon notification by the Village Clerk as to the amount thereof. The applicant shall pay or reimburse such amounts to the Village prior to a decision on the application by the Village Council.
- (h) In its discretion, the Village Council may require a traffic impact study, prepared by a traffic engineer or other professional satisfactory to the Village Council, analyzing and presenting conclusions concerning the expected effect and impact of the requested variance upon motor vehicle and pedestrian traffic, circulation routes, safety, and such other possible effects as to which the Council requests study or report. If a traffic impact study is required, the cost of the review thereof, by the Village's consultants and other professionals, and other associated costs, shall be promptly paid by the applicant, upon notification by the Village Clerk as to the amount thereof. The applicant shall pay or reimburse such amounts to the Village prior to a decision on the application by the Village Council.
- (i) After receiving a complete application for a variance under the terms of this section, the Village Council may, in its discretion, refer the matter to the Village Planning Commission, for investigation, study and a recommendation as to whether the variance should be granted. In that event, the Planning Commission shall review and consider the requested variance, and shall submit to the Council a recommendation on the matter, together with such other report as may assist the Council in evaluating the application for the variance. In considering whether to grant the variance, the Village Council shall consider the recommendation made by the Planning Commission, but the Council may depart from any such recommendation, in whole or in part, and the final decision in the matter shall be made by the Council.

**Section 10. Repeal.**

- (a) Ordinance No. 1, adopted June 10, 1913, is hereby repealed.

**Section 11. Effective Date.**

This Ordinance shall be in effect thirty (30) days after its publication in a locally distributed newspaper.

Adopted: May 11, 1992

Published: May 26, 1992

Effective: June 24, 1992

**ORDINANCE NO. 11.92.14**

**AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY  
TO DISCHARGE THE RESPONSIBILITIES OF THE  
VILLAGE OF KENT CITY UNDER THE PROVISIONS  
OF THE STATE CONSTRUCTION CODE ACT  
(ACT 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED)**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Agency Designated.**

Pursuant to the provision of the Michigan Building, Electrical, Mechanical and Plumbing Codes, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official, Electrical Official, Mechanical Official and Plumbing Official of the Township of Tyrone, Kent City, Michigan is hereby designated as the enforcing agency to discharge the responsibilities of the Village of Kent City under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Village of Kent City assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

**Section 2.**

All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3.**

This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

**Section 4(A). Penalty–Mechanical Code.**

Failure to comply with a stop work order issued by the building official shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than ninety (90) days, or both such fine and imprisonment. Violation of any other provision of the Mechanical Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

**Section 4(B). Penalty–Building Code.**

Failure to comply with a stop work order issued by the building official shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than ninety (90) days, or both such fine and imprisonment. Violation of any other provision of the Building Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

**Section 4(C). Penalty–Plumbing Code.**

Failure to comply with a stop work order issued by the building official shall be a misdemeanor punishable by a fine of not more than \$500 or imprisonment for no more than ninety (90) days, or both such fine and imprisonment. Violation of any other provision of the Plumbing Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

**Section 4(D). Penalty–Electrical Code.**

Section 90.9 of the State Electrical Code, is hereby repealed and replaced with the following:

Section 90.9. Except as provided in Section 90-12, any violation of the Electrical Code shall be a municipal civil infraction for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the ordinance

for which said person admitted responsibility or was adjudicated to be responsible.  
Each day that such violation occurs shall constitute a separate offense.

Adopted: November 9, 1992

Published: November 11, 1992

Effective: November 17, 1992

**ORDINANCE NO. 4-93.03**

**AN ORDINANCE TO PROVIDE FOR CONTROLLING  
NOXIOUS GROWTH IN SUBDIVIDED LAND WITHIN THE  
VILLAGE OF KENT CITY, TO PROVIDE FOR  
REIMBURSEMENT AND PENALTY HEREOF**

**Section 1.**

This Ordinance pertains to noxious growth which is hereby defined to include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), marijuana (*Cannabis sativa*), grass or other rank vegetation which grows to a greater average height than ten (10) inches, any accumulation of dead weed, grass or brush, and any such other noxious weeds or noxious vegetation.

- (a) Weeds growing in flower or vegetable gardens, plots of shrubbery and in fields devoted to growing any small grain crop such as wheat, oats, spelts, barley or rye which have been appropriately cultivated and cared for are exempted from the terms of this Ordinance.

**Section 2.**

This Ordinance pertains to all land:

- (a) Located in any subdivision all or partially in the Village and in which buildings have been erected on sixty (60%) percent or more of the lots or tracts in the subdivision; and
- (b) All land located within one hundred sixty five (165) feet of an improved public street in common use.

**Section 3.**

The owners, occupants and other persons having responsibility for maintaining land to which this Ordinance applies shall eradicate and destroy all noxious growth on that land.

**Section 4.**

A violation of this Ordinance, including the refusal to destroy noxious growth as required herein, is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person

admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

**Section 5.**

All weeds and noxious growths listed under Section 1 herein are hereby declared to be public nuisances.

**Section 6.**

The provisions of this Ordinance are not exclusive and the Village may use other remedies available at law and under all applicable ordinances and regulations.

Adopted: April 12, 1993

Effective: April 27, 1993

Amended: June 8, 2006

**ORDINANCE NO. 7-93.04**

**AN ORDINANCE TO RESTRICT PARKING IN PUBLIC PARKING LOTS  
DURING CERTAIN TIME AND TO PROVIDE A PENALTY**

THE VILLAGE OF KENT CITY ORDAINS:

That no motor vehicle, trailer or other object shall be parked, or left, in any Village owned public parking lot, during any portion of the hours beginning with 12:00 a.m. and ending at 6:00 a.m. annually.

In proceeding to enforce this Ordinance, the registered owner of any vehicle shall, unless otherwise proven, be presumed to have placed the vehicle located in violation of this Ordinance.

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$25 nor more than \$100 for the first offense and not less than \$50 nor more than \$500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

This Ordinance shall take effect upon publication.

Adopted: July 12, 1993

Published: July 27, 1993

Effective: July 27, 1993

## **ORDINANCE NO. 10-93.11**

### **MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE ORDINANCE**

AN ORDINANCE, granting to MICHIGAN CONSOLIDATED GAS COMPANY, its successors and assigns, the right, power, and authority to lay, maintain, and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the VILLAGE OF KENT CITY, KENT COUNTY, MICHIGAN. for a period of thirty years.

THE VILLAGE OF KENT CITY ORDAINS:

#### **Section 1. Grant of Gas Franchise and Consent to Laying of Pipes, Etc.**

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

#### **Section 2. Gas Service and Extension of System.**

If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company’s Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

#### **Section 3. Use of Streets and Other Public Places.**

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

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

**Section 4. Standards and Conditions of Service: Rules.**

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

**Section 5. Successors and Assigns.**

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

**Section 6. Effective Date: Term of Franchise Ordinance; Acceptance by Company.**

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

**Section 7. Effect and Interpretation of Ordinance.**

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

Adopted: October 11, 1993

Published: October 26, 1993

Effective: November 28, 1993

**ORDINANCE NO. 04-97.03**

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF  
CITATIONS FOR CIVIL INFRACTIONS AND TO  
PROVIDE THE PROCEDURE THEREFOR**

THE VILLAGE OF KENT CITY ORDAINS:

**1.001. Village President.**The Village President is authorized to issue citations for violation of any Village ordinance which is designated to be a municipal civil infraction, if the President has reasonable cause to believe an infraction has occurred, based upon either personal observation or the report of a person who has allegedly witnessed said infraction.

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

**1.003. Form of Citations.**

Civil infraction citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.

**1.004. Service.**

Civil infraction citations shall be served upon the alleged violator as provided by law.

**1.005. Appearance.**

Civil infraction citations shall require appearance at the District Court within a reasonable time after the citation has been issued.

**1.006. Procedure.**

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

**1.007. Appearance Tickets.**

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

- (1) The Village President, unless absent or otherwise unable to issue appearance tickets, in which case the responsibility shall fall on the Village Clerk or Village Manager, may issue an appearance if the President or other designated Official has reasonable cause to believe that a person has violated any Village ordinance.
- (2) The Village Building Inspector may issue an appearance ticket if that Official has reasonable cause to believe that a person has violated a Village building code for which such Official is responsible for enforcement.
- (3) The Village Zoning Administrator may issue an appearance ticket if the Administrator has reasonable cause to believe that a person has violated the Village Zoning Ordinance.

**1.008. Publication/Effective Date.**

This Ordinance shall take effect 30 days following publication of this Ordinance, or a summary thereof, as provided by law.

Adopted: April 14, 1997

Publication: April 29, 1997

Effective: May 28, 1997

**ORDINANCE NO. 04-97.18**

**AN ORDINANCE TO PERMIT THE REORGANIZATION AND  
RECOMPILATION OF THE VILLAGE ORDINANCES**

**Section 1.**

The numbers of the Village of Kent City ordinances, together with the numbers of the sections and subsections, shall be amended and revised so as to accomplish a correct sequential numbering and lettering of all such ordinances, sections and subsections. The Village attorney is hereby authorized to attend to the revising of such ordinances and subsections of ordinances hereof, together with the appropriate renumbering and relettering of any cross-references within the text of the ordinances, wherever necessary.

**Section 2.     **Recompilation.****

The Village of Kent City ordinances shall be recodified in a new Ordinance Code, which shall consist of all of the ordinances except for the zoning ordinance, the sewer use ordinance, the building codes, bond ordinances and such other ordinances which may not be conveniently included or which are not ordinances of general applicability. The Village attorney is hereby authorized to attend to the recodification of the Village of Kent City ordinances.

**Section 3.     **Publication/Effective Date.****

This Ordinance shall take effect 30 days following publication of the ordinance, or a summary thereof, as provided by law.

Adopted: April 14, 1997

Published: April 29, 1997

Effective: May 28, 1997

**ORDINANCE NO. 08.97.20**

**AN ORDINANCE TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF THE VILLAGE OF KENT CITY BY REGULATING THE OUTDOOR BURNING AND USE OF FIRES AND TO PROVIDE PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE.**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Definitions.**

- (a) Burning Permit. Permission to burn, issued orally or by written permit by the Tyrone Township Fire Department Chief or Assistant Fire Chief.
- (b) Flammable Waste Material. Any waste or discarded substance that will burn, including but not limited to debris, brush, stumps, logs, grass, stubble, leaves, wooden pallets or skids.
- (c) Open Burning. An open flame or smoldering fire, emitting smoke and/or offensive odor.

**Section 2. Prohibited Burning.**

- (a) There shall be no open burning permitted in the Village of Kent City except in accordance with a burning permit issued by the Tyrone Township Fire Chief or the Assistant Fire Chief, with the exception of open burning as set forth in Section 3 herein.
- (b) In no event shall any person burn any garbage, plastic, styrofoam, or any other synthetic material or other hazardous materials, nor shall any rubber or rubber-based materials be burned in the Village, regardless of the method used of burning.
- (c) No person shall permit the emission from any chimney or smokestack of dense smoke or smoke containing soot or other substance in sufficient quantity as to noticeably deposit soot or other substance within the Village. The emission of such soot or other substance is hereby declared to constitute a public nuisance.

**Section 3. Permitted Open Burning.**

- (a) The burning of wood, charcoal, coal or other conventional fuel for the sole purpose of the preparation of food, in containers and with utensils commonly used for such purpose, when carried out in accordance with accepted safety standards, with such burning to take place in an outdoor grill, or outdoor barbecue facility, with the fire to be not larger than that needed for the preparation of food.
- (b) Approved gaseous or portable heaters commonly used in building and construction operations, in compliance with accepted safety standards.

- (c) The heating of tar, pitch or oil by roofers, tanners or other tradespersons in the course of their trades, in compliance with accepted safety standards.
- (d) Fires authorized for the training of firefighters or other controlled burnings approved by the Tyrone Township Fire Chief.

**Section 4. Other Open Burning Permitted With Burning Permit Only.**

- (a) The burning of flammable waste material.
- (b) Small scale bonfires, campfires and similar fires used by school organizations and youth organizations such as the Boy Scouts or Girl Scouts, for the specific purposes of such organizations or schools, but not for the primary purpose of the burning or other destruction of flammable materials.
- (c) Small scale bonfires or campfires, made of kindling wood or other material of small size, under adult preparation and supervision, but not involving the burning of leaves, garbage or other refuse, when such small scale fires are lit in connection with neighborhood block parties or other social gatherings.

The above burns are permitted only with a burning permit issued at the discretion of the Tyrone Township Fire Chief, the Assistant Fire Chief or other authorized member of the Fire Department. No burning shall occur prior to the issuance of the required permit. All such burning shall be done under the continuous supervision of an adult.

**Section 5. Consideration of Open Burning Permit.**

- (a) The Fire Department may impose reasonable conditions prior to granting approval for an Open Burning Permit, including conditions relating to the time, location, duration, manner of burning and the quantity of material to be burned.
- (b) Before issuing a permit, the Fire Department shall take into consideration the physical characteristics of the land on which the fire is to be located, the weather conditions on the date of burning, the extent of possible air pollution, the number of permits already issued, the proximity of the proposed fire to any structure, and other factors which may affect the health, safety and welfare of the people of the Village of Kent City.
- (c) The Fire Department may withdraw approval of a permit if open burning would be unsafe due to the particular circumstances of a request, including, but not limited to, unfavorable weather conditions.

**Section 6. Penalties.**

- (a) A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law.

- (b) For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

Adopted: August 11, 1997

Published: August 19, 1997

Effective: September 18, 1997

## **ORDINANCE NO. 3-98-03**

### **LAND DIVISION ORDINANCE**

AN ORDINANCE to regulate the division of parcels or tracts of land in order to carry out the provisions of Michigan Public Act 288 of 1967, as amended, being the Land Division Act; to establish minimum requirements and procedures for the approval of such land divisions and to prescribe penalties for the violation of this Ordinance.

#### **Section 1. Title and Purpose.**

- 1.1 This Ordinance shall be known and may be cited as the Village of Kent City Land Division Ordinance.
- 1.2 The purpose of this Ordinance is to carry out the provisions of the Land Division Act, Michigan Public Act 288 of 1967, as amended (the "Act") in order to prevent the creation of parcels of land which do not comply with the Act or with applicable Village ordinances; to provide for the orderly development of land and otherwise to provide for the health, safety and welfare of the residents and property owners of the village by establishing minimum requirements for review and approval of certain land divisions within the Village.
- 1.3 This Ordinance shall not be construed to repeal, abrogate, rescind, or otherwise to impair or interfere with provisions of other ordinances of the Village.

#### **Section 2. Definitions.**

- 2.1 Certain words and phrases used in this Ordinance shall have the meanings stated in this section. Other words and phrases, if defined by the Act, shall have the meanings stated in the Act.
- 2.2 "Administrator" means the Tyrone Township assessor who has been appointed by the Village Council as the Administrator.
- 2.3 "Division" or "land division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one or more parcels of less than forty (40) acres or the equivalent (as defined in the Act), and that satisfies the requirements of Sections 108 and 109 of the Act. Division does not include a property transfer between two or more adjacent parcels, if the land taken from one parcel is added to an adjacent parcel.
- 2.4 "Exempt split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than forty (40) acres or the equivalent.

- 2.5 “Parcel” means a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- 2.6 “Parent parcel” or “parent tract” means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- 2.7 “Private road” means a private road which complies with the requirements of the Village Zoning Ordinance.
- 2.8 “Road authority” means the governmental authority having jurisdiction of a public road or public street.
- 2.9 “Resulting parcel(s)” means one or more parcels which result from a land division.
- 2.10 “Tract” means two or more parcels that share a common property line and are under the same ownership

**Section 3. Land Division Approval Required.**

Any division of land, including any partitioning or splitting of land, within the Village which requires the approval of the Village in order to qualify as a land division under the Act shall satisfy the requirements of Sections 4, 5 and 7 and the other applicable provisions of this Ordinance.

**Section 4. Application for Land Division Approval.**

- 4.1 A proposed land division shall be filed with the Administrator and shall include the following:
  - (a) A completed application, on such written form as the Village may provide, including any exhibits described therein;
  - (b) Proof of an ownership interest in the land which is the subject of the proposed division, or written consent to the application, signed by the owner of such land;
  - (c) A land title search, abstract of title, or other evidence of land title acceptable to the Administrator which is sufficient to establish that the parent parcel or parent tract of the land which is the subject of the proposed division was lawfully in existence on March 31, 1997.
  - (d) A copy of each deed or other instrument of conveyance which contains the statement required by Section 109(3) of the Act concerning the right to make further divisions.
  - (e) A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to scale. A tentative parcel map shall include:

- (1) Date, north arrow, scale, and the name of the person or firm responsible for the preparation of the tentative parcel map;
  - (2) Proposed boundary lines and the dimensions of each parcel;
  - (3) An adequate and accurate legal description of each resulting parcel;
  - (4) A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
  - (5) The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets;
  - (6) The location of any public or private street, driveway or utility easement to be located within any resulting parcel. Copies of the instruments describing and granting such easements shall be submitted with the application; and
  - (7) If a resulting parcel is a development site (as defined in the Act), the location of all public utility easements serving the parcel.
- (f) Other information reasonably required by the Administrator in order to determine whether the proposed land division qualifies for approval.
- (g) Payment of the application fee and other applicable fees and charges to cover the costs of review of the application and administration of this Ordinance and the Act established by resolution of the Village Council.
- 4.2 A proposed division shall not be considered filed with the Village, nor shall the time period stated in subsection 5.2 commence, until all of the requirements for an application for land division approval have been complied with.

**Section 5. Minimum Requirements for Approval of Land Divisions.**

- 5.1 A proposed land division shall be approved by the Administrator upon satisfaction of all of the following requirements:
- (a) The application requirements of Section 4.
  - (b) All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Village Zoning Ordinance for the zoning district(s) in which the resulting parcels are located.
  - (c) Each resulting parcel shall have the depth to width ratio specified by the Village Zoning Ordinance for the zoning district(s) in which the resulting parcel is located. If the Village Zoning Ordinance does not specify a depth to width ratio, each resulting parcel which is ten (10) acres or less in area shall have a depth which is not more than four (4) times the width of the parcel. The width and depth of the

resulting parcel shall be measured in the same manner provided by the Village Zoning Ordinance for the measuring of the minimum width and maximum depth of parcels.

- (d) Each resulting parcel shall have a means of vehicular access to an existing street from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street.
  - (e) The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
  - (f) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
- 5.2 The Administrator shall approve or disapprove a proposed land division within forty five (45) days after the complete filing of the proposed division with the Administrator, and shall provide the person who filed the application written notice whether the application is approved or disapproved and, if disapproved, all the reasons for the disapproval.
- 5.3 Any notice of approval of a division resulting in a parcel less than one (1) acre in size shall contain a statement that the Village, its officers and employees are not liable if a building permit is not issued for the parcel for the reasons set forth in Section 109(a) of the Act, including requirements regarding suitability of on-site water supply and on-site sewage disposal, as described in Section 105(g) of the Act.
- 5.4 An applicant aggrieved by the decision of the Administrator may, within thirty (30) days of the decision, file a written appeal of the decision to the Village Council, which shall consider and decide the appeal by a majority vote of the members present and voting at a public meeting. At least ten (10) days' written notice of the date, time and place of the meeting at which the appeal is to be considered shall be given to the applicant by regular, first-class mail, directed to the applicant's address as shown in the application or in the written appeal. The Village Council may affirm or reverse the decision of the Administrator, in whole or in part, and its decision shall be final.
- 5.5 The Administrator shall maintain a record of all land divisions approved by the Village.

**Section 6. Exempt Splits and Other Divisions Not Subject to Approval.**

- 6.1 An exempt split is not subject to approval by the Village if all resulting parcels are accessible (as defined in the Act) or if either Section 6.3(a) or 6.3(b) of this Ordinance applies.

- 6.2 The Village shall not permit the creation of an exempt split if one or more of the resulting parcels are not accessible unless either Section 6.3(a) or 6.3(b) of this Ordinance applies to all such inaccessible parcels.
- 6.3 An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of twenty (20) acres or more in size is not subject to approval by the Village if the parcel or tract is not accessible and either of the following applies:
- (a) The parcel or tract was in existence on March 31, 1997; or
  - (b) The parcel or tract resulted from an exempt split or other partitioning or splitting under Section 109b of the Act.

**Section 7. Approval of Land Divisions.**

- 7.1 A decision approving a land division shall be effective for not more than ninety (90) days after such approval by the Administrator or, if appealed, by the Village Council unless either of the following requirements is satisfied within such ninety (90) day period:
- (a) A deed or other recordable instrument of conveyance, accurately describing the resulting parcel(s), shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator; or
  - (b) A survey accurately showing the resulting parcel(s) shall be recorded with the county register of deeds and a true copy thereof, showing proof of such recording, shall be filed with the Administrator. Such survey shall comply with the minimum requirements of Public Act 132 of 1970, as amended.

If neither paragraph (a) nor paragraph (b) is satisfied, such land division approval shall, without further action on the part of the Village, be deemed revoked and of no further effect after the 90th day following such approval by the Administrator or, if appealed, by the Village Council.

- 7.2 All deeds and other recordable instruments of conveyance and all surveys submitted in compliance with Section 7.1 shall be reviewed by the Administrator in order to determine their conformity with the approved tentative parcel map. The Administrator shall mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this Ordinance. Such documents shall be maintained by the Administrator in the Village record of the approved land division.
- 7.3 The approval of a land division is not a determination that the resulting parcels comply with other ordinances or regulations.

- 7.4 Any parcel created inconsistent with or in violation of this Ordinance, where approval hereunder is required, shall not be eligible for issuance of building permits, zoning ordinance approvals or other land use or building approvals under other Village ordinances, nor shall any such parcel be established as a separate parcel on the tax assessment roll.

**Section 8. Penalties and Other Remedies.**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section, a subsequent offense means a violation of this Ordinance committed by the same person or party within one (1) year after a previous violation of the same provision of this Ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

**Section 9. Severability.**

The provisions of this Ordinance are severable and if any provision or other part hereof is determined to be invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining provisions or other parts of this Ordinance.

**Section 10. Effective Date.**

This Ordinance shall become effective thirty (30) days after its publication or thirty (30) days after the publication of a summary of its provisions in a local newspaper of general circulation.

Adopted: March 16, 1998

Published: March 31, 1998

Effective: April 30, 1998

## **ORDINANCE NO. 9-98.10**

### **ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE**

AN ORDINANCE to secure the public health, safety and general welfare of the residents, visitors and property owners of the Village of Kent City, Kent County, Michigan, by the regulation of noise and public nuisances and other unlawful conduct by persons within the Village; and to prescribe penalties for the violation thereof.

#### **Section 1. Title.**

This ordinance shall be known and may be cited as the Village of Kent City Anti-Noise and Public Nuisance Ordinance.

#### **Section 2. Definitions.**

The following terms used in this ordinance are defined as follows:

- (a) Noise. The making, creating or maintaining of unreasonable, unnecessary or unusual noise or noises which are prolonged, unreasonable or unusual as to time, place, use and effect, and which are detrimental to the public health, safety and general welfare of the people of or within the Village. Such noise shall constitute a nuisance.
- (b) Nuisance. Whatever unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. No person shall commit, create or maintain any nuisance.

#### **Section 3. Acts and Conduct Prohibited.**

No person shall:

- (a) Sound any horn or signal device on any automobile, motorcycle, bus or other vehicle for any purpose other than to avoid an accident or collision.
- (b) Use or permit the using of any radio or television receiving set, musical instrument, phonograph, loud speaker or other machine or device for the producing or reproduction of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing for the persons or person who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto.
- (c) Emit unnecessarily loud vocal sounds, such as yelling, shouting, or singing on the public streets or other places between the hours of 11:00 p.m. and 7:00 a.m., or at any other time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.

- (d) Keep or harbor any animal, bird or fowl which by causing frequent or long continued noise shall unreasonably disturb the comfort or repose of any person lawfully in the vicinity.
- (e) Operate any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort or repose of other persons.
- (f) Operate any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger for other purposes.
- (g) Make, continue or cause to be made, any such noise as a result of the operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the suction or emission of air, or other gaseous material either into or from the atmosphere unless such blower, fan or engine is equipped with a muffler device sufficient to deaden such noise.
- (h) Erect, excavate, demolish, alter, or repair any building, vehicle, machinery, or premises in any residential district or section of the Village, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on weekdays, except in cases of emergency, where necessary for the public health, safety and general welfare.
- (i) Emit or create any excessive noise on any street which unreasonably interferes with the operation of any school, church or hospital.
- (j) Create any loud or excessive noise in connection with the loading or unloading of any vehicle in such manner as to annoy or disturb other persons lawfully in the vicinity.
- (k) Use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- (l) Operate any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles, or vehicles of any kind or nature in any are of the Village not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.

Provided, however, that none of the prohibitions hereinbefore enumerated shall apply to any of the following:

- (a) Any police vehicle, ambulance, fire engine or emergency vehicles while engaged in necessary emergency activities.

- (b) Excavation or repair of the streets or highways by or on behalf of the Village, the County of Kent, or State of Michigan, between the hours of 6:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

**Section 4. Violation and Penalties.**

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed \$500.00 together with court costs, in the discretion of the court. Each day that such violation occurs shall constitute a separate offense.

**Section 5. Validity.**

Each of the provisions of this ordinance is declared to be separate and severable. If any court should hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section, term or provision of this ordinance.

**Section 6. Effective Date and Publication.**

This ordinance shall become effective 20 days after its publication or 20 days after a summary of its provisions is published in a local newspaper of general circulation.

Adopted: September 14, 1998

Published: September 29, 1998

Effective: October 30, 1998

**ORDINANCE NO. 11-99.04**

**AN ORDINANCE TO PROVIDE REGULATIONS FOR THE  
SUBDIVISION OF LAND WITHIN THE VILLAGE OF KENT CITY AND  
TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF**

**ARTICLE I  
GENERAL**

**Section 1.01 Legal Basis; Purpose.**

This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Land Division Act of 1967. ("Act 288"). This Ordinance is intended to provide for the proper and orderly subdivision of land in the Village, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

**Section 1.02 Fee Schedule.**

Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Village Council, and until the fee is paid the plat shall not be considered or reviewed.

**Section 1.03 Definitions.**

All terms herein shall have the meanings and definitions given by Act 288.

**Section 1.04 Scope and Conflict.**

The provisions of this Ordinance apply to all platted subdivisions of land within the Village. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

**Section 1.05 Certification of Plats and Drawings.**

All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

**ARTICLE II  
PRELIMINARY PLAT APPLICATION AND REVIEW PROCEDURES**

**Section 2.01 Submission of Plats.**

The Proprietor of any land proposed to be subdivided shall submit fourteen (14) copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this Ordinance, to the Village Clerk.

## **Section 2.02 Preliminary Plat; Required Information.**

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than one hundred (100) feet to one (1) inch.

- (1) The name or title of the proposed subdivision.
- (2) Legal description of the proposed plat.
- (3) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.
- (4) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- (5) A small scale vicinity map showing location of project within the Village, and the name and location of abutting subdivisions.
- (6) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- (7) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses and other physical features.
- (8) Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- (9) Location of utility and drainage easements.
- (10) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.
- (11) A site report as described in the rules of the State Department of Public Health, if the proposed subdivision is not to be served by public sewer and water systems.
- (12) Location and dimension of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.
- (13) When any part of the subdivision lies within or abuts a floodplain area:
  - a. The floodplain, as established by the state department of natural resources, shall be shown within a contour line.
  - b. The contour line shall intersect the sidelines of the lots.
  - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.

- d. The floodplain area shall be clearly labeled on the plat with the words “floodplain area.”
- (14) Any restrictions to be imposed upon the use of property in the subdivision.
- (15) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.
- (16) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.
- (17) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- (18) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one hundred (100) feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- (19) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways.
- (20) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
- (21) Location of existing and proposed slopes which are twelve (12%) percent or greater, which may be altered by the development or the construction of buildings within the development.
- (22) Zoning and use on adjacent properties.

**Section 2.03 Preliminary Plat; Tentative Approval Procedure.**

- (1) Preliminary plats shall be referred to the Planning Commission, which shall consider the preliminary plat and make a recommendation to the Village Council. Such consideration and recommendation shall take place following a public hearing by the Planning Commission on the preliminary plat. For such hearing, at least ten (10) days notice shall be given by ordinary mail, sent to the owners of or parties in interest in the lands within three hundred (300) feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current Village tax assessment rolls. The preliminary plat, together with minutes showing the action of the Planning Commission thereon, shall then be referred to the Village Council.
- (2) The Village Council shall approve or disapprove the preliminary plat not later than ninety (90) days after the preliminary plat was first submitted by the proprietor. A resolution approving a plat shall state: (i) the nature and character of the

improvements that will be required to be made by the Proprietor; (ii) the periods of time within which the respective improvements must be completed; and (iii) any conditions relating thereto. If the preliminary plat is not approved, the Village Council shall set forth in writing its reasons for rejection. The Village Council shall record its approval or disapproval on the plat and return one (1) copy to the Proprietor.

- (3) Tentative approval under this section shall confer upon the Proprietor, for a period of one (1) year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Village Council.

#### **Section 2.04 Preliminary Plat; Final Approval Procedure.**

- (1) Following tentative approval of the preliminary plat by the Village Council, the Proprietor shall:
  - a. Submit the preliminary plat to all other reviewing authorities as required by Act 288.
  - b. Submit a list of all such authorities to the Village Clerk, certifying that the list shows all approving authorities as required by Act 288.
  - c. Submit all approvals to the Village Clerk after they have been secured.
- (2) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Village Council as soon as possible prior to the next regularly scheduled meeting.
- (3) The Village Council shall then:
  - a. Consider and review the preliminary plat and approve it if the Proprietor has met all conditions specified for approval of the preliminary plat.
  - b. Instruct the Village Clerk to notify the Proprietor of approval or rejection in writing.
- (4) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two (2) years from the date of approval, the rights granted under Act 288. This period may be extended by the Village Council.

### **ARTICLE III FINAL PLAT APPLICATION AND REVIEW PROCEDURE**

#### **Section 3.01 Requirements.**

- (1) Final plats shall be prepared and submitted as provided in Act 288.

- (2) A written application for approval and all recording and other Village and state fees shall accompany all final plats.
- (3) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Village.
- (4) The Village may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

**Section 3.02 Procedure; Final Plat.**

- (1) The final plat shall be submitted not less than twenty (20) days prior to the next regular meeting of the Village Council. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.
- (2) The Village Council shall examine the final plat at a meeting within twenty (20) days after submission of the plat, or thereafter, if such time requirement is waived by the Proprietor, and the Council shall either approve or disapprove the plat.

**Section 3.03 Improvements and Facilities.**

- (1) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 3.04.
- (2) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.
- (3) Upon completion of all required improvements, one (1) complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Village Clerk coincident with the submission of the final plat.

**Section 3.04 Security for Completion.**

- (1) In lieu of completion of some or all required improvements, the Village Council may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.
- (2) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.
- (3) Security shall remain in force for a time to be specified by the Village Council.
- (4) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Village, or in the form of cash escrow or certified check.

A performance bond in form satisfactory to the Village, from a surety company authorized to do business in the State of Michigan and acceptable to the Village, may be substituted in lieu of such security if the applicant can satisfy the Village that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.

- (5) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Village staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

**Section 3.05 Certificates on Final Plat.**

The final plat shall include proper certificates for the Village Clerk to certify the approval of the plat by the Village Council, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

**ARTICLE IV  
IMPROVEMENTS AND REGULATIONS**

**Section 4.01 General.**

The following standards shall apply to all subdivisions within the Village.

**Section 4.02 Lots.**

- (1) All lots shall face upon, and have direct access to, a public or private street.
- (2) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- (3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the zoning ordinance.
- (4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.
- (5) The maximum depth of a lot, in relation to the width of its frontage, shall not exceed the maximum ratio permitted by applicable provisions of the Village Zoning Ordinance, except where such ratio may by ordinance be varied or exceeded.
- (6) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.

- (7) Lots in subdivisions bounded by existing streets shall only have access from internal streets constructed to serve the subdivision and not directly to such existing streets, unless permitted by the Village Council.
- (8) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major streets or railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts.

**Section 4.03 Usable Land.**

- (1) Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Village.
- (2) For private streets and other areas under the control of a subdivision property owners association or similar organization, the Village may require a recorded agreement whereby the Village may maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.
- (3) If parks, playgrounds or other common areas are dedicated to the public or to the owners of lots in the subdivision, the Village Council may require the preparation and recording of restrictive covenants or other legal instruments sufficient to assure adequate continuous maintenance of such public or other areas.

**Section 4.04 Dedication.**

Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards of the private road provisions of the Village Zoning Ordinance, and shall include easements for public utilities within the street and at least fifteen feet on either side thereof.

**Section 4.05 Street Names.**

Street names shall be approved by the Village Council before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

**Section 4.06 Street Alignment and Layout.**

- (1) The subdivision layout shall conform to any major street and thoroughfare plan of the Village and to the Master Plan of the Village.
- (2) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.

- (3) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.
- (4) No dead end street or street terminating in a cul-de-sac shall provide access to more than twenty five (25) dwelling units; provided, however, the Village Council may approve a dead end street or a street terminating in a cul-de-sac providing access to up to and including thirty (30) dwelling units, by majority vote of the members of the Village Council present and voting.
- (5) Intersections of public or private streets shall be at angles of ninety (90) degrees, or as close to such angle as possible, but in no case more than thirty (30) degrees from perpendicular.
- (6) Streets shall be designed and constructed in continuous or looped fashion, and cul-de-sacs or other dead end streets shall be minimized and whenever possible avoided.
- (7) The radii of cul-de-sacs shall be of sufficient width so as to accommodate sufficient turn-around area for fire trucks and other emergency vehicles.
- (8) All entrances and exits to and from subdivisions shall be constructed only at safe and convenient locations, where no hazardous traffic situations shall be likely to occur.

#### **Section 4.07 Street Design Standards.**

Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Kent County Road Commission, including installation of concrete curbing along both sides of all platted streets, except where streets are intersected by driveways, sidewalks or other streets. Such curbing shall comply with the Kent County Road Commission standard for concrete curb and gutter (MDOT Det. F-4) or such comparable standard as may subsequently be approved by the Road Commission. All streets shall be paved.

#### **Section 4.08 Sidewalks.**

- (1) Except as otherwise provided in this section, sidewalks at least five (5) feet wide, on both sides of the street, shall be provided for and installed in all plats, unless by majority vote the Council requires sidewalks on only one side of the street or on only parts of a street or streets. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.
- (2) Such sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Planning Commission and Village Council approve an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.

**Section 4.09 Street Lighting.**

- (1) Street lighting shall be installed on all streets by the developer, at the developer's expense. Street lighting fixtures shall be installed and made operational by the time street improvements are made, unless the Village Council authorizes a later date. The developer shall submit a street lighting plan, which shall be subject to the approval of the Village Council.
- (2) Street lighting fixtures shall be of such height and nature, and shall be placed at such locations as will cause streets to be sufficiently lighted, including lighting at all street intersections.

**Section 4.10 Public Utilities.**

- (1) Public electricity, telephone, and gas service shall be furnished to each lot in the subdivision.
- (2) Public sanitary sewer service shall be provided.
- (3) All utilities shall be installed and maintained underground and in appropriate easements.
- (4) Public utility easements shall be provided along rear lot lines, and also along side lot lines when necessary. The total width of such easements shall be not less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots.

**Section 4.11 Natural Features.**

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. A development shall respect the natural resources of the Village as recommended in the Village's Master Plan.

**Section 4.12 Drainage.**

An adequate stormwater drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Village and, where appropriate, the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse effect on adjoining lands, or upon lots within the subdivision.

**ARTICLE V  
VARIANCES**

**Section 5.01**

A variance from the provisions of this Ordinance may be granted as follows:

- (1) If the Proprietor demonstrates that literal enforcement of this Ordinance is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land, the Village Council, upon recommendation of the Planning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this Ordinance. The Village may attach conditions to the variance.
- (2) A petition for a variance shall be submitted along with the preliminary plat. Notice that request for a variance has been received shall be included in the notice of public hearing on the preliminary plat provided in Section 2.03, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Planning Commission to the Village Council after public hearing following notice given in accordance with Section 2.03.

## **ARTICLE VI ENFORCEMENT**

### **Section 6.01**

No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Village Council in accordance with the requirements of this Ordinance.

### **Section 6.02**

No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Kent County Register of Deeds.

### **Section 6.03**

Any sale or option or contract to sell, contrary to the provisions of these regulations, shall be voidable at the option of the buyer or person contracting to purchase, or their successors in interest, within two (2) years after the execution of the sales agreement. Such agreements, however, shall be binding upon the vendor, his or her assigns, heirs or devisees.

### **Section 6.04**

No building permit shall be issued, and no public sewer service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three (3) buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

### **Section 6.05**

Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

### **Section 6.06**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided. Nothing herein contained shall prevent the Village Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Land Division Act.

### **Section 6.07**

In addition to any other available remedy, the Village may in its discretion bring an action in its own name to restrain or prevent any violation of this Ordinance or any continuance of such violation. In such case the person found violating this Ordinance shall pay the Village’s costs and expenses in enforcing this Ordinance, including its attorneys’ fees.

## **ARTICLE VII DIVISION OF PLATTED LOTS**

### **Section 7.01 Prohibition.**

No lot or other parcel of land located within a recorded plat shall be further partitioned or divided or a building permit issued for a partitioned or divided lot unless such partition or division is first approved by the Village Council as provided in this article. No partition or division of a lot may result in the creation of a lot that does not satisfy the particular minimum lot dimension requirements of the Village Zoning Ordinance.

### **Section 7.02 Approval of Lot Splits.**

- (1) Any proprietor or property owner who desires to partition or split a lot, outlot, or other parcel of land located in a recorded plat shall apply to the Village Clerk. The application shall include a detailed statement of the reasons for the requested partition or division, sketch, map or maps prepared to scale showing the proposed division or partition and all adjoining lots, streets, and parcels of land, and a statement from the Kent County Health Department indicating the effect of the

proposed division or partition upon the safe operation of necessary septic tanks and wells.

- (2) The Village Clerk shall transmit the application and report from the Kent County Health Department to the Planning Commission, which shall make a recommendation to the Village Council.
- (3) In reviewing the application, the Planning Commission and Village Council shall consider whether the request is consistent with all Village ordinances, Act 288, and other State laws and is consistent with the general public welfare.
- (4) Upon receiving the recommendation of the Planning Commission, the Village Council shall either approve or reject the application.
- (5) The Village Council may condition its approval of a division or partition upon such reasonable conditions as shall be deemed desirable by the Village Council.

## **ARTICLE VIII EFFECTIVE DATE**

### **Section 8.01 Effective Date.**

This Ordinance shall become effective thirty (30) days after its publication or thirty (30) days after the publication of a summary of its provision in a local newspaper of general circulation.

Adopted: March 16, 1998

Published: March 31, 1998

Effective: April 30, 1998

**ORDINANCE NO. 10.2004.04**

**CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE**

AN ORDINANCE granting to Consumers Energy Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Village of Kent City, Kent County, Michigan, for a period of thirty years.

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Grant, Term.**

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

**Section 2. Consideration.**

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

**Section 3. Conditions.**

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

**Section 4. Hold Harmless.**

Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the careless, improper or negligent

construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such careless, improper or negligent construction and maintenance.

**Section 5. Extensions.**

Said Grantee shall construct and extend its electric distribution system within said Village, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

**Section 6. Franchise Not Exclusive.**

The rights, power and authority herein granted, are not exclusive.

**Section 7. Rates.**

Said Grantee shall be entitled to charge the inhabitants of said Village for electric furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either said Village, acting by its Village Council, or by said Grantee.

**Section 8. Revocation.**

The franchise granted by this Ordinance is not subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

**Section 9. Michigan Public Service Commission, Jurisdiction.**

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

**Section 10. Repealer.**

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a electric ordinance adopted by the Village Council on February 9, 1970 entitled:

AN ORDINANCE, granting to Consumers Power Company, its successors and assigns, the right, power and authority to construct, maintain and use electric lines consisting of poles, masts, towers, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electric appliances on, along and across the highways, streets, alleys, bridges, and other public places in the

Village of Kent City, Kent County, Michigan, and to do a local electric business therein, for a period of thirty years.

and amendments, if any, to such ordinance whereby a electric franchise was granted to Consumers Energy Company.

**Section 11. Effective Date.**

This Ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

Adopted: October 12, 2000

Published: October 24, 2000

Effective: October 25, 2000

**ORDINANCE NO. 2002-02.01**

**STORMWATER ORDINANCE**

AN ORDINANCE to provide for the regulation and control of storm water runoff; to provide for storm water permits and the procedures and standards for the issuance thereof; to provide for payment or reimbursement of costs and expenses incurred by the Village associated with storm water permits and the consideration thereof; to establish standards and requirements for the protection of floodways and for the control of soil erosion and sedimentation; to adopt other provisions for the establishing, maintaining and protection of drains and drainageways; to provide regulations for the inspection, sampling and monitoring of storm water and other discharges; to establish performance and design standards for storm water management in specified zones of the Village; and to provide penalties for violations of the ordinance.

THE VILLAGE OF KENT CITY ORDAINS:

**ARTICLE I  
GENERAL**

**Section 1.01 Statutory Authority and Title.**

This Ordinance is adopted in accordance with the Incorporation of Villages Act, as amended, being MCL 61.1, et seq.; the Township and Village Public Improvement Act, as amended, being MCL 41.721, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; and the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123 and 124; and other applicable state and federal laws.

This Ordinance shall be known and may be cited as the Village of Kent City Storm Water Ordinance.

**Section 1.02 Findings.**

The Village finds that:

- (1) Water bodies, roadways, structures, and other property within, and downstream of the Village are at times subjected to flooding;
- (2) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the Village and the region;

- (3) Land development alters the hydrologic response of watersheds, resulting in increased storm water runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
- (4) Storm water runoff produced by land development contributes to increased quantities of water-borne pollutants;
- (5) Increases of storm water runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and cause deterioration of the water resources of the Village and downstream municipalities;
- (6) Storm water runoff, soil erosion, and non-point source pollution, due to land development within the Village, have resulted in a deterioration of the water resources of the Village and downstream municipalities;
- (7) Increased storm water runoff rates and volumes, and the sediments and pollutants associated with storm water runoff from future development projects within the Village will, absent reasonable regulation and control, adversely affect the Village's water bodies and water resources, and those of downstream municipalities;
- (8) Storm water runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of storm water runoff from development;
- (9) Adopting the standards, criteria and procedures contained in this Ordinance and implementing the same will address many of the deleterious effects of storm water runoff;
- (10) Adopting these standards is necessary for the preservation of the public health, safety and welfare.

### **Section 1.03 Purpose.**

It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

- (1) To reduce artificially induced flood damage;
- (2) To minimize increased storm water runoff rates and volumes from identified new land development;
- (3) To minimize the deterioration of existing watercourses, culverts and bridges, and other structures;
- (4) To encourage water recharge into the ground where geologically favorable conditions exist;
- (5) To prevent an increase in non-point source pollution;

- (6) To maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- (7) To minimize the impact of development upon stream bank and streambed stability;
- (8) To reduce erosion from development or construction projects;
- (9) To preserve and protect water supply facilities and water resources by means of controlling increased flood discharges, stream erosion, and runoff pollution;
- (10) To reduce storm water runoff rates and volumes, soil erosion, and non-point source pollution, wherever practicable, from lands that were developed without storm water management controls meeting the purposes and standards of this Ordinance; and
- (11) To reduce the adverse impact of changing land use on water bodies and, to that end, this Ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where there are insufficient storm water management controls.

#### **Section 1.04 Applicability, Exemptions and General Provisions.**

- (1) This Ordinance shall apply to any development site which requires approval of a plat, a site development plan, building permit, or any other permit for work which will alter storm water drainage characteristics of the development site, provided, however, that this Ordinance shall not apply to the following:
  - (a) The installation or removal of individual mobile homes within a mobile home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.
  - (b) Farm operations and buildings, except dwellings, directly related to farm operations. This exemption shall not apply to greenhouses and other similar structures.
  - (c) Plats with preliminary plat approval and other developments with final land use approval prior to the effective date of this Ordinance, where such approvals remain in effect.

#### **Section 1.05. Definitions.**

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section unless the context in which they are used specifically indicates otherwise:

- (1) Base Flood – A flood having a one (1%) percent chance of being equaled or exceeded in any given year.

- (2) Base Flood Elevation – The high water elevation of the Base Flood, commonly referred to as the “100-year flood elevation.”
- (3) Base Flood Plain – The area inundated by the Base Flood.
- (4) Best Management Practices (BMPs) – A practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality’s Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the Village Engineer, and, where appropriate, the standards of the Kent County Drain Commissioner.
- (5) Building Opening – Any opening of a solid wall such as a window or door, through which floodwaters could penetrate.
- (6) Clean Water Act – The Federal Water Pollution Control Act, 33 USC Sec 1251 et seq., as amended, and the applicable regulations promulgated thereunder.
- (7) Construction Site Storm Water Runoff – Storm water runoff from a development site following an earth change.
- (8) Design Engineer – Registered and licensed professional engineer responsible for the design of a drainage plan.
- (9) Detention – A system which is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.
- (10) Developed or Development – The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the Village’s approval of a site plan, plat, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of Article 2 only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling.
- (11) Developer – Any person proposing or implementing the development of land.
- (12) Development Site – Any land that is being or has been developed, or that a developer proposes for development.
- (13) Discharger – Any person or entity who directly or indirectly discharges storm water from any property. Discharger also means any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission which is or results in a violation of this Ordinance.

- (14) Drain – Any drain as defined in the Drain Code of 1956, as amended, being MCL 280.1, et. seq., other than an established county or intercounty drain.
- (15) Drainage – The collection, conveyance, or discharge of ground water and/or surface water.
- (16) Drainageway – The area within which surface water or ground water is carried from one part of a lot or parcel to another part of the lot or parcel or to adjacent land.
- (17) Earth Change – Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.
- (18) EPA – The United States Environmental Protection Agency.
- (19) Erosion – The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.
- (20) Exempted Discharges – Discharges other than storm water as specified in Section 4.02 of this Ordinance.
- (21) Federal Emergency Management Agency (FEMA) – The agency of the federal government charged with emergency management.
- (22) Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of water bodies or the unusual and rapid accumulation of surface water runoff from any source.
- (23) Floodplain – Any land area subject to periodic flooding.
- (24) Flood-Proofing – Any structural and/or non-structural additions, changes, or adjustments to structures or property that reduce or eliminate flood damage to land, or improvements utilities and structures.
- (25) Flood Protection Elevation (FPE) – The Base Flood Elevation plus one (1) foot at any given location.
- (26) Floodway – The channel of any watercourse and the adjacent land areas that must be reserved to carry and discharge a base flood without cumulatively increasing the water surface elevation more than one-tenth (1/10) of a foot due to the loss of flood conveyance or storage.
- (27) Grading – Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
- (28) Illicit Connection – Any method or means for conveying an illicit discharge into water bodies or the Village's storm water system.

- (29) Illicit Discharge – Any discharge to water bodies that does not consist entirely of storm water, discharges pursuant to the terms of an NPDES permit, or exempted discharges as defined in this Ordinance.
- (30) Impervious Surface – Surface that does not allow storm water runoff to slowly percolate into the ground.
- (31) KCDC – Kent County Drain Commissioner.
- (32) Lowest Floor – The lowest floor or the lowest enclosed area (including a basement), but not including an unfinished or flood-resistant enclosure which is usable solely for parking of vehicles or building access.
- (33) MDEQ – Michigan Department of Environmental Quality.
- (34) NPDES – National Pollution Discharge Elimination System.
- (35) Overland flow-way – Surface area that conveys a concentrated flow of storm water runoff.
- (36) Person – An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.
- (37) Plan – Written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this Ordinance.
- (38) Pollutant – A substance discharged which includes, but is not limited to the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act.
- (39) Property Owner – Any person having legal or equitable title to property or any person having or exercising care, custody, or control over any property.
- (40) Retention – A system which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.
- (41) Soil Erosion – The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.
- (42) State of Michigan Water Quality Standards – All applicable State rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

- (43) Storm Drain – A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.
- (44) Storm Water Permit – A permit issued pursuant to this Ordinance.
- (45) Storm Water Runoff – The runoff and drainage of precipitation resulting from rainfall or snowmelt or other natural event or process.
- (46) Storm Water Runoff Facility – The method, structure, area, system, or other equipment or measures which are designed to receive, control, store, or convey storm water.
- (47) Stream – A river, stream or creek which may or may not be serving as a drain, or any other water body that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.
- (48) Village – The Village of Kent City.
- (49) Water Body – A river, lake, stream, creek or other watercourse or wetlands.
- (50) Watershed – A region draining into a water body.
- (51) Wetlands – Land characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life.

## **ARTICLE II STORM WATER PERMITS**

### **Section 2.01 Permit Required.**

- (1) A developer shall not engage in any development without first receiving a storm water permit from the Village pursuant to Section 2.02.
- (2) The granting of a storm water permit shall authorize only such development for which the permit is required, subject to the terms of the permit, and it shall not be deemed to approve other development or other land use activities.

### **Section 2.02 Storm Water Permit Review Procedures.**

The Village shall grant a storm water permit, which may impose terms and conditions in accordance with Section 2.09, and which shall be granted only upon compliance with each of the following requirements:

- (1) The developer has submitted a drainage plan complying with Section 2.03.
- (2) The drainage plan contains a description of an adequate, temporary storm water retention system to prevent construction site storm water runoff, satisfying the requirements of Section 2.05, and the developer has obtained a soil erosion permit, if necessary.

- (3) One of the following conditions is satisfied:
  - (a) The developer provides:
    - (i) A permanent on-site storm water system sufficient to provide on-site detention of storm water runoff in a twenty five (25) year storm event, and
    - (ii) A direct connection for all storm water runoff that will be discharged from and through the development site in a one hundred (100) year storm event; or
  - (b) The developer provides a permanent on-site storm water system with a restricted outlet designed to result in no net increase in storm water runoff volume or rate onto any adjacent property in a one hundred (100) year storm event.
- (4) The developer has paid or deposited the storm water permit review fee pursuant to Section 2.04.
- (5) The developer has paid or posted the applicable financial guarantee pursuant to Section 2.06.
- (6) The developer provides all easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance including, but not limited to, Section 7.02. All easements shall be acceptable to the Village in form and substance and shall be recorded with the Kent County Register of Deeds.
- (7) The drainage plan is designed in conformity with the Village's design and performance standards for drains and storm water management systems, as set forth in Article 8.
- (8) All storm water runoff facilities shall be designed in accordance with the then-current BMPs.
- (9) The developer provides the required maintenance agreement for routine, emergency, and long-term maintenance of all storm water runoff facilities and in compliance with the approved drainage plan and this Ordinance including, but not limited to, Section 7.03. The maintenance agreement shall be acceptable to the Village in form and substance and shall be recorded with the Kent County Register of Deeds.

### **Section 2.03 Drainage Plan.**

The developer shall provide a drainage plan to the Village for review and approval by the Village. The drainage plan shall identify and contain all of the following:

- (1) The location of the development site and water bodies that will receive storm water runoff.

- (2) The existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses, with contours having a maximum interval of one (1) foot (using USGS datum). The information shall be superimposed on the pertinent Kent County soil map.
- (3) The development tributary area to each point of discharge from the development.
- (4) Calculations for the final peak discharge rates.
- (5) Calculations for any facility or structure size and configuration.
- (6) A drawing showing all proposed storm water runoff facilities with existing and final grades.
- (7) The sizes and locations of upstream and downstream culverts serving the major drainage routes flowing into and out of the development site. Any significant off-site and on-site drainage outlet restrictions other than culverts should be noted on the drainage map.
- (8) An implementation plan for construction and inspection of all storm water runoff facilities necessary to the overall drainage plan, including a schedule of the estimated dates of completing construction of the storm water runoff facilities shown on the plan and an identification of the proposed inspection procedures to ensure that the storm water runoff facilities are constructed in accordance with the approved drainage plan.
- (9) A plan to ensure the effective control of construction site storm water runoff and sediment track-out onto roadways.
- (10) Drawings, profiles, and specifications for the construction of the storm water runoff facilities reasonably necessary to ensure that storm water runoff will be drained, stored, or otherwise controlled in accordance with this Ordinance.
- (11) A maintenance agreement, in form and substance acceptable to the Village, for ensuring maintenance of any privately-owned storm water runoff facilities. The maintenance agreement shall include the developer's written commitment to provide routine, emergency, and long-term maintenance of the facilities and, in the event that the facilities are not maintained in accordance with the approved drainage plan, the agreement shall authorize the Village to maintain any on-site storm water runoff facility as reasonably necessary, at the developer's expense.
- (12) The name of the engineering firm and the registered professional engineer that designed the drainage plan and that will inspect final construction of the storm water runoff facilities.
- (13) All design information must be compatible for conversion to Grand Valley Regional Geographic Information System (REGIS).

- (14) Any other information necessary for the Village to verify that the drainage plan complies with the Village's design and performance standards for drains and storm water management systems.

#### **Section 2.04 Storm Water Permit Review Fees.**

- (1) All expenses and costs incurred by the Village directly associated with processing, reviewing and approving or denying a storm water permit application shall be paid (or reimbursed) to the Village from the funds in a separate escrow account established by the developer, as provided in subsection (2). The Village may draw funds from a developer's escrow account to reimburse the Village for out-of-pocket expenses incurred by the Village relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:
  - (a) Services of the Village Attorney directly related to the application.
  - (b) Services of the Village Engineer directly related to the application.
  - (c) Services of other independent contractors working for the Village which are directly related to the application.
  - (d) Any additional public hearings, required mailings and legal notice requirements necessitated by the application.
- (2) At the time a developer applies for a storm water permit, the developer shall deposit with the Village clerk, as an escrow deposit, an initial amount as determined by resolution of the Village Council for such matters and shall provide additional amounts as requested by the Village in such increments as are specified in said resolution. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final Village approval and acceptance of the development has occurred will be refunded to the developer with no interest to be paid on those funds. At no time prior to the Village's final decision on an application shall the balance in the escrow account fall below the required initial amount. If the funds in the account are reduced to less than the required initial amount, the developer shall deposit into the account an additional amount as determined by Village Council resolution, before the application review process will be continued. Additional amounts may be required to be placed in the escrow account by the developer, at the discretion of the Village.

#### **Section 2.05 Construction Site Runoff Controls.**

Prior to making any earth change on a development site regulated by this Ordinance, the developer shall first obtain a soil erosion permit issued in accordance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, if one is required. The developer shall install storm water runoff facilities and shall phase the development activities so as to prevent construction site storm water runoff and off-site sedimentation. During all construction activities on the development site, the Village Engineer may inspect the development site to ensure compliance with the approved construction site runoff controls.

**Section 2.06 Financial Guarantee.**

- (1) The Village Engineer shall not approve a storm water permit until the developer submits to the Village, in a form and amount satisfactory to the Village, a letter of credit or other financial guarantee for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan. Upon certification by a registered professional engineer that the storm water runoff facilities have been completed in accordance with the approved drainage plan including, but not limited to, the provisions contained in Section 2.03(8), the Village may release the letter of credit, or other financial guarantee subject to final Village acceptance and approval.
- (2) Except as provided in subsection (3), the amount of the financial guarantee shall be \$10,000, unless the Village determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the developer in writing. In determining whether an amount greater than \$10,000 is appropriate, the Village shall consider the size and type of the development, the size and type of the on-site storm water system, and the nature of the off-site storm water runoff facilities the development will utilize.
- (3) The Village zoning administrator may reduce or waive the amount of the financial guarantee for a development that will not increase the percentage of impervious surface of the development site by more than ten (10%) percent.
- (4) This Ordinance shall not be construed or interpreted as relieving a developer of its obligation to pay all costs associated with on-site private storm water runoff facilities as well as those costs arising from the need to make other drainage improvements in order to reduce a development's impact on a drain consistent with adopted design standards.

**Section 2.07 Certificate of Occupancy.**

No certificate of occupancy shall be issued until storm water runoff facilities have been completed in accordance with the approved drainage plan; provided, however, the Village may issue a certificate of occupancy if an acceptable letter of credit or other financial guarantee has been submitted to the Village, for the timely and satisfactory construction of all storm water runoff facilities and site grading in accordance with the approved drainage plan.

**Section 2.08 No Change in Approved Facilities.**

Storm water runoff facilities, after construction and approval, shall be maintained in good condition, in accordance with the approved drainage plan, and shall not be subsequently altered, revised or replaced except in accordance with the approved drainage plan, or in accordance with approved amendments or revisions in the plan.

**Section 2.09 Terms and Conditions of Permits.**

In granting a storm water permit, the Village may impose such terms and conditions as are reasonably necessary to effectuate the purposes of this Ordinance. A developer shall comply with such terms and conditions.

**ARTICLE III  
STORM WATER SYSTEM, FLOODPLAIN  
AND OTHER STANDARDS, SOIL EROSION CONTROL**

**Section 3.01 Management of and Responsibility for Storm Water System.**

The Village is not responsible for providing drainage facilities on private property for the management of storm water on said property. It shall be the responsibility of the property owner to provide for, and maintain, private storm water runoff facilities serving the property and to prevent or correct the accumulation of debris that interferes with the drainage function of a water body.

**Section 3.02 Storm Water System.**

All storm water runoff facilities shall be constructed and maintained in accordance with all applicable federal, state and local ordinances, and rules and regulations.

**Section 3.03 Storm Water Discharge Rates and Volumes.**

The Village is authorized to establish minimum design standards for storm water discharge release rates and to require dischargers to implement on-site retention, detention or other methods necessary to control the rate and volume of surface water runoff discharged into the storm water drainage system, in the following circumstances:

- (1) A parcel of land is being developed in a manner that increases the impervious surface area of the parcel; or
- (2) The discharge exceeds the Village-calculated pre-development discharge characteristics for the subject property, and the Village determines that the discharge is a violation of the drainage, flooding or soil erosion regulations of this Ordinance.

**Section 3.04 Floodplain Standards.**

- (1) All new buildings and substantial improvements to existing buildings shall be protected from flood damage up to the Flood Protection Elevation (FPE) and shall be in accordance with all applicable federal, state and local ordinances, and rules and regulations. Floodway alteration shall be permitted only upon review and approval by the Village, in accordance with an approved drainage plan.
- (2) A drainage plan providing for the filling or alteration of a floodway may include provisions for maintaining stability of the banks of streams or other water bodies, by

means of the establishing of buffer zones and other means of providing protection of the slopes and banks of water bodies.

- (3) Within any required buffer zone, no earth change shall take place except in accordance with the approved drainage plan. Such a plan may also include provisions for the replacement of flood plain storage volume, where such storage volume is lost or diminished as a result of approved development.

### **Section 3.05 Soil Erosion and Sedimentation Control.**

- (1) All persons who cause, in whole or in part, any earth change to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited onto adjacent properties or into a storm water drainage system, a public street or right-of-way, wetland, creek, stream, water body, or floodplain. All development shall be in accordance with all applicable federal, state and local ordinances, rules and regulations.
- (2) During any earth change which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other persons causing or participating in the earth change shall do the following:
  - (a) Comply with the storm water management standards of this Ordinance.
  - (b) Obtain and comply with the terms of a soil erosion and sedimentation control permit if required by law.
  - (c) Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment.
  - (d) Prevent damage to or impairment of any water body on or near the location of the earth change or affected thereby.
  - (e) Prevent damage to adjacent or nearby land.
  - (f) Apply for all required approvals or permits prior to the commencement of work.
  - (g) Proceed with the proposed work only in accordance with the approved plans and in compliance with this Ordinance.
  - (h) Maintain all required soil erosion and sedimentation control measures, including but not limited to, measures required for compliance with the terms of this Ordinance.
  - (i) Promptly remove all soil, sediment, debris, or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil,

sediment, debris or other materials within twenty four (24) hours shall be considered prima facie compliance with this requirement, unless such materials present an immediate hazard to public health and safety.

- (j) Refrain from grading lands at locations near or adjoining lands, public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such other lands, streets, sidewalks or other property from settling, cracking or sustaining other damage.
- (k) Request and obtain inspection of soil erosion and sedimentation control facilities, by the Village at such frequency as required by the Village.

### **Section 3.06 Building Openings.**

- (1) No building opening shall be constructed below the following elevations:
  - (a) One (1) foot above the 100-year floodplain.
  - (b) The building opening established at the time of plat or development approval and on file in the Village Engineering Department.
  - (c) Three (3) feet above the top of any downstream culvert.
  - (d) Four (4) feet above the bottom of any permanent and defined drain.
- (2) A waiver from elevations stated in Section 3.05(1) may be granted by the Village Engineer following receipt of a certification from a registered professional engineer demonstrating that the proposed elevation does not pose a risk of flooding.
- (3) Upon completion of construction of the structure's foundation and or slab on grade, a registered land surveyor shall certify any minimum building opening elevation specified by this Ordinance. This certificate shall attest that the building opening elevation complies with the standards of this Ordinance. The permittee for the building permit shall submit the certificate to the Village Building Inspections official prior to the commencement of framing and/or structural steel placement. If the surveyor should find that the minimum building opening elevation is below the elevation specified in Section 3.06(1)(b) or (c), that opening must be raised using a method that meets with the approval of the Village. After reconstruction, a registered land surveyor or engineer shall re-certify that the minimum building opening elevation complies with the standards of this Ordinance prior to the commencement of framing and or structural steel placement.

### **Section 3.07 Sump Pump Discharge.**

- (1) Whenever building footing drains are required or utilized, a direct connection between the footing drains through a sump pump-check valve system to a storm sewer is required. A gravity system is not permitted.

- (2) A storm water lateral shall be provided for each parcel at the time of storm sewer construction.

**Section 3.08 Public Health, Safety and Welfare.**

Protection of the public health, safety and welfare shall be a primary consideration in the design of all storm water runoff facilities.

**ARTICLE IV  
PROHIBITIONS AND EXEMPTIONS**

**Section 4.01 Prohibited Discharges.**

- (1) No person shall discharge to a water body, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with best management practices.
- (2) The Village is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Village's storm water drainage system.

**Section 4.02 Exempted Discharges.**

The following non-storm water discharges shall be permissible, provided that they do not result in a violation of State of Michigan water quality standards:

- Water supply line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground water
- Uncontaminated ground water infiltration to storm drains
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Individual residential car washing
- Dechlorinated swimming pool water
- Street washwater
- Discharges or flows from emergency fire fighting activities
- Discharges for which a specific federal or state permit has been issued.

**Section 4.03 Interference with Natural or Artificial Drains.**

- (1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainageway without first submitting a drainage plan to the Village and receiving approval of that plan. Any deviation from the approved plan is a violation of this Ordinance. This

section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

- (2) No filling, blocking, fencing or above-surface vegetation planting shall take place within a floodway.
- (3) For an overland flow-way:
  - (a) Silt screen fences shall not be permitted below the top of the bank of a water body.
  - (b) Chain link fences shall be permitted if the Village determines that the fence will not obstruct or divert the flow of water.
  - (c) If a fence is removed by the Village for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense.
  - (d) No shrubs or trees shall be planted below the top of the bank of a water body.
- (4) Shrubs, trees or other above-ground vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

#### **Section 4.04 Storage of Hazardous or Toxic Materials in Drainageway.**

Except as permitted by law, it shall be unlawful for any person to store or stockpile within a drainageway any hazardous or toxic materials unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a drainageway.

### **ARTICLE V INSPECTION, MONITORING, REPORTING, AND RECORDKEEPING**

#### **Section 5.01 Inspection and Sampling.**

To assure compliance with the standards in this pervasively regulated area, the Village may inspect and/or obtain storm water samples from storm water runoff facilities of any discharger to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Village's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Village shall provide the discharger reasonable advance notice of such inspection and/or sampling. The Village or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

#### **Section 5.02 Storm Water Monitoring Facilities.**

A discharger of storm water runoff shall provide and operate equipment or devices for the monitoring of storm water runoff, so as to provide for inspection, sampling, and flow

measurement of each discharge to a water body or a storm water runoff facility, when directed in writing to do so by the Village. The Village may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling and flow measurement of discharges in order to determine whether adverse effects from or as a result of such discharges may occur. All such equipment and devices for the inspection, sampling and flow measurement of discharges shall be installed and maintained in accordance with applicable laws, ordinances and regulations.

### **Section 5.03 Accidental Discharges.**

- (1) Any discharger who accidentally discharges into a water body any substance other than storm water or an exempted discharge shall immediately inform the Village concerning the discharge. If such information is given orally, a written report concerning the discharge shall be filed with the Village within five (5) days. The written report shall specify:
  - (a) The composition of the discharge and the cause thereof.
  - (b) The exact date, time, and estimated volume of the discharge.
  - (c) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
  - (d) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.
- (2) A properly-reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief as a result of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of Section 5.03(1).

### **Section 5.04 Record Keeping Requirement.**

Any person subject to this Ordinance shall retain and preserve for no less than three (3) years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, relating to monitoring, sampling and chemical analysis of any discharge or storm water runoff from any property.

## **ARTICLE VI ENFORCEMENT**

### **Section 6.01 Sanctions for Violation.**

- (1) Any person violating any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine of not less than \$250 nor more than \$1,000 for a first offense, and not less than \$500 nor more than \$2,500 for a subsequent offense, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961 and other applicable laws, including, without limitation, equitable relief; provided, however, that the violation stated in Section 6.01(2) shall be a misdemeanor. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The Village zoning administrator is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this Ordinance.

- (2) Any person who neglects or fails to comply with a stop work order issued under Section 6.02 shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment in the county jail for not more than ninety three (93) days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.
- (3) Any person who aids or abets a person in a violation of this Ordinance shall be subject to the sanctions provided in this section.

### **Section 6.02 Stop Work Order.**

Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this Ordinance, the Village is authorized to issue a Stop Work Order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The Village may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work, and such cost shall be a lien upon the property.

### **Section 6.03 Failure to Comply; Completion.**

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the Village may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the Village for all costs of such work.

### **Section 6.04 Emergency Measures.**

When emergency measures are necessary to moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the Village is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the Village for all of such costs.

### **Section 6.05 Cost Recovery for Damage to Storm Drain System.**

A discharger shall be liable for all costs incurred by the Village as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the EPA or MDEQ for violation of an NPDES permit, attorney fees, and other costs and expenses.

### **Section 6.06 Collection of Costs; Lien.**

Costs incurred by the Village and the Drain Commissioner pursuant to Sections 6.02, 6.03, 6.04 and 6.05 shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the Village Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the Village or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

### **Section 6.07 Appeals.**

Any person as to whom any provision of this Ordinance has been applied may appeal in writing, not later than thirty (30) days after the action or decision being appealed from, to the Village Council the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Village Council shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Village Council may consider the recommendations of the Village Engineer and the comments of other persons having knowledge of the matter. In considering any such appeal, the Village Council may grant a variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- (1) The application of the ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and
- (2) The granting of the relief requested will not substantially prevent the goals and purposes sought to be accomplished by this Ordinance, nor result in less effective management of storm water runoff.

## **ARTICLE VII STORM WATER EASEMENTS AND MAINTENANCE AGREEMENTS**

### **Section 7.01 Applicability of Requirements.**

The requirements of this article concerning storm water easements and maintenance agreements shall apply to all persons required to submit a drainage plan to the Village for review and approval.

### **Section 7.02 Storm Water Management Easements.**

The developer shall provide all storm water management easements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance in form and substance required by the Village and shall record such easements as directed by the Village. The easements shall assure access for proper inspection and maintenance of storm water runoff facilities and shall provide adequate emergency overland flow-ways.

### **Section 7.03 Maintenance Agreements.**

The developer shall provide all storm water maintenance agreements necessary to implement the approved drainage plan and to otherwise comply with this Ordinance in form and substance as required by the Village, and shall record such agreements as directed by the Village. The maintenance agreements shall, among other matters, assure access for proper inspection and maintenance of storm water runoff facilities and adequate emergency overland flow-ways.

### **Section 7.04 Establishment of County Drains.**

Prior to final approval, all storm water management facilities for platted subdivisions shall be established as county drains, as authorized in Section 433, Chapter 18 of the Michigan Drain Code (P.A. 40 of 1956, as amended) for long-term maintenance.

**ARTICLE VIII  
PERFORMANCE AND DESIGN STANDARDS**

**Section 8.01 Performance Standards.**

In order to achieve the goals and purposes of this Ordinance, the following three (3) storm water management zones (Zones A, B and C) are hereby established. The Zones are shown on the map attached as Appendix A and made a part of this Ordinance.

- (1) Zone A represents areas which require the most protective storm water management regulations. The goal of this zone is to preserve the natural condition of water bodies included in it, in whole or in part. Zone A has, in general, little impervious surface area and few storm water facilities. In this zone, when site conditions permit, infiltration of storm water runoff shall be required, rather than the directed flow of storm water runoff into water bodies. This storm water management practice provides greater protection for surface water quality, and also assists in augmenting stream base flow, reduction of flash storm flows and prevention of stream bank erosion. Section 8.02 specifies design criteria for Zone A, in order that the volume and rate of storm water runoff are controlled at predevelopment levels.
- (2) Zone B represents developed areas that have significant impervious surfaces and storm water runoff facilities in place. The goal of Zone B is the control of storm water runoff in order to prevent further destabilizing of streams and other water bodies. In this zone, the use of detention ponds, the maintenance and enhancement of buffer strips and other measures to reduce directly-connected impervious areas are specified in Section 8.02 for the achieving of the storm water management standards applicable to Zone B. The management practices for this zone are intended to maintain existing water quality and to alleviate adverse downstream impact on water bodies.
- (3) Zone C consists of highly urbanized areas, or areas where there has been significant modification of drainageways. The amount of impervious surface area in Zone C is generally greater than twenty five (25%) percent. Among the measures required in Zone C, as stated in Section 8.02, are the use of sediment basins, the maintenance and enhancement of buffer strips along water bodies and the reduction of impervious surface areas that are directly connected to water bodies. An important element of storm water management practice in Zone C is the control and prevention of sedimentation, in order to reduce pollution of water bodies.

**Section 8.02 Design Standards.**

The design standards for storm water runoff facilities for Zones A, B and C, as described in Section 8.01, are the following:

	<b>Zone A</b>	<b>Zone B</b>	<b>Zone C</b>
<b>Criteria</b>	High quality waters. Meets water quality standards. Less than 10% imperviousness.	Degraded physical, biological, or water quality indicators. 10% to 25% imperviousness.	Heavily degraded physical, biological, or water quality indicators. Greater than 25% imperviousness.
<b>Storm Water Management Standards</b>	Use infiltration basins, infiltration trenches, extended detention basins, and/or constructed wetlands. Maintain and enhance buffer strips.	Use detention ponds; maintain and enhance buffer strips, and reduce directly connected impervious area.	Use sediment basins, maintain and enhance buffer strips, and reduce directly connected impervious area.
<b>Water Quality Control</b>	Detain the first 0.5” of runoff from the contributing watershed, with detention per Zone B and infiltration where conditions permit, or provide equivalent treatment.	Detain the first 0.5” of runoff from the contributing watershed for 24 hours or provide equivalent treatment.	Provide sedimentation control within the drainage system.
<b>Bank Erosion Control</b>	Rate of release shall be limited to 0.05 cfs/acre for a 2-year storm event.	Release rate of 0.13 cfs/acre per KCDC rules.	Storm water runoff shall not exceed the capacity of the downstream conveyance system.
<b>Flood Control</b>	Detention with infiltration when conditions permit. Release rate of 0.13 cfs/acre per KCDC rules.	Release rate of 0.13 cfs/acre per KCDC rules.	Direct conveyance of storm water runoff within the capacity of downstream system.

**Section 8.03 Resolution to Implement Performance and Design Standards.**

The Village Council of the Village may adopt a resolution establishing more detailed design and performance standards for storm water runoff facilities, consistent with the terms of this Ordinance, and in order to further implement its goals and purposes.

**ARTICLE IX  
OTHER MATTERS**

**Section 9.01 Interpretation.**

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

**Section 9.02 Catch-Line Headings.**

The catch-line headings of the articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

**Section 9.03 Severability.**

The provisions of this Ordinance are hereby declared to be severable, and if any part or provision of this Ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

**Section 9.04 Other Ordinances.**

This Ordinance shall be in addition to other ordinances of the Village, and shall not be deemed to repeal or replace other ordinances or parts thereof except to the extent that such repeal is specifically provided for in this article.

**Section 9.05 Effective Date.**

This Ordinance shall become effective thirty days following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

Adopted: February 14, 2002

Published: February 26, 2002

Effective: March 28, 2002

**ORDINANCE NO. 04-2003.01**

**AN ORDINANCE TO IMPLEMENT THE  
METROPOLITAN EXTENSION TELECOMMUNICATIONS  
RIGHTS-OF-WAY OVERSIGHT ACT**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Purpose.**

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

**Section 2. Conflict.**

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

**Section 3. Terms Defined.**

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

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

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

“MPSC” means the Michigan Public Service Commission.

“Permit” means a non-exclusive permit issued pursuant to the Act and this Ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

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

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

“Telecommunication Facilities” or “Facilities” means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which

are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

“Telecommunications Provider, Provider and Telecommunications Services” mean those terms as defined in the Michigan Telecommunications Act, being Public Act 179 of 1991, as amended. 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 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this Ordinance only, a provider also includes all of the following:

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

“Village” means the Village of Kent City.

“Village Clerk” means the Village Clerk or his or her designee.

“Village Council” means the Village Council of the Village of Kent City, 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.

#### **Section 4. Permit Required.**

- (a) Permit Required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this Ordinance.
- (b) Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk. Upon receipt, the Village Clerk shall distribute copies of the application to the Village President and 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 Michigan Freedom of Information Act, 1976 PA 442, 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 \$500.00.
- (e) Additional Information. The Village Clerk may request an applicant to submit such additional information which the Village Clerk deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Clerk.
- (f) Previously Issued Permits. Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this Ordinance.
- (g) Existing Providers. Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this Ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

**Section 5. Issuance of Permit.**

- (a) Approval or Denial. The authority to approve or deny an application for a permit is hereby delegated to the Village Clerk. Pursuant to Section 15(3) of the Act, the Village Clerk shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this Ordinance for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village Clerk shall notify the MPSC when the Village Clerk has granted or denied a permit, including information regarding the date on which the application was filed and the date on which the permit was granted or denied. The Village Clerk shall not unreasonably deny an application for a permit.

- (b) Form of Permit. If an application for permit is approved, the Village Clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.
- (c) Conditions. Pursuant to Section 15(4) of the Act, the Village Clerk may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
- (d) Bond Requirement. Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the Village Clerk may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

**Section 6. 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 for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

**Section 7. 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 Ordinance does not give a telecommunications provider a right to use conduit or utility poles.

**Section 8. Route Maps.**

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village.

**Section 9. Repair of Damage.**

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

**Section 10. Establishment and Payment of Maintenance Fee.**

In addition to the non-refundable application fee paid to the Village set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the

Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

**Section 11. Modification of Existing Fees.**

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

**Section 12. Savings Clause.**

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

**Section 13. Use of Funds.**

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

**Section 14. Annual Report.**

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

**Section 15. Cable Television Operators.**

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

## **Section 16. Existing Rights.**

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

## **Section 17. Compliance.**

The Village hereby declares that its policy and intent in adopting this Ordinance is to fully comply with the requirements of the Act, and the provisions 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 Michigan Freedom of Information Act, 1976 PA 442, as provided in Section 4(c) of this Ordinance;
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this Ordinance;
- (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 Section 4(g) of this Ordinance;
- (d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 5(a) of this Ordinance;
- (e) Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 5(a) of this Ordinance;
- (f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this Ordinance;
- (g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this Ordinance;
- (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 Section 5(c) of this Ordinance;
- (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 Section 5(d) of this Ordinance;

- (j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this Ordinance;
- (k) Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this Ordinance, in accordance with Section 11 of this Ordinance;
- (l) Submitting an annual report to the Authority, in accordance with Section 14 of this Ordinance; and
- (m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this Ordinance.

**Section 18. Reservation of Police Powers.**

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

**Section 19. Severability.**

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

**Section 20. Municipal Civil Infraction.**

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies provided by law. For the purpose of this section, a subsequent offense means a violation of this ordinance committed by the same person or party within one year after a previous violation of the same provision of this ordinance for which such person or party admitted responsibility or was determined by law to be responsible.

**Section 21. Repealer.**

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

**Section 22. Effective Date.**

This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation.

Adopted: April 10, 2003

Effective: April 22, 2003

**ORDINANCE NO. 05-2003.03**

**VILLAGE OF KENT CITY TRAFFIC CODE**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Title.**

This Ordinance and the provisions of the Uniform Traffic Code and state laws adopted by reference herein shall be collectively known and may be cited as the “Village of Kent City Traffic Code Ordinance.”

**Section 2. Adoption of Uniform Traffic Code by Reference.**

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002 is hereby adopted by reference. All references in said Uniform Traffic Code to a “governmental unit” shall mean the Village of Kent City.

**Section 3. Adoption of Provisions of Michigan Vehicle Code by Reference.**

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 et seq.) are hereby adopted by reference:

- (a) Chapter I (Words and Phrases Defined): MCL 257.1-257.82.
- (b) Chapter II (Administration, Registration): MCL 257.223, 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- (c) Chapter III (Operator’s and Chauffeur’s License): MCL 257.310e, 257.311, 257.312, 257.312a, 257.324, 257.325, 257.326, 257.328.
- (d) Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682g, 257.683-257.710e, 257.716-257.724.
- (e) Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e, 257.905.

**Section 4. Adoption of Other State Laws by Reference.**

The following provisions of state law are hereby adopted by reference:

- (a) Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).

**Section 5. Penalties.**

The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

**Section 6. Severability.**

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Village, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Village to impose.

**Section 7. Repeal of Conflicting Provisions and Effective Date.**

This Ordinance shall take effect upon publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under any ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect; provided further, any ordinance provision setting a speed limit for Village streets shall continue under the ordinance provision then in effect.

Adopted: May 8, 2003

Published: May 20, 2003

Effective: May 20, 2003

**ORDINANCE NO. 12-2006.05**

**AN ORDINANCE TO REGULATE THE INSTALLATION  
AND USE OF OUTDOOR FURNACES**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Purpose.**

The purpose of this Ordinance is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Village of Kent City so as to secure and promote the public health, safety and welfare of the Village and its inhabitants. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor furnaces.

**Section 2. Outdoor Furnaces Defined.**

For purposes of this Ordinance, the term "outdoor furnace" shall mean a furnace, stove or boiler that is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for such building or structure.

**Section 3. Regulations.**

An outdoor furnace shall not be permitted within the Village unless it complies with each of the following regulations:

- A. **Setback.** The outdoor furnace shall be located no less than 200 feet from the nearest building which is not on the same property as the outdoor furnace and no less than 50 feet from the nearest property line of another property.
- B. **Chimney Height.** If there are any residences within 300 feet of the outdoor furnace, the chimney of the outdoor furnace shall be no lower than the height, above the ground surface, of the height of all roofs of such residences. Further, all chimneys shall have a minimum height of 20 feet and shall have a spark arrester installed on the top of the chimney.

The Zoning Administrator, or such other person as is designated by the Village Council to enforce ordinances, may approve a lesser height on a case by case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. Insulated chimneys are recommended.

- C. **Open Ground Area.** An area with a radius of 10 feet around the outdoor furnace shall be free of vegetation, except grass not exceeding four inches in length.
- D. **Appropriate Furnace Size.** Outdoor furnaces shall be appropriately designed for the size of the structure to be heated. An outdoor furnace designed to heat structures more than 10 percent greater than the size of the structure to be heated shall not be permitted.
- E. **Fuel.** No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:
  - (1) Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
  - (2) Waste oil or other oily wastes.
  - (3) Asphalt and products containing asphalt.
  - (4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
  - (5) Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - (6) Rubber, including tires and synthetic rubber-like products.
  - (7) Newspapers, corrugated cardboard, container board or office paper.
- F. **Zoning District.** An outdoor furnace shall only be permitted in the R-1 and R-1A Single-Family Zoning Districts.

**Section 4. Permit.**

The owner of an outdoor furnace shall obtain a permit from the Village, according to the following provisions:

- A. **Application Information.** The applicant for a permit shall submit the following information:
  - (1) Verification that the outdoor furnace will comply with the manufacturer's specifications for such outdoor furnace.

- (2) Verification that the outdoor furnace will comply with all applicable state and federal statutes.
- (3) A drawing providing the location of the proposed outdoor furnace and of nearby residences, together with the height of all applicable roofs, so as to establish compliance with all regulations contained in this Ordinance.

**B. Application Permit; Fee.** The Zoning Administrator, or such other person as is designated by the Village Council to enforce ordinances, shall review each application and issue a permit to such applicants as meet the requirements contained in this Ordinance. The Village Council may establish by resolution a fee for the processing of outdoor furnace permit applications.

#### **Section 5. Liability.**

A person using or maintaining an outdoor furnace shall be responsible for all fire suppression, costs and other liability resulting from damage caused by the outdoor furnace. Compliance with this Ordinance shall not be a defense to any civil claims. Nothing in this Ordinance shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith.

#### **Section 6. Severability.**

The sections and provisions of this Ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

#### **Section 7. Penalty.**

- A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.
- B. Each day during which any violation continues shall be deemed a separate offense.
- C. The foregoing penalty shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**Section 8. Publication/Effective Date.**

This Ordinance shall become effective 20 days after publication of a summary of its provisions thereof in a local newspaper of general circulation within the Village.

Adopted: December 14, 2006

Published: December 26, 2006

Effective: January 15, 2006

**ORDINANCE NO. 12-2006.06**

**PROPERTY MAINTENANCE CODE ORDINANCE**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Adoption of Property Maintenance Code.**

The International Property Maintenance Code, 2003, as published by the International Code Council, Inc., be and it hereby is adopted as the Property Maintenance Code of the Village of Kent City, for the control of buildings and structures as provided in said code. All of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby adopted, as if fully set forth in this Ordinance, with the additions, insertions, deletions and changes stated in Section 2 of this Ordinance.

**Section 2. Additions, Changes and Other References in Said Code.**

The International Property Maintenance Code is hereby amended and revised as follows:

- (a) Section 101.1 is amended to state Village of Kent City as the name of jurisdiction.
- (b) Section 103.5 is hereby amended so as to read in its entirety as follows: “103.5 Fees: Fees for examinations, inspections, issuance of permits and all other activities of the property maintenance department shall be established by resolution.”
- (c) Section 106.4 is hereby amended so as to read in its entirety as follows: “106.4 Penalty: A violation of this Code shall be punishable as a municipal civil infraction. Any person who shall violate a provision of this Code shall upon conviction thereof be subject to a fine of not less than \$100 nor more than \$500 for the first offense and shall be subject to a fine of not less than \$200 nor more than \$2,500 for each subsequent offense. For purposes of this section, a subsequent offense shall mean an offense occurring within one year after the previous offense. Each day that a violation continues shall be deemed to be a separate offense.”
- (d) Section 304.14 is hereby amended so as to insert “April 1” as the first specified date therein and “October 31” as the second specified date therein.
- (e) Section 602.3 is hereby amended so as to insert “September 1” as the first specified date and “June 15” as the second specified date therein.
- (f) Section 602.4 is hereby amended so as to insert “September 1” as the first specified date and “June 15” as the second specified date therein.

**Section 3. Pending Proceedings.**

No provision of this Ordinance or in the Property Maintenance Code shall be construed to affect any suit or proceeding pending in any court as of the effective date of this Ordinance.

**Section 4. Severability.**

The terms and provisions of this Ordinance shall be deemed to be severable, and should any section, clause or provision hereof be declared to be invalid, the same shall not affect the validity of any other section, clause or provision of the ordinance, if the same may be given effect without the provision thus declared to be invalid.

**Section 5. Repeal of Prior Ordinance.**

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

**Section 6. Publication/Effective Date.**

This Ordinance shall become effective on the 20th day following its publication of a summary of its provisions in a local newspaper of general circulation within the Village.

Adopted: December 14, 2006

Published: December 26, 2006

Effective: January 15, 2007

**ORDINANCE NO. 2008-10.02**

**AN ORDINANCE TO REGULATE THE PREPARATION,  
COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE  
AND MATERIALS IN THE VILLAGE OF KENT CITY**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. Purpose and Intent.**

It is the intent of the Village Council that this chapter be liberally construed for the purpose of regulating the preparation, collection and disposal of residential solid waste and materials, maintaining public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the Village, and providing for a reasonable system of user fees. The Village President is authorized to make such additional administrative rules and regulations as appear to be necessary to carry out the intent of this chapter.

**Section 2. Definitions.**

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

**2.01 Building** means a structure used, in whole or part, for human habitation, manufacturing, sales or another purpose.

**2.02 Bulk rubbish** means rubbish, such as cardboard containers, wooden crates and similar rubbish, that does not readily fit in an approved container or bag.

**2.03 Village Designated Waste or Recyclable Collection and Transfer Facility** means a facility which the Village identifies by resolution as an approved location for the collection and transfer of all or some of the following: solid waste, yard waste, household hazardous waste and recycling.

**2.04 Village Yard Waste Bag** means a type of bag specifically identified by the Village as a suitable container for the purpose of yard waste collection.

**2.05 Commercial Establishment** means any property designated by the Village's Zoning Ordinance or used other than for residential purposes. Residential rental property with five or more units is considered a commercial establishment for the purpose of this chapter.

**2.06 Commercial Solid Waste** means waste material resulting from the operation of mercantile enterprises, including garbage and rubbish but excluding all hazardous waste.

**2.07 Commercial Solid Waste Collection** means solid waste pickup from all commercial, industrial or institutional establishments or rental properties comprised of five or more dwelling units.

- 2.08 Construction Material** means waste from buildings, driveways, or other construction, alteration or repair, including dirt from excavations.
- 2.09 Demolition Debris** means refuse which is incidental to the demolition of buildings or structures on a premises.
- 2.10 Designated Collector** means a residential waste collector granted a franchise by the Village to collect and dispose of solid waste or recycling and household hazardous waste.
- 2.11 Domestic Solid Waste** means solid waste materials resulting from the residential use of property including, but not limited to, garbage and rubbish but excluding all hazardous waste, bulk waste, special refuse, yard waste, construction material and demolition debris.
- 2.12 Garbage** means any organic waste incidental to the use, preparation and storage of food for human consumption. This term does not include food processing wastes from canneries, slaughterhouses and packinghouses or hazardous waste.
- 2.13 Hazardous Waste** means any material that has been identified by state or federal regulation to be unsuitable for disposal in a Type II sanitary landfill or its state certified equivalent.
- 2.14 Household Hazardous Waste** means items or materials designated by state and federal authorities as typical household usage byproducts, and which can be disposed of through a household hazardous waste collection system.
- 2.15 Medical Waste** means any material identified by state or federal regulation to be medical, biohazardous, or pathological waste and is subject to special handling and disposal regulations.
- 2.16 Multiple Residential** means residential establishments consisting of five or more dwelling units. Such establishments are considered a commercial establishment.
- 2.17 Municipal Solid Waste** means rubbish and garbage consisting of certain discarded products incidental to housekeeping and mercantile enterprises that are not recyclable. Such waste shall be classified as either residential, commercial or industrial solid waste as further defined in this section, and excludes hazardous waste.
- 2.18 Premises** means a parcel of land, including any buildings, structures, or appurtenances within the Village, which includes the adjoining street, right-of-way or legal easement, separated from adjacent parcels of land by legal description.
- 2.19 Recyclable Material** means materials designated in accordance with the provisions of this chapter to be separated from solid waste for the express purpose of preparation for and delivery to a secondary market or other use.
- 2.20 Refuse** means the same as Solid Waste.
- 2.21 Residential Solid Waste** means the same as Domestic Solid Waste.

**2.22 Residential Solid Waste Collection** means weekly solid waste pickup from residential units.

**2.23 Residential Unit** means a building, or portion thereof, designated or used for residential purposes and having cooking facilities and separate sanitary facilities. A “residential unit” is also referred to in this chapter as a “dwelling unit.”

**2.24 Rubbish** means miscellaneous waste materials resulting from housekeeping and ordinary mercantile enterprises, including materials such as packing boxes, cartons, excelsior, paper ashes, cinders, glass, metal, plastic and rubber, but excluding hazardous waste.

**2.25 Solid Waste** means garbage and rubbish. This term does not include human body waste, liquid waste, materials that have been separated either at the source or a processing site for the purpose of reuse, recycling or composting, or any material that has been identified by state or federal regulation to be unsuitable for disposal in a Type II sanitary landfill or its state designated equivalent.

**2.26 Special Refuse** means furniture, appliances and other bulky refuse items that are unsuitable for regular solid waste collection services.

**2.27 Special Refuse Bag** means a bag sold by the designated collector or its designee for the purpose of collection, except not on large item days. Special refuse bags shall be of a distinctive color or material and printed with the company seal or other appropriate words which indicate the use of the bag.

**2.28 Type II Sanitary Landfill** means as defined in Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.), as amended, or a state equivalent designation.

**2.29 Yard Waste** means grass clippings, leaves, weeds, hedge clippings, garden waste and twigs.

**2.30 Yard Waste Collection** means collection service provided by the Village or its authorized agent.

### **Section 3. Disposal of Solid Waste Generally.**

A person shall only dispose of solid waste and segregate items as provided in or authorized by this chapter.

### **Section 4. Accumulation of Solid Waste.**

**4.01 Accumulation of Refuse.** No owner or person in control of a residential dwelling unit, commercial establishment or industrial establishment shall permit the accumulation of refuse, rubbish or garbage upon the premises for a period that creates a health hazard, subjects adjacent property occupants to unreasonably offensive odors or become a public nuisance. The accumulation of refuse, rubbish or garbage on a premises for a period in excess of 15 days shall be prima facie evidence of the creation of a health hazard and a per se

public nuisance; provided, however, that health hazard or public nuisance may be created in a period less than 15 days.

**4.02 Composting Storage.** Leaves, yard waste and vegetable waste may be stored for composting purposes in a manner which will not harbor rodents, subject adjacent property owners to an unreasonably offensive odor or become a public nuisance, provided it is stored in required rear yards, enclosed and located not closer than ten feet from the property line.

**4.03 Alley or Lawn Extension.** Where refuse, rubbish, garbage or yard waste are deposited in an alley or lawn extension, which consists of the area between the sidewalk and the street, it shall be the duty of the owner or occupant of such adjacent lot or premises to remove from the alley adjoining the lot or premises, or the entire lawn extension adjoining lot, all such substances.

**Section 5. Unauthorized Dumping and Littering.**

**5.01 Throwing or Depositing of Refuse.** No person may throw or deposit refuse upon a street, right-of-way, or alley, or place or permit the placement of any portable or non-portable container upon another property without the permission of the owner, proprietor, occupant or agent in charge of such property.

**5.02 Alternate Means of Disposal.** Residential units not using the franchised Village collection system may be required to prove alternative means of disposal of solid waste. Only a designated collector can collect and transport residential solid waste in the Village.

**Section 6. Pre-Collection Requirements; Separation; Containers.**

**6.01 Pre-Collection; Separation and Container Regulation.** All persons within the Village who place the following items for disposal, removal or collection shall do so in strict conformity with the following regulations:

- (a) **Solid Waste.** Solid waste shall be separated and contained in an approved bag or in another acceptable solid waste container.
- (b) **Yard Waste.** Yard waste shall be separated as required by the Village and contained in an approved bag or container.
- (c) **Special Refuse.** All special refuse shall be separated and must be removed using an approved method. Approved methods of removal shall be limited to:
  - (1) Arrangements with a lawful collector of such refuse;
  - (2) Transfer to a Village designated collection and transfer site; or
  - (3) By tagging the debris with a Village special refuse tag for collection by the Village.

- (d) **Bulk Rubbish.** All bulk rubbish, such as cardboard containers, wooden crates and similar rubbish, shall be separated, flattened and tied in bundles or packed in suitable containers or a size that may be readily handled by one collector, and in no case shall such bundle or container be larger than that which is approved by the collector.
- (e) **Industrial Solid Waste.** All industrial solid waste shall be collected by privately contracted collectors, and shall otherwise comply with the provisions of this chapter.
- (f) **Construction and Demolition Debris.** All construction and demolition debris shall be separated and collected by privately contracted collectors, and shall otherwise comply with the provisions of this chapter.
- (g) **Hazardous Waste.** All hazardous waste, except household hazardous waste, shall be separated and collected by privately contracted collectors, and shall otherwise comply with the provisions of this chapter.
- (h) **Household Hazardous Waste.** All waste classified as household hazardous waste by local, state or federal regulations shall be separated and disposed of through the collection system of the Village, county or private contractors, when available.
- (i) **Medical Waste.** All medical waste shall be separated and disposed of in accordance with all applicable state and federal regulations and shall be collected by privately contracted collectors, and shall otherwise comply with the provisions of this section.

**6.02 Use of Unapproved Bags or Containers.** Items not placed in an approved bag/container will not be picked up, unless otherwise provided in this chapter. The collection of solid waste is conditioned upon the observance of all provisions of this chapter.

## **Section 7. Village Bags and Tags.**

**7.01 Specifications.** The specifications for Village bags and/or tags and their use shall be determined by the Village.

**7.02 Prices.** The prices for Village residential waste collection shall be determined in accordance with the terms of the franchise with the designated collector. The cost of collection and disposal of residential solid waste and materials shall be billed by the designated collector directly to the residential property owner or occupant at a rate outlined in the franchise.

**7.03 Sale and Purchase of Waste Bags.** The Village or its authorized representatives may sell Village solid waste bags to individuals and/or participating sales establishments. Participating sales establishments shall sell such bags for not more than the price specified by the Village Council.

**7.04 Allowable Weight.** The gross weight of the Village solid waste bags when filled with waste, shall not exceed 40 pounds.

**7.05 Use of Cart or Receptacle.** The designated collector shall provide the option to Village residents of using a cart or receptacle. The gross weight of the cart or receptacle when filled with waste shall not exceed the cart or receptacle's specifications.

## **Section 8. Receptacles**

**8.01 Provision.** The owner, manager or occupant of a building, house or structure where refuse accumulates shall provide and maintain proper refuse receptacles as defined in sections 8.04 and 8.05 of this chapter, and shall place, or cause to be placed, in such receptacles all refuse accumulating on the premises, provided that bulk rubbish may be stored in a condition properly prepared for collection as specified in this section.

**8.02 Residential.** The person in charge of every residential building having four or fewer residential units shall provide and keep clean and in place proper receptacles to house bagged waste.

**8.03 Commercial, Industrial and Multiple Residential.** The person in charge of a building consisting of five or more dwelling units, and every building used or a commercial or industrial business, shall provide and keep clean and in place proper receptacles of a portable type as defined in section 8.04 of this chapter provided that if the Village determines that portable receptacles are not practical for multiple dwellings, commercial or industrial businesses, it may authorize the use of non-portable receptacles of a type that can be mechanically hoisted by a refuse collection vehicle, and with specifications established and approved by the Village and as defined in Section 8.05 of this chapter. All such receptacles for commercial or industrial businesses shall be placed upon the facility owned by the commercial or industrial business and not upon the Village owned property without permission of the Village.

**8.04 Portable Receptacles.** Portable receptacles for residential refuse shall be of metal, fiberglass, plastic or other substantial construction approved by the Village. Such receptacles shall have handles and tight fitting covers and shall not exceed 96 gallons each in capacity. The Village may approve the use of plastic bags of a capacity and quality specified for the storage and disposal of solid and/or yard waste. In no event shall the gross weight of receptacles, and the waste they contain, exceed the specifications of the receptacle.

**8.05 Non-portable Receptacles.** Non-portable receptacles for solid waste shall be of substantial construction, with a capacity of not more than eight cubic yards, and shall meet all specifications established by the Village. All garbage shall be properly wrapped or placed within a closed plastic bag before it is placed in a non-portable receptacle.

**8.06 Non-Conforming Receptacles.** Receptacles that are badly broken or otherwise fail to meet the requirements of this chapter may be classified as rubbish and, after due notice to the owner, may be collected as rubbish by the collection contractor.

**8.07 Location.** All non-portable receptacles shall be placed and collected in a location designated by the Village. Such receptacles shall be located so that the designated collector will not have to trespass on the private property of another in order to pick up such receptacles. In no event shall non-portable receptacles be placed in or upon public property,

easements, or public right-of-ways. All portable receptacles shall be stored within the side or rear yards of the premises, and shall not be set out for collection prior to 12:00 noon preceding the day of collection, and after the receptacles are emptied they shall be returned to their place of storage on the same day collections are made. Points of collection shall be determined by the Village. No empty portable receptacles shall be stored on Village property or in a front yard.

## **Section 9. Franchise, Permits.**

**9.01 Grant of Exclusive Franchise.** The Village shall by resolution grant an exclusive, franchise to a designated collector, giving it the right, power and authority to collect and transport garbage and trash from residences and residential rental units within the Village. The designated collector shall receive no compensation from the Village but shall be permitted to enter into contracts for the collection of solid residential waste with the residents of the Village.

**9.02 Franchise Particulars.** The Village's franchise agreement with the designated collector shall address the following matters:

- (a) A description of the methods and equipment which the applicant proposes to use for collecting solid waste in the Village.
- (b) A description of the type of collection to be provided, and the part of the Village which such collection will effect.
- (c) A plan for meeting the pre-collection requirements set forth in this chapter.
- (d) Proof of liability insurance as required by Village policy and worker's compensation insurance as required by state law.
- (e) A written plan for meeting all collection and disposal requirements set forth in other relevant Village, county, state and federal regulations, as appropriate.
- (f) The name and address of the sites to by used to dispose of the materials collected.
- (g) Proof of access to and use of an adequate and approvable materials recovery facility.
- (h) Such other facts as the Village may from time to time require for the purposes of determining whether the applicant complies with all laws, rules or regulations established by the Village, county, state or federal government in regards to waste handling and/or disposal.
- (i) Cost and duration of service; including any proposed cost increases.
- (j) An agreement to indemnify and save harmless the Village and its agents, employees, officers and representatives from all claims, liability or demands (including attorney fees) or losses for injury to persons or property arising out of, or resulting from the grant of the franchise or the company's activities under the franchise.

- (k) Provision for a performance guarantee, in a form and amount acceptable to the Village Council, to and for the protection of the public during the collection, transporting or disposal of the solid waste or other material.

**Section 10. Transportation of Waste Materials.**

**10.01 Mode of Transportation.** The transportation of all garbage, rubbish or other waste materials through the streets, alleys or thoroughfares of the Village shall be conducted in a manner which does not create a nuisance. It shall be unlawful for any person or entity, other than a designated collector, to commercially transport or convey over any street, alley or public place within the Village any garbage, solid waste, or refuse except in accordance with the terms of this Chapter. Only a designated collector may commercially transport domestic solid waste within the Village after January 1, 2009.

**10.02 Conveyance Vehicles.** Vehicles conveying waste must be of such construction and operated in such a manner that the contents shall not spill upon the public streets or alleys, into the air, or otherwise create a nuisance.

**Section 11. Prohibited Waste.**

**11.01 Prohibited Placement.** It shall be unlawful for any person to place leaves, yard waste, household hazardous waste specifically required to be separated from solid waste by this chapter or Village Council resolution, in a refuse container for the purpose of refuse collection, removal or disposal, not otherwise dispose of such item, except in conformance with the provisions of this section.

**11.02 Use by Nonresidents.** The Village solid waste disposal and resource recovery program is designated to accommodate the needs of residents of the Village. Nonresidents are strictly prohibited from disposing of solid waste through the program. All violators will be prosecuted to the fullest extent allowed by law and/or provision of this chapter.

**Section 12. Private Collection and Transfer Site; Unauthorized Dumping.**

**12.01 Allowable Private Collection.** The Village, with the approval of the Village Council, is authorized to permit the use of private property within the Village as a private collection and transfer site subject to such reasonable terms and regulations as deemed necessary for the protection of the public, which rules and regulations shall at all times be subject to revision, cancellation, alteration or amendment by the Village Council; provided, however, that any such permit shall be revocable at any time without cause and without previous notice by the Village or the Village Council.

**12.02 Unlawful Dumping.** It shall be unlawful for any person to dump or deposit any waste or recyclable material in the Village, except in a collection and transfer site duly designated as such by the Village and/or Village Council.

**12.03 Compliance with County Plan.** It shall be unlawful for any person to operate as a Designated Collector or to otherwise dump or deposit any waste except in compliance with the Kent County Solid Waste Management Plan, as it may be amended from time to time.

**Section 13. Enforcement.**

Enforcement of this chapter shall be the responsibility of the Village President or his designee. The Village is authorized and directed to establish and promulgate reasonable regulations as to the matter, days and times for the collection of waste or recyclable material with a permitted collector.

**Section 14. Penalties.**

A violation of this chapter is a municipal civil infraction.

Each and every day of violation of this chapter continues shall be a separate and distinct violation of this chapter.

The sanction for a violation of this chapter shall be a civil fine of not less than \$50 or more than \$500 plus cost and other sanctions for infraction.

Increased civil fines may be imposed for repeated violations of any requirements or provisions of this Ordinance. As used in the section, "Repeat Offense" means a second (or any subsequent) civil infraction violation of the same requirements or provisions committed within any six-month period or is determined to be responsible. Unless otherwise specifically provided by this chapter for a particular municipal civil infraction violation, the increase fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than \$250 plus costs.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500 plus costs.

In addition to civil fines the Court may determine costs of the action, which shall not be limited to the cost taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Village has been put in connection with enforcement of the civil infraction.

In addition to any remedies available at law, the Village may bring an action for an injunction or other process to restrain, proven or abate any violation of this chapter.

**Section 15. Severability.**

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

**Section 16. Effective Date.**

This Ordinance shall become effective 20 days after its publication, or the publication of a summary thereof, in a newspaper of general circulation within the Village.

Adopted: October 9, 2008

Published: October 21, 2008

Effective: November 10, 2008

**ORDINANCE NO. 2009-05.02**

**AN ORDINANCE TO CONTINUE THE  
VILLAGE PLANNING COMMISSION**

THE VILLAGE OF KENT CITY ORDAINS:

**Section 1. General Provisions.**

- (a) **Short Title.** This Ordinance shall be known and may be cited as the Village of Kent City Planning Commission Ordinance.
- (b) **Statutory Authority.** This Ordinance is authorized by Public Act 33 of 2008, as amended.
- (c) **Continuation of Planning Commission.** The existence and status of the Village Planning Commission is hereby continued for all lawful purposes and effects and without limitation as to duration.
- (d) **Repeal.** Any prior resolution establishing the Village Planning Commission is repealed.
- (e) **Definitions.** Any words not otherwise defined in this Ordinance are defined as stated in Michigan Public Act 33 of 2008, as amended. If such words have not been defined, they are to be understood by their ordinary meaning.

**Section 2. Transition.** All actions taken by the Village Planning Commission preceding the creation of this Ordinance are approved, ratified and confirmed. Any Planning Commission actions in process at the effective date of this Ordinance shall continue, but shall be subject to the terms hereof.

**Section 3. Membership and Officers.**

- (a) **Composition.** The Planning Commission shall consist of seven members.
- (b) **Appointment.** The Village President shall appoint each Planning Commission member, subject to the approval of the Village Council, by majority vote of the Council members elected and serving.
  - (1) **Qualifications of Members.** The members of the Planning Commission shall be qualified electors of the Village, except that two members need not be qualified electors. A person is a qualified elector if a person resides in and is eligible to register to vote in the Village. Appointment of two non-qualified electors to the Planning Commission is discretionary only.

- (2) **Representation.** To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Village.
  - (3) **Village Council Member.** One or more members of the Planning Commission may be a member of the Village Council, the Village Manager or a person designated by the Village Manager as ex officio members, so long as no more than one-third of the total members of the Planning Commission are ex officio members. The term of a Village Council member on the Planning Commission shall be the same as the member's Village Council term. The term of the Village Manager on the Planning Commission shall correspond to his or her term as Village Manager. The term of any person designated by the Village Manager on the Planning Commission shall expire with the term of the Village Manager by whom he or she was appointed. A Village Council member, the Village Manager or any person designated by the Village Manager may not serve as chairperson of the Planning Commission.
  - (4) **Village Employees.** Village employees shall not be eligible for membership on the Planning Commission, except for the Village Manager or any other employee designated by the Village Manager to serve on the Planning Commission.
- (c) **Officers.** At the first meeting of each year, the Planning Commission shall select a chairperson from among its members, who shall serve for a term of one year; the chairperson may be re-elected. An ex officio member of the Planning Commission is not eligible to serve as chairperson. At the same meeting, the Planning Commission shall also elect a vice-chairperson and a secretary from among the remaining members. The vice-chairperson and the secretary shall each have a one-year term and may be re-elected. The Planning Commission shall elect such other officers as the members may determine. The term of each such officer shall be one year; each officer may be re-elected.
  - (d) **Term of Office.** Planning Commission members in office at the time of the adoption of this Ordinance shall continue in office until the expiration of their respective terms. Succeeding members shall be appointed for three-year terms. A succeeding member's term commences on the date of appointment and terminates three years from the date of appointment, unless that member is a member of the Village Council whose term on the Planning Commission corresponds to his or her term as an elected official. Despite the foregoing, a Planning Commission member shall continue to serve until his or her successor is appointed.
  - (e) **Vacancies.** The Village Council shall fill vacancies in the membership of the Commission in the same manner as provided for the initial appointments. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term or for a term that corresponds to his or her term as an elected or appointed official.

- (f) **Removal.** The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance, after providing written notice to the member and an opportunity for a public hearing.
- (g) **Compensation.** Planning Commissioners may receive such compensation and expense reimbursement as the Village Council may determine.
- (h) **Zoning Board of Appeals.** One member of the Planning Commission may serve as a member of the Zoning Board of Appeals.

**Section 4. Powers and Duties.**

- (a) **In General.** Unless otherwise reserved in this Ordinance, the Planning Commission has all the powers and duties provided by Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended and applicable Village ordinances.
- (b) **Duties and Responsibilities.** The Planning Commission shall perform the following duties and responsibilities, among others:
  - (1) **Bylaws and Other Matters.** The Planning Commission shall adopt bylaws for the transaction of its business and shall keep a public record of its resolutions, findings, determinations and other official actions. Public records shall be available to the public as provided by the Freedom of Information Act, Public Act 442 of 1976, as amended. The bylaws shall provide that members shall not participate in matters as to which they have a conflict of interest. The Planning Commission shall prepare an annual report to the Village Council.
  - (2) **Master Plan.** To guide the development of the Village, the Planning Commission shall prepare a Master Plan in accordance with applicable provisions of Michigan Public Act 33 of 2008, as amended.
  - (3) **Zoning Ordinance.** The Planning Commission shall administer the Village zoning ordinance and take such other actions with respect to zoning and land use planning as are authorized by the terms of the zoning ordinance, other applicable Village ordinances and state law.
- (c) **Capital Improvements.** The Village Council retains the responsibility of adopting a capital improvements program for the Village.

**Section 5. Meetings.** The Planning Commission may hold meetings as frequently as it determines, subject to Village Council oversight, but may not have fewer than four regularly scheduled meetings each year. The time and place of regular meetings shall be determined by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended. Meetings shall be held in accordance with the Open Meetings Act.

**Section 6. Notice; Effective Date.** This Ordinance shall become effective 63 days after it is published, or 63 days after a summary of its provisions is published in a newspaper of general circulation in the Village.

Adopted: May 14, 2009

Published: May 26, 2009

Effective: July 28, 2009