

VILLAGE OF GRAND BEACH ORDINANCES

Table of Contents

- ORDINANCE NO. 01....** AN ORDINANCE TO RESTRAIN AND PREVENT VICE AND IMMORALITY
- ORDINANCE NO 02....** AN ORDINANCE TO PROHIBIT AND SUPPRESS GAMING, DISORDERLY AND GAMING HOUSES
- ORDINANCE NO. 03....** AN ORDINANCE FOR THE PRESERVATION OF THE PUBLIC PEACE AND TO PUNISH VAGRANTS AND DISORDERLY PERSONS
- ORDINANCE NO. 04....** AN ORDINANCE RELATIVE TO THE ABATEMENT OF NUISANCES AND THE PRESERVATION OF THE PUBLIC HEALTH
- ORDINANCE NO. 05....** AN ORDINANCE TO LICENSE AUCTIONEERS AND TO REGULATE AND LICENSE PUBLIC SHOWS AND EXHIBITIONS, HAWKERS, PEDDLERS AND TRANSIENT TRADERS AND DEALERS
- ORDINANCE NO. 12....** AN ORDINANCE RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF SIDE-WALKS IN THE VILLAGE OF GRAND BEACH
- ORDINANCE NO. 18....** TO REGULATE THE OPERATION OF ANY ESTABLISHMENT LICENSED TO SELL ALCOHOLIC LIQUOR FOR CONSUMPTION ON THE PREMISES
- ORDINANCE NO. 20....** AN ORDINANCE TO PROHIBIT CERTAIN CLASSES OF BUSINESS, PROJECTS, ESTABLISHMENTS OR ENTERPRISES WITHIN THE LIMITS OF THE VILLAGE OF GRAND BEACH, MICHIGAN
- ORDINANCE NO. 25....** AN ORDINANCE AUTHORIZING THE CONSTRUCTION AND OPERATION OF A WATER DISTRIBUTION AND SUPPLY SYSTEM IN THE VILLAGE OF GRAND BEACH; AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SELF-LIQUIDATING REVENUE BONDS OF THE VILLAGE OF GRAND BEACH FOR THE PURPOSE OF DEFRAYING PART OF THE COST OF THE SAME, UNDER THE PROVISIONS OF ACT 94 OF THE PUBLIC ACTS OF MICHIGAN OF 1933, AS AMENDED; AND PRESCRIBING ALL OF THE DETAILS OF SAID BONDS AND PROVIDING FOR THE FIXING, COLLECTION, SEGREGATION AND DISPOSITION OF THE REVENUES. OF THE WATER SUPPLY SYSTEM OF SAID VILLAGE OF GRAND BEACH, MICHIGAN, FOR THE PURPOSE OF PAYING THE COST OF AND OPERATION AND MAINTENANCE THEREOF, PROVIDING AN ADEQUATE DEPRECIATION FUND THEREFOR, AND PAYING THE PRINCIPAL AND INTEREST OF SAID REVENUE BONDS; AND PROVIDING FOR A STATUTORY LIEN IN FAVOR OF: THE HOLDER OR HOLDERS OF SUCH BONDS UPON THE WHOLE OF SUCH REVENUES.
- ORDINANCE NO. 26....** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE CONSTRUCTION AND OPERATION OF A WATER DISTRIBUTION AND SUPPLY SYSTEM IN THE VILLAGE OF GRAND BEACH; AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SELF-LIQUIDATING REVENUE BONDS OF THE VILLAGE OF GRAND BEACH FOR THE PURPOSE OF DEFRAYING PART OF THE COST OF THE SAME, UNDER THE PROVISIONS OF ACT 94 OF THE PUBLIC ACTS OF MICHIGAN OF 1933, AS AMENDED; AND PRESCRIBING ALL OF THE DETAILS OF SAID BONDS AND PROVIDING FOR THE FIXING, COLLECTION, SEGREGATING AND DISPOSITION OF THE REVENUES OF THE WATER SUPPLY SYSTEM OF SAID VILLAGE OF GRAND BEACH, MICHIGAN, FOR THE PURPOSE OF PAYING THE COST OF AND OPERATION AND MAINTENANCE THEREOF, PROVIDING AN ADEQUATE DEPRECIATION FUND THEREFOR, AND PAYING THE PRINCIPAL AND INTEREST OF SAID REVENUE BONDS; AND PROVIDING FOR A STATUTORY LIEN IN FAVOR OF THE HOLDER OR HOLDERS OF SUCH BONDS UPON THE WHOLE OF SUCH REVENUES
- ORDINANCE NO. 28....** AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE INHABITANTS OF THE VILLAGE OF GRAND BEACH BY REGULATING THE LIGHT, VENTILATION, SANITATION, FIRE PROTECTION, CONSTRUCTION, MAINTENANCE, ALTERATION AND IMPROVEMENT OF DWELLINGS AND OTHER STRUCTURES, TO ESTABLISH ADMINISTRATIVE REQUIREMENTS, AND TO ESTABLISH REMEDIES AND FIX PENALTIES FOR THE VIOLATION THEREOF
- ORDINANCE NO. 33....** AN ORDINANCE TO PROHIBIT CONSUMPTION OF INTOXICATING LIQUORS IN PUBLIC PLACES

- ORDINANCE NO. 35....** AN ORDINANCE REGULATING THE HEIGHTS AND CONSTRUCTION OF FENCES
- ORDINANCE NO. 36....** FRANCHISE GRANTED TO MICHIGAN GAS COMPANY
- ORDINANCE No. 37....** AN ORDINANCE TO IMPOSE A CURFEW ON CERTAIN MINORS IN THE VILLAGE OF GRAND BEACH AT NIGHT
- ORDINANCE NO. 39** AN ORDINANCE REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SUPPLY SYSTEM, I.E., A CONNECTION OR ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER SUPPLY SYSTEM
- ORDINANCE NO. 40** FLOOD DAMAGE PREVENTION ORDINANCE
- ORDINANCE NO. 41** ELECTRICAL AND MECHANICAL CODE VILLAGE OF GRAND BEACH
- ORDINANCE No. 45** AN ORDINANCE TO CREATE A PARKING VIOLATIONS BUREAU
- ORDINANCE NO. 46** WAGE ORDINANCE
- ORDINANCE NO. 48** AN ORDINANCE TO REGULATE AND CONTROL THE STORAGE, ACCUMULATION AND DISPOSITION OF ABANDONED VEHICLES, WRECKED, DISMANTLED OR UNUSABLE, VEHICLES WITHIN THE LIMITS OF THE VILLAGE OF GRAND BEACH, AND TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF
- ORDINANCE NO. 49** AN ORDINANCE TO REGULATE PRIVATE SWIMMING POOL OWNERS AND COMMERCIAL POOL-FILLING COMPANIES TO DRAW WATER FROM VILLAGE FIRE HYDRANTS
- ORDINANCE NO. 51....** AN ORDINANCE REGULATING THE USE OF STREETS AND RIGHT-OF-WAYS WITHIN VILLAGE OF GRAND BEACH
- ORDINANCE NO. 52....** AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO INSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE; AND THAT PREMISES ARE FREE OF LITTER, NOXIOUS WEEDS, AND DANGEROUS OR HAZARDOUS CONDITIONS
- ORDINANCE NO. 53....** AN ORDINANCE TO REGULATE THE USE AND OPERATION OF LOW SPEED VEHICLES IN THE VILLAGE OF GRAND BEACH AND THE REGISTRATION THEREOF
- ORDINANCE NO. 54....** AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE
- ORDINANCE NO. 55....** ORDINANCE TO AMEND ORDINANCE 53, THE SLOW MOVING VEHICLE ORDINANCE OF THE VILLAGE OF GRAND BEACH TO MODIFY CERTAIN PROVISIONS AND TO PROVIDE FOR CIVIL INFRACTION PENALTIES
- ORDINANCE NO. 58....** AMENDMENT TO ELECTRICAL AND MECHANICAL CODE ORDINANCE
- ORDINANCE NO. 59....** AN ORDINANCE 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; MCL 484.3101 ET SEQ) (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
- ORDINANCE NO. 60....** AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, TO PROVIDE A PROCEDURE THEREFORE; TO REPEAL ANY ORDINANCE OR PROVISION THEREOF IN CONFLICT HERewith; AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE
- ORDINANCE NO. 61....** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF GRAND

BEACH TO AMEND THE ZONING MAP OF THE VILLAGE OF GRAND BEACH AND CHANGE THE PROPERTY HEREIN DESCRIBED FROM UNZONED DESIGNATION TO LDR LOW DENSITY RESIDENTIAL DISTRICT

- ORDINANCE NO. 62....** AN ORDINANCE REGULATING THE STARTING OF FIRE IN THE VILLAGE OF GRAND BEACH, AND FOR THE ELIMINATION OF FIRE HAZARDS, AND FOR THE PREVENTION OF FIRES
- ORDINANCE NO. 63....** AN ORDINANCE TO AMEND ORDINANCE 53, THE SLOW MOVING VEHICLE ORDINANCE OF THE VILLAGE OF GRAND BEACH TO MODIFY CERTAIN PROVISIONS CONCERNING IDENTIFICATION
- ORDINANCE NO. 64....** AN ORDINANCE TO REGULATE NON-STORM WATER DISCHARGES TO THE STORM WATER DRAINAGE SYSTEM TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY FEDERAL AND STATE LAW; TO ESTABLISH METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE STORM WATER DRAINAGE SYSTEM IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS; TO PROVIDE FOR PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES INCURRED BY THE VILLAGE OF GRAND BEACH ASSOCIATED WITH NONCOMPLIANCE; TO PROVIDE FOR THE INSPECTION, SAMPLING, AND MONITORING OF STORM WATER AND OTHER DISCHARGES; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE
- ORDINANCE NO. 1991-48....** AN ORDINANCE AWARDED A NON-EXCLUSIVE FRANCHISE FOR A CABLE COMMUNICATIONS SYSTEM IN THE VILLAGE OF GRAND BEACH TO U.S. CABLE OF NORTHERN INDIANA
- ORDINANCE NO. 2005-65....** AN ORDINANCE TO REGULATE THE FEEDING, SHELTERING AND KEEPING OF WILD ANIMALS WITHIN THE VILLAGE OF GRAND BEACH AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE
- ORDINANCE NO. 2005-66....** AN ORDINANCE TO REGULATE AND CONTROL THE USE AND ENJOYMENT OF PUBLIC BEACHES IN THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS, AND TO REPEAL ALL ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT THEREWITH
- ORDINANCE NO. 2005-67....** AN ORDINANCE TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE AND THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS, AND VILLAGES
- ORDINANCE NO. 2006-01....** AN ORDINANCE TO ADOPT BY REFERENCE THE STATE CONSTRUCTION CODE WITH FLOODPLAIN MANAGEMENT PROVISIONS AND DESIGNATE AN ENFORCEMENT AGENCY
- ORDINANCE NO. 2006-68....** AN ORDINANCE TO REPEAL ORDINANCES DEEMED TO BE OF NO FURTHER EFFECT OR HAVING APPLICATION
- ORDINANCE NO. 2006-70....** AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 1991-48 CABLE TELEVISION ORDINANCE TO EXTEND THE TERM OF SAID ORDINANCE
- ORDINANCE NO. 2007-71....** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF GRAND BEACH TO CONDITIONALLY REZONE A PARCEL OF LAND FROM LOW DENSITY RESIDENTIAL DISTRICT (LDR) TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR) PURSUANT TO ARTICLE XV OF THE ZONING ORDINANCE
- ORDINANCE NO. 2007-72....** AN ORDINANCE TO RESTRICT THE HOURS OF CONSTRUCTION, ALTERATION, DEMOLITION AND REPAIR ACTIVITIES, CONDUCTED IN THE VILLAGE OF GRAND BEACH
- ORDINANCE NO. 2008-73....** AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT, CONTROL AND REGULATION OF STREET NUMBERING DISPLAY WITHIN THE VILLAGE OF GRAND BEACH, TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREIN
- ORDINANCE NO. 2008-74....** AN ORDINANCE TO ESTABLISH THE VILLAGE OF GRAND BEACH PLANNING COMMISSION PURSUANT TO P. A. 285 OF 1931, AS AMENDED, P. A. 110 OF 2006, AS AMENDED, AND THE MICHIGAN PLANNING ENABLING ACT, P. A. 33 OF 2008, EFFECTIVE SEPTEMBER 1, 2008, TO PROVIDE FOR THE CREATION, POWERS, AND

DUTIES OF THE VILLAGE OF GRAND BEACH PLANNING COMMISSION IN THE REGULATION OF LAND USE

- ORDINANCE NO. 2008-75....** AN ORDINANCE TO AMEND ORDINANCE NO. 2008-74 AN ORDINANCE TO ESTABLISH A PLANNING COMMISSION
- ORDINANCE NO. 2010-76....** AN ORDINANCE TO AMEND ORDINANCE 2007-72, AN ORDINANCE TO RESTRICT THE HOURS OF CONSTRUCTION, ALTERATION, DEMOLITION, AND REPAIR ACTIVITIES, CONDUCTED IN THE VILLAGE OF GRAND BEACH
- ORDINANCE NO. 2010-77....** AN ORDINANCE TO ESTABLISH A MUNICIPAL CIVIL INFRACTIONS BUREAU TO ACCEPT ADMISSION OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRACTIONS, TO COLLECT AND RETAIN FINES AND COSTS, AND TO PROSCRIBE THE OPERATIONS, THEREOF, ALL AS AUTHORIZED BY ACT 12 OF P.A. 1994
- ORDINANCE NO. 2010-78....** AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 55 TO PROVIDE FOR REVISED CIVIL INFRACTION PENALTIES
- ORDINANCE NO. 2010-79....** AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 59, AN ORDINANCE TO REGULATE ACCESS TO AND ONGOING USE OF PUBLIC RIGHT OF WAYS
- ORDINANCE NO. 2010-80....** THE ZONING REGULATIONS OF THE VILLAGE OF GRAND BEACH, MICHIGAN
NOTE: THIS ORDINANCE IS LISTED SEPERATELY.
- ORDINANCE NO. 2010-81....** AN ORDINANCE TO REGULATE THE CREATION AND USE OF SUBDIVISION DEVELOPMENTS WITHIN THE VILLAGE AND TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC
- ORDINANCE NO. 2010-82....** AN ORDINANCE TO REPEAL ORDINANCE NO. 56, BEING AN AMENDMENT TO ORDINANCE NO. 25-A.
- ORDINANCE NO. 2012-83....** AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 2010-80, THE ZONING ORDINANCE OF THE VILLAGE OF GRAND BEACH
- ORDINANCE NO. 2014-84....** AN ORDINANCE TO PROVIDE RULES AND REGULATIONS REGARDING COMMERCIAL FILMING IN THE VILLAGE OF GRAND BEACH.
- ORDINANCE NO. 2014-85....** AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS IN THE VILLAGE OF GRAND BEACH.
- ORDINANCE NO. 2014-86....** AN ORDINANCE TO ADOPT BY REFERENCE THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO PROVIDE CERTAIN MODIFICATIONS THEREIN AND ITS APPLICATION TO THE VILLAGE OF GRAND BEACH.
- ORDINANCE NO. 2014-87....** AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 2010-80, THE ZONING ORDINANCE OF THE VILLAGE OF GRAND BEACH.
- ORDINANCE NO. 2014-88....** AN ORDINANCE TO REGULATE OF NOISE, ODORS, OFFENSIVE CONDUCT AND CONDITIONS, AND THE PRODUCTION OF DUST WITHIN THE VILLAGE OF GRAND BEACH.
- ORDINANCE NO. 2016-01....** AN ORDINANCE ESTABLISHING RATES, CHARGES AND RULES FOR THE USE AND SERVICE OF THE WATER SUPPLY, AND DISTRIBUTION SYSTEM OF THE VILLAGE OF GRAND BEACH, COUNTY OF BERRIEN, MICHIGAN.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 1

AN ORDINANCE TO RESTRAIN AND PREVENT VICE AND IMMORALITY.

The Village of GRAND BEACH Ordains:

SECTION 1. No person shall be guilty of any indecent or immoral language or conduct in any street, alley, park, school ground, beach or any other place in said village. .

SECTION 2. No person shall be guilty of disorderly or lewd conduct or of open lewdness or of any act of public indecency tending to debauch the public morals.

SECTION 3. No persons shall make any indecent exposure of his or her person or of the person of another or any part thereof in any public place in said village.

SECTION 4. No person shall instigate, aid in, cause or procure or be present at any indecent or immoral show or exhibition, dog fight, cock fight, prize fight or any public or private fighting.

SECTION 5. No person shall overload, overwork, cruelly neglect or abuse, cruelly beat, torture or mutilate or cruelly kill any animal or cause or knowingly allow or permit the same to be done.

SECTION 6. No person shall exhibit, sell or offer to sell, give or offer to give, buy, procure, receive or have in his possession any obscene or indecent book, pamphlet, ballad, paper, print, picture, model, cast or article of indecent or immoral use or any other thing containing obscene or indecent language or prints.

SECTION 7. No person shall keep or be an inmate of a house of ill fame or assignation or place for the resort of common prostitutes or for the practice of prostitution or lewdness and no person shall patronize or be an inmate of any such house or place.

SECTION 8. No person shall knowingly let or lease or permit to be occupied after notice, or shall own or be interested in any house, building, room, place or premises, used for any purposes mentioned in the foregoing section.

SECTION 9. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine of not to exceed One Hundred Dollars or imprisonment in the county jail not to exceed ninety days or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution, and in default of payment may be imprisoned not to exceed ninety days.

This ordinance shall take effect from and after the 15th day of October A. D., 1934.

Enacted by the village Council this 15th day of September A. D.. 1934.

HARRY M. SMITH, President.

HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO 2

AN ORDINANCE TO PROHIBIT AND SUPPRESS GAMING, DISORDERLY AND GAMING HOUSES.

The Village of GRAND BEACH ordains:

SECTION 1. No person shall manage, operate, use or practice or cause to be operated, used or practiced any game or gaming device whatever, with intent to cheat or defraud.

SECTION 2. No person shall keep or cause to be kept or be an inmate of a common gaming house or any building, booth, tent, yard, or room used for gaming for money or other valuable thing; nor shall any person, in any building, booth, tent, yard or room used or occupied by him or his agent or employee, procure or cause or permit any persons to frequent or come together to play or gamble for money or any other valuable thing at any game; nor shall keep or cause or suffer to be kept any table or other device or apparatus for the purpose of playing at any game for money or any other valuable thing.

SECTION 3. No person shall keep or cause to be kept any common, ill governed, or disorderly house to the encouragement of idleness, gaming, drinking, debauchery, lewdness, fornication or other disorderly conduct or behavior.

SECTION 4. No person shall keep or cause to be kept in any building, room or place open to the public or for general use or for hire, gain or reward any billiard room, billiard table, pool table or other kind of table, fixture or device whereby or whereon any game of skill or chance is played and no person shall participate, take part or engage in any such game in any such room or place.

SECTION 5. No person shall knowingly let or lease or permit to be occupied after notice, or shall own or be interested in any building, house, room or other place used for any of the purposes mentioned in this ordinance.

SECTION 6. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by fine not to exceed One Hundred Dollars or by imprisonment in the county jail not exceeding ninety days or by both such fine and imprisonment in the discretion of the court together with the costs of prosecution and in default of payment may be imprisoned not to exceed ninety days.

This ordinance shall take effect from and after the 15th day of October A. D., 1934.

Enacted by the Village council this 15th day of September A. D., 1934.

HARRY M. SMITH, President.
HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 3

**AN ORDINANCE FOR THE PRESERVATION OF THE PUBLIC PEACE AND TO PUNISH VAGRANTS AND
DISORDERLY PERSONS.**

The Village of GRAND BEACH Ordains:

SECTION 1. No person shall be guilty of an assault, or of an assault and battery, nor shall any person provoke a breach of the peace, or use any violent, threatening, profane or indecent language to the disturbance of any person or use any threatening or abusive language toward any other person, tending to a breach of the peace.

SECTION 2. No person shall be drunk and disorderly or be a disorderly person or be guilty of disorderly conduct, or make, aid, countenance or assist in making any improper noise, riot, disturbance or breach of the peace, nor shall any person cause, take part or engage in or incite or provoke other persons to engage in or take part in any mob, or other unlawful assemblage or riot, or to collect in bodies, for any unlawful purpose or for any purpose tending to a breach of the peace.

SECTION 3. No person shall by shouting, talk, immoderate laughter or loud noise, or by obscene, offensive or profane language or disorderly conduct, or by rude and indecent behavior or in any other way interrupt, disturb or annoy any assembly of people met for the purpose of worshiping God, or so interrupt, disturb or annoy any public or private school, or any lawful assembly of people or disturb the peace and quiet of any family.

SECTION 4. No person shall be drunk or intoxicated in any street, alley, park, beach, woods or public place or in any shop, hotel, boarding house or in any building or place kept open for public resort or business, or in any assembly of people in any place for any purpose whatever.

SECTION 5. No person shall be found standing, lurking, lying in wait, idling, or concealed in, on or about any building, street, alley, park, beach, woods or premises with intent to do mischief, or pilfer or commit any crime or misdemeanor.

SECTION 6. No person who refuses or fails to work or is without lawful occupation or is engaged in begging and is vagrant shall be found standing, lurking, lying in wait, idling, or concealed in, or about any street, alley, park, beach, woods Or other public place or about any buildings, grounds or premises or about any depot or depot grounds or railroad tracks or yards.

SECTION 7. No person except peace officers, shall carry or wear under their clothes or conceal about their person any firearm, sling shot, billy, dagger, knuckles or any other dangerous or deadly weapon. Provided, this section shall not apply to persons given written permission by the proper constituted authority to carry a concealed weapon. Provided further, that in case of conviction under this section the court shall, in addition to any other penalty order the confiscation of any such weapon.

SECTION 8. No person shall shoot, or shoot at any bird or animal or hunt with gun or dog in any street, alley, park, beach, woods or public ground, provided, this section shall not apply to peace officers in the necessary discharge of their duties.

SECTION 9. No person shall fire, set off, discharge or explode any gun powder, firecracker, squib, fireworks, cannon, gun firearm, air gun, revolver, pistol, torpedo, cap or cartridge or any explosive compound within the corporate limits of said village, provided, this section shall not apply to the proper discharge, on the day celebrated as Independence Day, of such firecrackers and fireworks as are authorized by law and in accordance with a permit which must be obtained from the Village Superintendent, or to peace officers in the discharge of their duties.

SECTION 10. Any person who shall violate the provisions of this ordinance or of any section thereof, shall upon conviction thereof, be punished by a fine of not more than One Hundred Dollars or by imprisonment in the county jail not exceeding ninety days or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution, and in default of payment may be imprisoned not to exceed ninety days.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

This ordinance shall take affect from and after the 15th day of October, 1934, A. D.
Enacted by the village council this 15th day of September, A .D., 1934.

HARRY M. SMITH, President.
HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 4

**AN ORDINANCE RELATIVE TO THE ABATEMENT OF NUISANCES AND THE PRESERVATION OF THE
PUBLIC HEALTH.**

The Village of GRAND BEACH Ordains:

SECTION 1. No person shall keep or suffer to be kept in or about his store, building, dwelling or any premises occupied by him, any green untanned hides or skins, or any offensive or filthy animal or vegetable matter or any carcass, carrion or any other filth, or filthy thing or any cause of sickness or any unwholesome thing nor neglect or fail to remove or destroy such thing when notified by the village marshal or health officer so to do.

SECTION 2. No person shall carry on within said village any trade or occupation deemed by the council to be dangerous, injurious or detrimental to life or health or permit or cause or suffer to be maintained any public nuisance on, in or about his shop, store, buildings or premises or continue such trade, occupation or nuisance or fail to abate the same within such time and upon such notice and in such manner as the council shall direct by resolution.

SECTION 3. No person shall throw, dump or deposit or permit or cause to be thrown, dumped, buried, or deposited on any sidewalk, street, alley, beach, woods, public grounds, private property or any other premises, any leaves, trash, etc., filthy slops, urine, swill, offal, garbage, excrement or other filthy matter, provided this section does not refer to or affect the proper use of fertilizer or fertilizer compounds.

SECTION 4. No person shall erect, own, use or keep or continue any privy, hog sty, cow barn, stable or other building which is or shall become offensive to his or her or their neighbor or neighbors or to the public or which shall be prejudicial or injurious to the public health or which shall subject the public to inconvenience or annoyance; or shall fail or neglect to abate or remove same after proper notice by the village that such building, buildings or enclosure is offensive, prejudicial or injurious as aforesaid.

SECTION 5. No person shall use any cask, barrel or other package, or any wagon or other vehicle for the purpose of conveying swill, offal, garbage, excrement or night soil unless the same shall be covered and perfectly tight and no person shall allow any such cask, barrel or other package or such wagon, or vehicle, when not in use to stand in any highway, street, alley, or other public place.

SECTION 6. No person shall erect, keep or use or cause to be erected kept or used within the corporate limits of the Village any slaughter house or yard for the slaughtering of animals or any yard for the purpose of gathering, keeping or feeding or detaining any hogs, sheep, cattle or any other animals for slaughter or for other purpose.

SECTION 7. No person shall build, construct or use any drain or sewer opening into any street, alley or other public place.

SECTION 8. No person shall bring or cause to be brought into said village any person afflicted with any contagious, infectious or pestilential disease.

SECTION 9. Any person having any contagious, infectious or pestilential disease or having been exposed thereto shall be kept in quarantine and closely confined to his or her place of abode or the place where he or she may be and no such person shall leave such place of quarantine and go about the village until authorized so to do by the village health officer acting in accordance with rules and regulations of the village council and of the State Board of Health.

SECTION 10. No person shall remove from any house, building, room, or premises any card, placard or sign showing or indicating the presence of contagious or infectious disease until lawfully authorized so to do.

SECTION 11. Any person violating any of the provisions of this ordinance or failing to comply with any of the requirements thereof, shall upon conviction thereof, be punished by a fine not exceeding One Hundred Dollars or

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

by imprisonment in the county jail not exceeding ninety days or by both such fine and imprisonment in the discretion of the court, together with the costs Of prosecution and in default of payment may be imprisoned not to exceed ninety days.

SECTION 12. This ordinance shall take effect from and after the 15th day of October A. D., 1934.

Enacted by the village council this 15th day of September, A. D., 1934.

HARRY M. SMITH, President.

HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 5

AN ORDINANCE TO LICENSE AUCTIONEERS AND TO REGULATE AND LICENSE PUBLIC SHOWS AND EXHIBITIONS, HAWKERS, PEDDLERS AND TRANSIENT TRADERS AND DEALERS.

The Village of GRAND BEACH ordains:

SECTION 1. No person shall carry on the business of an auctioneer or sell, or attempt to sell or offer for sale goods, wares, merchandise or property at auction or public outcry without having first obtained a license therefor. Provided, however, that this section shall not apply to sales made pursuant to some order of court or public law. There shall be charged and collected for the use of said village, under this section, not less than five or more than fifteen dollars for each and every day.

SECTION 2. No person shall show or exhibit in said village any circus, menagerie, caravan, vocal or instrumental concert, exhibition, entertainment, performance or amusement of any kind for which pay is demanded or received without first obtaining a license therefor, provided this section shall not apply or be extended to any exhibition, concert, fair or festival given by or in behalf of any private or public school, or any church, or any religious, charitable, benevolent, patriotic or civic society nor to any lecture on historic, literary or scientific subjects. There shall be charged and collected for the use of said village,, under this section, not less than three nor more than ten dollars for each and every such performance or exhibition,

SECTION 3. No person shall follow or carry on the business of hawker or peddler or sell or offer to sell or display for sale or barter or exchange any goods, wares or merchandise upon or along the streets or public places of said village without first obtaining a license therefor, nor shall any transient trader or dealer engage in or attempt to engage in business or to sell or offer for sale or barter or exchange goods, wares or merchandise within the limits of said village without obtaining a license therefor.

There shall be charged and collected for the use of said village, under this section, not less than one nor more than ten dollars for each and every day.

SECTION 4. No person shall follow or carry on the business of transient dentist, doctor or vender of patent or proprietary medicines or attempt or offer to carry on such business or shall display, sell or offer or attempt to sell such medicines within the limits of said village.

SECTION 5. In all cases where license is required as heretofore specified such license shall be issued by and the fee therefor paid to the clerk of the village and in his absence such duties shall be performed by the president of the village. No license shall be issued until the terms and conditions of this ordinance shall have been fully complied with in accordance with the schedule of permits as adopted by the village council.

SECTION 6. Every license issued under this ordinance may be revoked by the village council at pleasure, and no person holding any license under this ordinance shall neglect or refuse to produce and show same to the President, Marshal or any member of the Village Council on being requested so to do.

SECTION 7. Any person who shall violate any provision of this ordinance shall on conviction thereof be punished by a fine of not to exceed One Hundred Dollars or by imprisonment in the county jail for not to exceed ninety days, or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution, and in default of payment may be imprisoned not to exceed ninety days.

SECTION 8, This ordinance shall take effect from and after the first day of November A. D., 1934.

Enacted by the village council this 22nd day of September, A. D., 1934.
HARRY M. SMITH, President.
HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 12

**AN ORDINANCE RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF SIDE-WALKS IN THE
VILLAGE OF GRAND BEACH.**

The Village of GRAND BEACH ordains:

SECTION 1. That all sidewalks hereafter constructed in said village shall be of cement. Cement sidewalks shall be constructed of a good quality Portland cement, properly mixed with sand and gravel the grouting to be one part cement and five parts of clean sand and gravel, and shall be not less than three inches in thickness, the top dressing shall be one part cement to two parts clean sharp sand, it shall be not less than one inch in thickness and shall be compactly, evenly and firmly laid. Such sidewalk shall be not less than three feet wide and shall conform to the established grade of the street upon which it is built.

SECTION 2. The owner of any lot or premises now or hereafter within said village shall build, rebuild, keep, repair and maintain sidewalks in the public streets adjacent to and abutting on such lots and premises, in accordance with the provisions of this ordinance and all such sidewalks shall, by the owner of such lot or premises, be at all times kept in condition for safe travel upon resolution of village council.

SECTION 3. Whenever the village council shall determine it is necessary to build, rebuild or repair any sidewalk in said village, they shall so declare the resolution and shall order the same to be built, rebuilt or repaired.

Such resolution shall be substantially as follows, to-wit:

Resolved that it is necessary for the public welfare and benefit, that a sidewalk on the _____ side of _____ Street in the village of Grand Beach, adjacent to and abutting lot _____ be built (or rebuilt or repaired) and it is hereby ordered that the owner (or owners) of said premises build (or rebuild or repair) said premises, within _____ days after service of notice therefor, in conformity with the provisions of this ordinance.

SECTION 4. When the village council shall order any sidewalk to be built or rebuilt or repaired, the superintendent shall give notice thereof, ac hereinafter provided, to the owner or owners or occupant of the lot or premises adjacent to and abutting on such sidewalk to build or rebuild the same within twenty days or to repair same within ten days from the date of service of such notice. Such notice shall give the date of the resolution requiring such sidewalk to be built or rebuilt or repaired, the time within which same is to be built rebuilt or repaired and shall in addition notify such owner or owners that if such sidewalk is not constructed within the time specified the superintendent will cause the same to be built, rebuilt or repaired at the expense of the owner or occupant of such lot or premises, such expense with a penalty of ten per cent to be a lien against said premises and to be levied and collected as a special assessment.

SECTION 5. Such notice shall be written or printed or partly written or partly printed, shall be signed by the superintendent and may be served by the superintendent or village marshal within five days by delivering same personally to the owner or occupant of such lot or premises if known or found within said village and if such lot or premises are unoccupied and the owner thereof is a non-resident of said village or is known and cannot be found therein within such time, then such service shall be made by posting such notice in some conspicuous place upon such lot or premises, and if the post office address of such non-resident owner is known then by also mailing, by registered mail, to such non-resident owner at such address a true copy of such notice. The officer making such service shall make proof by affidavit of the date and method of such service and a copy of such notice with such proof attached thereto shall be filed in the office of the clerk of said village and a record made thereof.

SECTION 6. If the owner or occupant of any lot or premises shall neglect or fail, after notice as herein provided, to build, rebuild or repair or cause to be built, rebuilt or repaired, any sidewalk as required, within the time herein

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

and in such notice provided and prescribed, it shall be the duty of the superintendent and the superintendent shall cause such sidewalk to be built, rebuilt or repaired as the ease may be and shall upon completion of the same make written report of his doings to the village council, describe the premises along which such sidewalk has been built, rebuilt or repaired, the nature and amount of work done, the cost thereof including all fees incident thereto, and the name of the person or owner chargeable therewith, if known.

SECTION 7. The council shall then determine what amount of such expense shall be charged, the person or persons if known, against whom it shall be charged and the premises upon which the same shall be levied as a special assessment and the council shall order the amounts so reported and determined, together with the penalty of ten per cent in addition thereto, and the premises and persons, if known, chargeable therewith to be reported by the clerk of the village to the board of assessors for special assessment as in the case of any special assessment and such special assessment when duly confirmed, shall be a lien upon such lot or premises and the council shall order the village assessor to spread such amount, together with such penalty, upon his roll as a special assessment upon such lot or premises and the same shall be collected in the same manner as other village taxes; or the village may collect such amount, together with the said penalty, from the owner or occupant of said premises in an action of assumpsit, together with the costs of suit.

SECTION 8. No person shall construct any sidewalk from cement that shows deterioration or depreciation from moisture or other cause.

SECTION 9. NO person shall chip out or break down the surface of any cement walk or in any way damage or destroy such walk.

SECTION 10. Any person who shall in any matter or thing violate or fail to comply with any of the provisions of this ordinance, shall upon conviction thereof, be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment in the discretion of the court, together with the costs of the prosecution and the court may provide that the offender on failing to pay such fine and cost may be imprisoned for not more than ninety days..

This ordinance shall take effect from and after the first day of November A. D., 1934.
Enacted by the village council this 29th day of September A. D., 1934.

HARRY M. SMITH, President.
HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 18.

**TO REGULATE THE OPERATION OF ANY ESTABLISHMENT LICENSED TO SELL ALCOHOLIC LIQUOR FOR
CONSUMPTION ON THE PREMISES.**

The Village of GRAND BEACH ordains:

SECTION 1 - DEFINITIONS. All the terms, with the definitions thereof, as set forth in Section 2 of Act 8 of the Public Acts of 1933, Extra Session, are hereby made a portion of this ordinance.

SECTION 2 - SALES. The sale of alcoholic liquor for consumption on the premises, except as may be otherwise restricted by Act 8 of the Public Acts of 1933, Extra Session, or amendments thereto, or the rules and regulations of the Liquor Control Commission made in pursuance thereof, shall be in accordance with the provisions of this ordinance.

SECTION 3 - HOURS OF SALE. In addition to the restrictions contained in Act 8 of the Public Acts of 1933, Extra Session, no licensee, by himself, his servants, agents or employees, shall sell or permit the sale of alcoholic liquor for consumption on the premises between the hours of 1:00 o'clock A. M. and 8:00 A. M. on any day of the week.

No alcoholic liquor shall be sold on primary election day, general election day or municipal election day, under any circumstances.

SECTION 4 - AGE OF PURCHASER. No alcoholic liquor, other than beer, shall be sold to any person unless he shall have attained the age of twenty-one years; and no beer shall be sold to any person unless he shall have attained the age of eighteen years. The licensee, his servants, agents or employees shall not allow any person who shall not have attained the age of eighteen years to enter or loiter around such licensed places, except in company with an adult of his immediate family.

SECTION 5 - CONDUCT OF PATRONS. The licensee, agent, servant or employee of any place wherein beer, whiskey or any other alcoholic liquor is sold, dispensed, given away or served shall be held responsible, for any disorderly conduct, noisy or any other such conduct, by their patrons or inmates, within or without such places as may be a breach of the peace or offensive to the residents of the village of Grand Beach, either in their homes or upon the public streets of said village.

SECTION 6 - SALES TO INTOXICATED PERSONS. No licensee, agent, servant or employee of any place wherein beer, whiskey or any other alcoholic liquor is sold, dispensed, given away or served, shall sell, supply, dispense, give away or serve beer, whiskey or any other alcoholic liquor to intoxicated persons.

SECTION 7 - LOAFERS - IDLERS. No licensee, agent, servant or employee shall allow loafers, idlers or persons of questionable character to congregate, loaf or hang around their premises where beer, whiskey and other alcoholic liquors are sold, dispensed, given away or served.

SECTION 8 - SHOWS AND ENTERTAINMENT. No shows or other forms of entertainment except dancing of decent character by patrons not hired for that purpose shall be allowed by licensees, agents, servants or employees of any place where beer, whiskey or other alcoholic liquors are sold, dispensed, given away or served.

SECTION 9 - ROOM COVERED BY LICENSE. No licensee, agent, servant or employee shall sell, dispense, give away or serve any beer, whiskey or other alcoholic liquor in any room, premises, tent, public street, alley, beach or woods, except as is described in the license and permit.

SECTION 10 - LOCATION. No building, room, tent, yard nor any other public or private place used for selling, dispensing, giving away or serving beer, whiskey or other alcoholic liquors shall be located within 50 (fifty) feet of any private dwelling; nor South of the Southerly line of Lake View Avenue nor East of the Easterly line of Royal Avenue (Sunset Drive) nor West of the Easterly line of Whitewood Avenue.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

SECTION 11 - RENTED ROOMS. No owner, licensee, agent, servant or employee nor any other person shall maintain rooms to be rented for retirement in any building, tent or other place within 100 feet of the premises described in the license and permit for selling, dispensing, giving away or serving beer, whiskey or other alcoholic liquors.

SECTION 12. All the provisions of Act 8 of the Public Acts of 1933, Extra Session, of the 57th Legislature of the State of Michigan and any amendments thereto that may be hereafter adopted, and at1 the rules and regulations adopted thereunder by the Liquor Control Commission or its successors, are hereby made a part of this ordinance the same as if expressly written herein, and any violation of said statute or rules or regulations shall be deemed a violation of this ordinance.

SECTION 13 - SEVERABILITY CLAUSE. If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The common council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

SECTION 14 - PENALTY. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than One hundred Dollars (\$100.00), or by imprisonment in the county jail for not more than ninety (90) days, or both, such fine and imprisonment, in the discretion of the court.

SECTION 15 - REPEALING CLAUSE. Any ordinance or part of ordinance inconsistent with the provisions of this ordinance is hereby repealed.

SECTION 16 - EFFECTIVE. This ordinance shall take effect on the twentieth day following its passage.

Made and passed by the village of Grand Beach, Michigan, January 25, 1935.

HARRY M. SMITH, President.
HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 20.

**AN ORDINANCE TO PROHIBIT CERTAIN CLASSES OF BUSINESS, PROJECTS, ESTABLISHMENTS OR
ENTERPRISES WITHIN THE LIMITS OF THE VILLAGE OF GRAND BEACH, MICHIGAN.**

The Village of GRAND BEACH ordains:

SECTION 1. That it will be unlawful for anyone to operate or own any place within the corporate limits of the Village of the Grand Beach, Michigan, to use for the Sale of Fireworks; or for a Public Garage; or for Automobile Repairing; or for an Oil and Gas Station; or for a Boarding House; or for a Boarding School; or for a Sanitarium; or for a Hospital; or for a Dyeing and Cleaning establishment; or for a Dog and Cat Hospital; or for a Kennel; or for a Massage Parlor; or for a Radio Service Shop; or for a Restaurant (except in connection with the hotel service).

SECTION 2. Any person who shall violate any of the provisions Of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$100.00 (One Hundred Dollars), or by imprisonment in the county jail not exceeding ninety days or both fine and imprisonment, in the discretion of the court, together with the costs of prosecution.

This ordinance shall take effect from and after the 7th day of June A. D., 1935.

Enacted by the village council this 25th day of May A. D., 1935.

HARRY M. SMITH, President.

HELEN C. BROWN, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 25

AN ORDINANCE AUTHORIZING THE CONSTRUCTION AND OPERATION OF A WATER DISTRIBUTION AND SUPPLY SYSTEM IN THE VILLAGE OF GRAND BEACH; AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SELF-LIQUIDATING REVENUE BONDS OF THE VILLAGE OF GRAND BEACH FOR THE PURPOSE OF DEFRAYING PART OF THE COST OF THE SAME, UNDER THE PROVISIONS OF ACT 94 OF THE PUBLIC ACTS OF MICHIGAN OF 1933, AS AMENDED; AND PRESCRIBING ALL OF THE DETAILS OF SAID BONDS AND PROVIDING FOR THE FIXING, COLLECTION, SEGREGATION AND DISPOSITION OF THE REVENUES. OF THE WATER SUPPLY SYSTEM OF SAID VILLAGE OF GRAND BEACH, MICHIGAN, FOR THE PURPOSE OF PAYING THE COST OF AND OPERATION AND MAINTENANCE THEREOF, PROVIDING AN ADEQUATE DEPRECIATION FUND THEREFOR, AND PAYING THE PRINCIPAL AND INTEREST OF SAID REVENUE BONDS; AND PROVIDING FOR A STATUTORY LIEN IN FAVOR OF: THE HOLDER OR HOLDERS OF SUCH BONDS UPON THE WHOLE OF SUCH REVENUES.

The Village of GRAND BEACH Ordains:

SECTION 1. It is hereby determined and declared to be a necessary public improvement and conducive to the public health, safety and welfare of the Village of Grand Beach to construct and operate a complete water distribution and supply system in the Village of Grand Beach, including east iron mains, valves, hydrants, service connections to property line, pumping station, and reservoir in accordance with maps, plans, anti specifications prepared by Hubbell, Roth and Clark, Inc., consulting engineers of Detroit, Michigan, under the direction of the Village Council of the Village of Grand Beach.

SECTION 2. That the Village Council has caused an estimate of the cost of constructing the foregoing to be made by Hubbell, Roth and Clark, Inc., under the direction of the Village Council, and does hereby determine that the total estimated cost of constructing said water supply system is the sum of \$63,000.00, of which sum it is contemplated that the Public Works Administration of the United States Government will pay the sum of \$28,850.00 as a grant in aid, leaving the sum of \$34,650.00 to be provided by the Village of Grand Beach.

SECTION 3. For the purpose of providing the necessary funds with which to pay the village portion of the estimated cost of constructing such improvement, it is hereby determined and declared that the Village of Grand Beach shall borrow the sum of \$35,000.00, and there is hereby authorized to be issued and sold, pursuant to the provisions of Act 94, Public Acts of Michigan of 1933, as amended, revenue bonds in the aggregate principal sum of \$35,000.00, being 25 bonds of \$1000.00 each, and 20 bonds of \$500.00 each, numbered one (1) to forty-five (45) inclusive, dated as of November 1, 1938, and payable serially as follows:

November 1, 1940	\$1000.00
November 1, 1941	\$1000.00
November 1, 1942	\$1000.00
November 1, 1943	\$1000.00
November 1, 1944	\$1000.00
November 1, 1945	\$2000.00
November 1, 1946	\$2000.00
November 1, 1947	\$2000.00
November 1, 1948	\$2000.00
November 1, 1949	\$2000.00
November 1, 1950	\$2000.00
November 1, 1951	\$2000.00
November 1, 1952	\$2000.00
November 1, 1953	\$2000.00
November 1, 1954	\$2000.00
November 1, 1955	\$2500.00
November 1, 1956	\$2500.00
November 1, 1957	\$2500.00
November 1, 1958	\$2500.00

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

with interest at such per cent per annum, not exceeding 6%, as purchaser may bid, payable semi-annually on May 1st and November 1st in each year; both principal and interest to be payable in the lawful money of the United States at the office of the Village Treasurer of the Village of Grand Beach, said bonds shall be signed by the President and countersigned by the Clerk and the corporate seal of the Village affixed thereto and the interest coupons attached to said bonds shall be signed by the facsimile signatures of said President and said Clerk and said officials by the execution of said bonds shall adopt as and for their own proper signatures their respective facsimile signatures on said coupons.

SECTION 4. Said bonds shall be self-liquidating revenue bonds and shall not be a general obligation nor indebtedness of the Village of Grand Beach but shall be payable solely from the revenue derived from the operation of said water supply system including all appurtenances, improvements and extensions thereto and to secure such payments there is hereby created a first lien upon the whole of the revenue of the water supply system of said Village of Grand Beach including all appurtenances, improvements and extensions thereto to continue until the payment in full of the principal and interest of such bonds.

SECTION 5. The holder or holders of said bonds or coupons representing in the aggregate not less than twenty per cent (20%) of the entire issue then outstanding may either at law or in equity, by suit, action, mandamus, or other, proceedings protect and enforce the statutory lien upon the revenue of said water supply system, including appurtenances, improvements and extensions thereto, and may by suit, action, mandamus or other proceedings enforce and compel performance of all duties of the officers of the Village of Grand Beach, including the fixing of sufficient rates, the collection of revenues, the proper segregation of the revenues of the water system, including appurtenances, improvements and extensions thereto, and the proper application thereof; provided, however, that said statutory lien upon said revenue shall not be construed to give such holder or holders of any bond or coupon authority to compel the sale of such system or any part thereof.

If there be any default in the payment of the principal of or interest upon any of said bonds any court having jurisdiction in any proper action may appoint a receiver to administer and operate said system including appurtenances, improvements and extensions thereto in behalf of the Village of Grand Beach and under the direction of said court and by and with the approval of said court to perform all of the duties of the officials of the Village of Grand Beach, more particularly set forth herein and in Act 94, Public Acts of Michigan of 1933, as amended.

The holder or holders of any such bonds or any coupons therefrom have all the rights and remedies and are subject to all conditions given in Act 94, Public Acts of Michigan of 1933, as now or hereafter amended, for the collection and enforcement of said bonds and the securities therefor.

SECTION 6. The construction and operation of said water supply system shall be under the immediate supervision and control of the Village Council of the Village of Grand Beach.

SECTION 7. The schedule of rates for the use of water within the Village of Grand Beach shall be as hereinafter set forth. The Village of Grand Beach may classify the users of water according to the quantity of water used and charge such rates to users in each class as it may deem reasonable. Such classes and the rates are hereby fixed as follows.

A flat rate of \$25.00 per year for each building served plus \$1.50 per year for each cold water outlet over four in each such building.

The payment of the charges for water may be enforced by shutting off the users water supply or by any action of assumpsit instituted in the name of the Village of Grand Beach against such user, or both. Whenever the water rates or charges against any property seized by said system shall have been delinquent for more than 90 days, the Village Clerk or such other officer as may be in charge of the collection of such rates, shall have power to certify the amount of such delinquency to the Village Council. The Council shall then have power to order such delinquent charges to be spread on the next village tax roll, as a charge against the several properties so delinquent, to be collected as part of the next village tax thereon.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

The several remedies and methods in Section 7 hereof providing for enforcing payment and collection of said water rentals are hereby declared to be separate and cumulative and the use of one shall not constitute a bar to the use of the others.

Such rates shall be fixed and revised from time to time as may be necessary to produce the required amounts and the Village of Grand Beach and its Village Council hereby covenant and agree to fix and maintain such rates for water furnished by said water supply system as shall be sufficient to provide therefor.

The Village of Grand Beach shall pay out of the appropriate general funds of the Village of Grand Beach the reasonable cost and value of the water furnished to the Village of Grand Beach on the basis of the forgoing schedule of rates and amounts of water used by the several departments of the Village of Grand Beach.

SECTION 8. The rates hereby fixed are estimated to be sufficient to provide for the payment of the interest upon and the principal of all such bonds as and when the same become due and payable, to create a bond and interest redemption fund therefor, to provide for the payment of the expenses of administration and operation and such expenses for maintenance of said water supply system as are necessary to preserve the same in good repair and working order, to build up a reasonable reserve for depreciation thereof, and to build up a reserve for reasonable and proper improvements, betterment's and extensions thereto other than those necessary to maintain the same in good repair and working order. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts and it is hereby covenanted and agreed at all times to fix and maintain such rates for water furnished by said water supply system as shall be sufficient to provide for the foregoing.

SECTION 9. The Council of the Village of Grand Beach may make such rules and regulations governing the operation of said water supply system and the collection of the service rates as it shall deem necessary.

SECTION 10. The said water supply system shall be operated on the basis of a fiscal year commencing on July 1st of each year and ending on June 30th of the following year.

SECTION 11. The gross revenues of said water supply system, including all appurtenances thereto, are hereby pledged and ordered to be set aside and distributed quarterly, or more often into separate funds as follows.

(a) **OPERATION AND MAINTENANCE FUND:** There shall be first set aside out of the gross revenues and paid into an Operation and Maintenance Fund amounts sufficient for the payment of the current reasonable and necessary expenses for operation, maintenance and administration of the water supply system, including insurance.

(b) **BOND AND INTEREST REDEMPTION FUND:** There shall be next established and maintained a Bond and Interest Redemption Fund (hereafter called the "Bond Fund") which shall be used solely and only for the purpose of paying the principal of and interest upon the bonds. On the last business day of each quarter there shall be paid into the Bond Fund an equal and proportionate quarterly portion of the interest becoming due on the next succeeding interest payment date and principal becoming due on the next succeeding bond maturity date, and also, until there shall have been accumulated and unless there shall be held undiminished in the Bond Fund an amount equal to the aggregate interest and principal requirements on the bond for the next ensuing 24 months, an equal and proportionate quarterly portion of a sum equal to thirty per cent (30%) of said interest becoming due on the next succeeding interest payment date and said principal becoming due on the next succeeding bond maturity date, a reserve for deficiencies to be accumulated and used if necessary for the payment of any portion of interest on or principal of the bonds in the payment of which there would otherwise be default; provided, however, that no further payment need be made into the Bond Fund at any time when the amount held therein shall be equal to the aggregate principal amount of all bonds then remaining outstanding together with interest thereon to maturity, if in any quarter the Village of Grand Beach shall fail to pay into the Bond Fund the full amount herein above stipulated, then the amount of any deficiency shall be added to the amounts required to be paid into the Bond Fund in the next ensuing quarter.

(c) **DEPRECIATION FUND:** Out of the remaining gross revenues there shall be set aside and paid into a Depreciation Fund sums sufficient to build up a reasonable reserve for the depreciation of the existing system.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

(d) **CONTINGENT FUND:** Out of the remaining gross revenues there shall be set aside and paid into a Contingent Fund sums sufficient to build up a reserve for reasonable and proper improvements, betterment's and extensions to the existing system.

(e) **SURPLUS:** Any surplus accumulated in the Operation and Maintenance Fund which may be in excess of the cost of operating and maintaining the system during the remainder of the then present and next ensuing fiscal year shall be transferred to the Bond Fund; any monies in the Depreciation Fund in excess of the amount necessary for probable replacement to be needed during the then present and next ensuing fiscal year, as determined by the Village Council, shall be transferred to the Bond Fund; and any monies in the Contingent Fund in excess of the amount necessary for reasonable and proper betterment's to the system during the then present and next ensuing fiscal year, shall be transferred to the Bond Fund or used to purchase outstanding bonds, and if used to purchase in the open market outstanding bonds not yet due, such bonds shall be purchased. at not more than the fair market value thereof and shall thereupon be cancelled; provided,, however, that any such transfers from the Operation and Maintenance Fund and / or Depreciation Fund and / or Contingent Fund to the Bond Fund shall not operate as an abatement of the Bond Fund requirements hereinbefore set forth.

SECTION 12. The gross revenues derived from the operation of the system shall be deposited in a bank or trust company duly qualified and doing business within the State of Michigan in the separate and special funds hereinabove described and each of said designated funds held therein shall be impressed with a trust for the benefit of those entitled thereto.

SECTION 13. Such bonds shall be sold and the proceeds applied in accordance with the provisions of said Act 94, Public Acts of Michigan of 1933, as now or hereafter amended.

SECTION 14. Prior to the sale of such bonds the Village Council shall designate a bank or trust company qualified and doing business within the State of Michigan as depository of the sale of such bonds and of the revenues of said water supply system and on the written acceptance of such trust and the giving of security therefor in accordance with present or future statutory requirements and to the satisfaction of the Council, all such monies shall be deposited in such bank to the credit of the appropriate funds.

SECTION 15. The bonds hereby authorized shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF BERRIEN
VILLAGE OF GRAND BEACH
WATER SUPPLY SYSTEM REVENUE BOND

No _____ \$ _____

KNOW ALL MEN BY THESE PRESENTS, that the Village of Grand Beach, Michigan, for value received, hereby promises to pay to the bearer, or, if registered to the registered holder thereof, but only out of the revenues of said Water Supply System, including all appurtenances, improvements and extensions thereto, the sum of \$ _____ on the 1st day of November, 19 _____, with interest thereon from the date hereof until maturity at the rate of _____% per annum, payable semi-annually on the 1st day of May and on the 1st day of November of each year, or, presentation and surrender of the annexed interest coupons as they severally become due. Both principal of and interest on this bond are payable in lawful money of the United States of America at the office of the Village Treasurer of the Village of Grand Beach and for the prompt payment thereof the gross revenues of said Water Supply System, including all appurtenances, improvements and extensions thereto, after provision has been made for reasonable and necessary expenses for operation, administration and maintenance, is hereby, irrevocably pledged, and a statutory first lien thereon is hereby created.

This bond is one of a series of 45 of like date and tenor, except as to amount and date of maturity aggregating the sum of \$35,000.00 issued pursuant to the authority of Act 94, Public Acts of Michigan of 1933, as amended, and of an Ordinance entitled: "An Ordinance authorizing the construction and operation of a water distribution and supply system in the Village of Grand Beach; authorizing and providing for the issuance of self-

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

liquidating bonds of the Village of Grand Beach for the purpose of defraying part of the cost of the same, under the provisions of Act 94 of the Public Acts of Michigan of 1933, as amended; and prescribing all of the details of said bonds and providing for the fixing, collection, segregation and disposition of the revenues of the water supply system of said Village of Grand Beach, Michigan, and for the purpose of paying the cost of and operation and maintenance thereof, providing an adequate depreciation fund therefor, and paying the principal and interest of said revenue bonds; and providing for a statutory lien in favor of the holder or holders of such bonds upon the whole of such revenues," duly adopted in pursuance thereof by the Village Council of the Village of Grand Beach at a regular meeting thereof held September 3, 1938, for the purpose of constructing and operating a water distribution and supply system for the Village of Grand Beach, and is payable solely out of the revenues of said water supply system including all appurtenances, improvements and extensions thereto. The Village of Grand Beach hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding, such rates for service furnished by said water supply system as shall be sufficient to provide for the payment of the interest upon and principal of all such bonds as and when they become due and payable, to create a bond and interest redemption fund therefor, to provide for the payment of the expense of administration and operation and such expenses for maintenance of said water supply system necessary to preserve the same in good repair and working order, to build up a reserve for improvements, betterment's and extensions to said water supply system other than those necessary to maintain the same in good repair and working order.

This bond is a self-liquidating revenue bond and the principal of and interest on this bond are exempted from any and all state, county, city, incorporated village, municipal and other taxation whatsoever under the laws of the State of Michigan and is secured by the statutory lien created by Act 94, Public Acts of Michigan of 1933, as amended, and is payable solely from the revenues of said water supply system, including all appurtenances, improvements and extensions thereto, and is not a general obligation of .the Village of Grand Beach and does not constitute an indebtedness of said Village of Grand Beach within any state constitutional provision or statutory limitation.

All of said bonds maturing after ten years from the date hereof may, at the option of the Village Council, be redeemed from the holder or holders thereof and paid on any interest payment date at the office of the Treasurer of the Village of Grand Beach; provided, the Village shall have on hand in its Bond and Interest Redemption Fund sufficient monies not otherwise appropriated or pledged in excess of the interest and principal requirements within the next two fiscal years; provided, notice of such redemption, including the numbers of the bonds to be redeemed shall have been published by the Village Council in a newspaper of general circulation in Berrien County. Any such published notice shall be sufficiently given after it shall have been published once in such newspaper at least thirty days prior to the date fixed for such redemption Copies of such notice of redemption shall be mailed by the Village Treasurer to the holder of each registered bond so called for redemption at the last post office address of such owner as shown on the registry books of the Village of Grand Beach. The bonds to be redeemed, if less than all the outstanding bonds, shall in all cases be determined by the Village Council by lot. Interest on any and all bonds so called for redemption shall cease at the date specified for such redemption.

This bond may be registered as to principal only on the books of the Treasurer of the Village of Grand Beach in the name of holder, and such registration noted on the back hereof by the Village Treasurer after which no transfer shall be valid unless made on the books and noted on the back hereof in like manner, but transferability by delivery may be restored by registration to bearer. Such registration shall not affect the negotiability of the interest coupons.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond exist and have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF the Village Council of the Village of Grated Beach, Michigan, has caused this bond to be signed, in the name or the Village of Grand Beach by its President and countersigned by its Clerk and the corporate seal of the Village of Grand Beach affixed hereto, and the coupons hereto attached to be signed by the facsimile signatures of said President and said Clerk which officials by the execution of this bond do adopt as and for their own proper signatures their respective facsimile signatures appearing on said coupons, and this bond to be dated as of the 1st day of November, 1938.

(SEAL)

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

Coupon No. _____

VILLAGE OF GRAND BEACH, MICHIGAN

By HARRY M. SMITH, President
JOHN R. ROHDE, Village Clerk.

(COUPON)

Coupon No. _____

The Village of Grand Beach, Michigan, will pay to the bearer hereof but only out of the revenues of the Water Supply System, including all appurtenances, improvements and extensions thereto, of the Village of Grand Beach, the sum of \$ _____ in lawful money of the United States of America on the _____ day of _____, 19_____, at the office of the Treasurer of the Village of Grand Beach, Michigan, being interest then due on its Water Supply System Revenue Bond, dated as of November 1, 1938, which is self-liquidating revenue bond issued pursuant to the provisions of Act 94 of the Public Acts of Michigan of 1933, as amended, and does not constitute an indebtedness of the Village of Grand Beach within any State Constitutional provision or statutory limitation and is not a general obligation of the said Village.

Bond No _____

President.

Clerk.

Registry

Nothing shall be written on this bond except by the Village Treasurer.

DATE OF REGISTRY

IN WHOSE NAME REGISTERED

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ADDRESS

REGISTRAR

_____	;	_____
_____	;	_____
_____	;	_____

SECTION 16. The Village of Grand Beach hereby covenants and agrees with the holder or holders of the bonds herein proposed to be issued or any of them that it will punctually perform all duties with reference to said Water Supply System required by the Constitution and Laws of the State of Michigan, including the making and collecting of sufficient rates and segregation of the revenues of said water supply system and the application of the respective funds created by this Ordinance and it hereby covenants and agrees not to sell, lease, mortgage or in any manner dispose of said Water Supply System, including appurtenances, improvements and extensions thereto, until all of the said bonds herein authorized to be issued shall have been paid in full, both principal and interest, or unless and until provisions shall have been made for the payment of all bonds and interest thereon in full; and the Village of Grand Beach further covenants and agrees with the holders of said bonds to maintain the system in good condition and operate the same in an efficient manner and at a reasonable cost and so long as any of the bonds are outstanding to maintain insurance for the benefit of the bondholders on said system of a kind and in an amount which usually would be carried by private companies engaged in a similar type of business; and to keep proper books or records and accounts (separate from all other records and accounts) in which correct entries shall be made of all transactions relating to the system; and to furnish upon written request, to any holder of any of the bonds, not more than 30 days after the close of each six months fiscal period an income and surplus account of the system in reasonable details covering such six months period, and not more than 60 days after the close of each fiscal year, balance sheet and an income and surplus account of said system covering such fiscal year and certified by the Village Council; and the Village of Grand Beach covenants and agrees that any purchaser of twenty-five per centum in aggregate principal amounts of bonds at the time then outstanding or any holder or holders of said amount of outstanding bonds shall have the right at all reasonable times to inspect said system and all records, accounts and data of the Village of Grand Beach relating thereto.

SECTION 17. [f any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 18. Any accrued interest received from the sale of such bonds shall be deposited in the Bond Fund and applied toward the payment of interest next maturing after delivery of said bonds.

SECTION 19. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 20. This ordinance shall be published in the St. Joseph Herald Press, a newspaper of general circulation in the Village of Grand Beach and in the County of Berrien, and shall be posted in five public places within the Village of Grand Beach.

SECTION 21. This ordinance shall become effective ten (10) days after final passage and approval. Adopted and approved at regular meeting of the Village Council of the Village of Grand Beach, Michigan, held in the Council Room in said Village on the 3rd day of September, 1938.

(SEAL)

HARRY M. SMITH, President.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

JOHN R. ROHDE, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 26

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE AUTHORIZING THE CONSTRUCTION AND OPERATION OF A WATER DISTRIBUTION AND SUPPLY SYSTEM IN THE VILLAGE OF GRAND BEACH; AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SELF-LIQUIDATING REVENUE BONDS OF THE VILLAGE OF GRAND BEACH FOR THE PURPOSE OF DEFRAYING PART OF THE COST OF THE SAME, UNDER THE PROVISIONS OF ACT 94 OF THE PUBLIC ACTS OF MICHIGAN OF 1933, AS AMENDED; AND PRESCRIBING ALL OF THE DETAILS OF SAID BONDS AND PROVIDING FOR THE FIXING, COLLECTION, SEGREGATING AND DISPOSITION OF THE REVENUES OF THE WATER SUPPLY SYSTEM OF SAID VILLAGE OF GRAND BEACH, MICHIGAN, FOR THE PURPOSE OF PAYING THE COST OF AND OPERATION AND MAINTENANCE THEREOF, PROVIDING AN ADEQUATE DEPRECIATION FUND THEREFOR, AND PAYING THE PRINCIPAL AND INTEREST OF SAID REVENUE BONDS; AND PROVIDING FOR A STATUTORY LIEN IN FAVOR OF THE HOLDER OR HOLDERS OF SUCH BONDS UPON THE WHOLE OF SUCH REVENUES.

The Village of GRAND BEACH Ordains:

SECTION 1. Section 7 or an ordinance entitled "An Ordinance authorizing the construction and operation of a water distribution and supply system in the Village of Grand Beach; authorizing and providing for the issuance of self-liquidating revenue bonds of the Village of Grand Beach for the purpose of defraying part of the cost of the same, under the provisions of Act 94 of the Public Acts of Michigan of 1933, as amended; and prescribing all of the details of said bonds and providing for the fixing, collection, segregation and disposition of the revenues of the water supply system of said Village of Grand Beach, Michigan, for the purpose of paying the cost of and operation and maintenance thereof, providing an adequate depreciation fund therefor, and paying the principal and interest of said revenue bonds; and providing for a statutory lien in favor of the holder or holders of such bonds upon the whole of such revenues," passed and approved September 3, 1938, is hereby amended to read as follows:

Section 7. The schedule of rates for the use of water within the Village of Grand Beach shall be as hereinafter set forth. The Village of Grand Beach may classify the users of water according to the quantity of water used and charge such rates to users in each case as it may deem reasonable. Such classes and rates are hereby fixed as follows:

A flat rate of \$25.00 per year for each building served plus \$1.50 per year for each cold water outlet over four in each building.

The sum of \$50.00 per year for each fire hydrant served; said sum to be paid by the Village of Grand Beach.

The payment of the charges for water may be enforced by shutting off the users water supply or by any action of assumpsit instituted in the name of the Village of Grand Beach against such user, or both. Whenever the water rates or charges against any property served by said water system shall have been delinquent, for more than 90 days, the Village Clerk or such other officer as may be in charge of the collection of such rates, shall have power to certify the amount of such delinquency to the Village Council. The Council shall then have power to order such delinquent charges to be spread on the next village tax roll, as a charge against the several properties so delinquent, to be collected as part of the next village tax thereon.

The several remedies and methods in Section 7 hereof providing for enforcing payment and collection of said water rentals are hereby declared to be separate and cumulative and the use of one shall not constitute a bar to the use of the others.

Such rates shall be fixed and revised from time to time as may be necessary to produce the required amounts and the Village of Grand Beach and its Village Council hereby covenants and agrees to fix and maintain such rates for water furnished by said water supply system as shall be sufficient to provide therefor.

The Village of Grand Beach shall pay out of the appropriate general funds of the Village of Grand Beach the reasonable cost and value of the water furnished to the Village of Grand Beach on the basis of the foregoing schedule of rates and amounts of water used by the several departments of the Village of Grand Beach.

Section. 2. This ordinance shall become effective ten days after final passage and approval.

Adopted and approved at a special meeting of the Village Council of the Village of Grand Beach, Michigan, held in the Council Room in said Village on the 29th day of October, 1938.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

(SEAL)

HARRY M. SMITH, President.
JOHN R. ROHDE, Clerk.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN

Revised: September 2010

ORDINANCE NO. 28

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE INHABITANTS OF THE VILLAGE OF GRAND BEACH BY REGULATING THE LIGHT, VENTILATION, SANITATION, FIRE PROTECTION, CONSTRUCTION, MAINTENANCE, ALTERATION AND IMPROVEMENT OF DWELLINGS AND OTHER STRUCTURES, TO ESTABLISH ADMINISTRATIVE REQUIREMENTS, AND TO ESTABLISH REMEDIES AND FIX PENALTIES FOR THE VIOLATION THEREOF.

The Village of GRAND BEACH Ordains:

ARTICLE I--GENERAL PROVISIONS

SECTION 1. Short Title. This ordinance shall be known as "The Building Ordinance of the Village of Grand Beach, and may be referred to or cited by that title.

SECTION 2. Interpretation. In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public health, safety and welfare of the inhabitants of the Village.

SECTION 3. Enforcement. The provisions of this ordinance shall be enforced by the Building Inspector of the Village of Grand Beach and/or the Health Officer of the Village of Grand Beach.

SECTION 4. Validity. Should any section, clause or provision of this ordinance be declared unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

SECTION 5. Definitions. Technical words used in this ordinance shall be held to have the meaning ascribed to them by the Michigan Housing Act, being Act 167 of the Public Acts of 1917 as amended, unless the context clearly indicates a different meaning.

SECTION 6. Construction to Conform Hereto. No new dwelling or other building shall be constructed within the Village except in conformity with the provisions of this ordinance. No existing dwelling or other building shall be altered except in conformity with the provisions of this ordinance. If any dwelling or other building, or any part thereof, shall be occupied by more persons than permitted under the terms of this ordinance, or shall be erected, altered or occupied contrary to the provisions hereof, such dwelling or other building shall be deemed an unlawful structure and the Health Officer or the Building Inspector may cause such buildings to be vacated, and it shall not be occupied until it or its occupation, shall be made to conform herewith.

SECTION 7. Damaged Dwellings. A dwelling damaged by fire, collapse or act of God to such an extent that the cost of repair and reconstruction exceeds three-fourths of the Village assessed valuation thereof at the time the damage occurred, shall not be repaired or reconstructed except in conformity with the provisions of this ordinance relative to new dwellings hereafter erected.

SECTION 8. Moving Buildings. If any dwelling, or other building shall hereafter be moved from one lot to another, it shall thereupon be made to conform to the provisions of this ordinance relative to new dwellings hereafter erected. No building shall be moved from one place to another without a written permit therefor from the Building Inspector.

ARTICLE II--PERMITS AND INSPECTION

SECTION 1. Building Permit. No building or other structure shall be erected, remodeled, altered or repaired within the Village of Grand Beach until a building permit therefor shall have been duly issued by the Building inspector. All applications for permits shall be upon oath and shall be accompanied by working plans and specifications showing in reasonable detail the nature and extent of the proposed work, and shall set forth the estimated cost thereof, location of the premises, and such other information as will fully inform the Building

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

Inspector with respect thereto. The Village shall receive a fee of Five Dollars (\$5.00) for each residential and Ten Dollars (\$10.00) for each commercial building permit issued, and One Dollar (\$1.00) for each repair permit involving repairs not exceeding One Hundred Dollars (\$100.00), which shall be paid at the time of filing application, and shall be in full of all fees for the Building permit, the subsequent intermediary inspection, and the final certificate of compliance. At the time of issuing a building permit, the Building Inspector shall also issue a printed card carrying the legend, "Building Permit Granted," which shall be dated and signed by the inspector. This card shall be placed in a prominent place upon the exterior of every structure being erected, altered or repaired.

SECTION 2. Intermediary Inspections New Construction. During the course of construction of a new dwelling or other building, the Building Inspector shall make the following intermediary inspections: (a) when the foundation is completed; (b) when the joists and studding have been set; (c) when the plumbing, heating and electrical work has been roughed in but before the walls and partitions have been lathed or otherwise enclosed; (d) when the building is completed; and at such other times as in the judgment of the Building Inspector inspection may be necessary. The Building inspector shall make each inspection promptly, after notice, and no further work shall be undertaken until each required inspection has been made and written intermediary approval granted.

SECTION 3. Remodeling. In work involving the alteration of or repairs to existing dwellings of other buildings, the Building Inspector shall make such intermediary inspections as may be necessary considering the nature and extent of the alterations and/or repairs. In each such case the Building Inspector shall note upon the building permit the particular stages of the work which in his judgment should be inspected. It shall be the duty of the owner or contractor performing the work to give the Building Inspector notice when the work has reached such inspection stage and he shall not proceed with the work until such inspection has been made and intermediary approval issued.

SECTION 4. Non-Complying Work. In the event any inspection shall disclose that work completed prior thereto does not in all respects conform to the provisions of this ordinance, the owner or contractor doing the work shall not proceed further until such non-complying work shall have been made to conform thereto.

SECTION 5. Certificate of Compliance. No dwelling or other building hereafter erected or remodeled shall be occupied, in whole or in part, for human habitation or use until after the issuance of a certificate of compliance by the Building Inspector following final inspection, setting forth that the building so erected or remodeled substantially conforms in an respects to the requirements of this ordinance. Such certificate shall be issued within ten (10) days after application therefor, if such dwelling or other structure shall at the date of final inspection be entitled thereto.

ARTICLE III--LIGHT, VENTILATION, SIZE AND ARRANGEMENT OF ROOMS

SECTION 1. Rooms. Every dwelling or suite or group of rooms comprising a family dwelling unit hereafter erected or substantially remodeled shall provide not less than four habitable rooms (exclusive of basement and attic rooms) and one bathroom.

(a) One such habitable room shall be designed for living use and shall be referred to as the "living room" and shall have a floor area of not less than one hundred sixty (160) square foot. Where no dining space is provided within the dwelling except in the living room, such living room shall have a floor area of not less than two hundred (200) square feet.

(b) One such habitable room shall be designed for sleeping use and shall have a floor area or not less than one hundred (100) square feet and shall be referred to as the "major bedroom."

(c) One such habitable room shall be designed for a kitchen and shall have a floor area of not less than sixty (60) square feet. Where the kitchen contains dining space in addition, the floor area shall be increased to a minimum of eighty (80) square feet. All kitchens shall contain a suitable sink properly located to facilitate food preparation and dishwashing.

(d) Each of the other habitable rooms shall have a floor area .of not less than eighty (80) square feet.

(e) The bathroom shall be of adequate size and shall contain (1) a water closet, (2) a lavatory, and (3) either a tub or shower bath.

(f) No room on the first floor shall be less than eight (8) feet in height, and no room on the second floor shall be less than seven feet six inches (7' 6") in height. No habitable room shall be in any part less than seven (7) feet wide.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

SECTION 2. Overcrowding. No dwelling or suite or group of rooms comprising a family dwelling unit hereafter erected or substantially remodeled shall be so designed or shall be so occupied as to provide less than eight hundred (800) cubic feet of air space per occupant, exclusive of bathroom, toilet rooms, closets, basement, cellars, stairways, attics and other uninhabitable space.

SECTION 3. Light and Ventilation. (a) In every dwelling hereafter erected or substantially remodeled every room shall have at least one window or windows opening to the street or yard equal to one-eighth of the floor area of the room, at least one of which shall be not less between stop beads than ten (10) square feet for living room, eight (8) square feet for bedrooms, dining rooms or kitchens and six (6) square feet for bathrooms or toilet rooms.

(b) For the purpose of ventilation, not less than forty per cent (40%) of the required window area in each room shall be capable of being opened.

(c) When required windows face upon porches which are completely enclosed with glazed windows or doors, the percentage requirement given above under (a) and (b) shall be doubled.

(d) Basements not used as living quarters shall be ventilated and lighted by windows or doors in exterior walls having a glazed and ventilated area, capable of being opened, of not less than two and one-half per cent (2½ %) of the floor area of the basement. If the basement is divided into compartments or rooms, each room shall be governed by the requirements hereof, except fruit cellars, photographic dark rooms or rooms or similar character.

(e) Windows opening into courts not open to the sky and at least ten (10) feet in width and length shall not be counted in determining the minimum requirements set forth in the preceding subparagraphs of this section.

SECTION 4. Room Arrangement. (a) In every dwelling hereafter erected or substantially remodeled each door opening which provides entrance to a bedroom, a bathroom, or a toilet room shall be provided with a solid panel, hinged door capable of being closed.

(b) In every dwelling hereafter erected or substantially remodeled, access to every living room and to every bedroom shall be had without passing through a bedroom or a room used as a bedroom, or through a room containing a water closet.

(c) In every dwelling hereafter erected or substantially remodeled, access to water closets shall be possible from all bedrooms without passing through another bedroom or a room used as a bedroom.

SECTION 5. Storage and Closet Space. All dwellings hereafter erected or substantially remodeled shall contain ample storage and closet space.

SECTION 6. Temporary Buildings. It shall be unlawful to erect any structure which is intended to be occupied in whole or in part as a temporary dwelling unless it complies with the provisions of this ordinance. All sub-standard temporary dwellings or garages which have heretofore been erected or so occupied are hereby declared to be unlawful dwellings and shall be vacated within a period of six months after the passage of this ordinance, or altered to comply with the provisions hereof. Buildings erected as garages shall in no case be occupied as dwellings unless they comply with all of the provisions of this ordinance.

ARTICLE IV--SANITATION

SECTION 1. Basement Rooms. No rooms in the basement of any building shall be occupied for living purposes (except as a game or recreation room) unless in addition to all other requirements of this ordinance such room shall have one-half of its height from floor to ceiling above the ground elevation and shall have light and ventilation as required by Article III, Section 3, and shall be well drained and waterproofed, and shall be in every way fit for human habitation.

SECTION 2. Protection from Dampness. Every dwelling or other building hereafter erected shall have a basement, cellar or excavated space under the entire first floor, at least three (3) feet in depth or shall be elevated above the ground so that there will be a clear air space of at least twenty-four (24) inches between the top of the ground and the bottom of the floor to insure ventilation and protection from dampness, such space in all cases shall be enclosed and shall be provided with ample ventilation and shall be properly drained. Buildings may be built with the first floor resting directly on the ground if, and only if, all precautions and necessary measures are taken to protect such floor and living space located thereon from dampness in accordance with approved modern practice.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

SECTION 3. All courts, areas and yards surrounding every dwelling or other building shall be properly graded and drained.

SECTION 4. Plumbing Fixtures. In all dwellings and other buildings hereafter erected or substantially remodeled, all plumbing fixtures, including kitchen sinks, shall be of an approved, modern type, shall be connected to the water supply system, shall be trapped, connected to suitable four (4) inch cast iron waste stacks and shall be properly vented. All waste lines shall be pitched to drain. No plumbing fixtures shall be enclosed or encased in such a manner as to interfere with the circulation of air underneath such fixtures or to prevent accessibility to traps or piping arrangements. All pipes shall be exposed when so required by the Building Inspector or Health Officer. All water closets shall be located indoors and shall be of the modern flush type. Chemical toilets and vault type toilets are prohibited.

SECTION 5. State Plumbing Code Adopted. All plumbing work shall be done in accordance with the requirements of the Michigan State Plumbing Code, as now existing or hereafter amended, the detailed provisions of said code being hereby adopted as a Village ordinance under the authority of Section 30 of the Charter of the Village of Grand Beach. The Building Inspector is hereby directed to obtain copies of said code and to make the same available to the public upon request.

SECTION 6. Water Supply. In all cases where public water mains are reasonably accessible, all dwellings or other buildings hereafter erected or substantially remodeled shall be connected thereto. No dwelling shall be connected to a private well unless the type, construction and location thereof, and the purity of the water therefrom, shall be approved in writing by the Health Officer.

SECTION 7. Sewage Disposal. All systems for the disposal of sewage shall be of a modern, approved type, and of adequate capacity. The Building Inspector and the Health Officer are hereby authorized to adopt reasonable rules and regulations governing, the types, capacity and construction of sewage disposal system.

SECTION 8. Waste Receptacles. The owner or occupant of every dwelling now existing or hereafter erected shall provide for such dwelling, keep clean and in place, proper covered receptacle of non-absorbent material for garbage, ashes, rubbish, and other waste matter. Every dwelling and every part thereof and the lot surrounding the same shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or other offensive matter.

SECTION 9. Animals and Junk. No horse, cow, calf, swine, sheep, goat, chickens, geese or ducks shall be kept upon the same lot or premises with a dwelling, nor shall any dwelling or the lot or premises surrounding the same be used for the storage or handling of rags, junk or other waste material

SECTION 10. Dangerous or Offensive Materials. No dwelling, nor any part thereof, nor the lot upon which it is situated, shall be used for the storage, keeping or handling of any articles dangerous or detrimental to life or health, nor of any combustible article except under such conditions as may be prescribed by the Village Superintendent under the authority of a written permit issued by him.

SECTION 11. Unsanitary Devices to Be Removed. All privy vaults, school sinks, cesspools, or other receptacles used to receive fecal matter, urine or sewage, now in existence, shall, with their contents, be completely removed, and the place where they were located properly disinfected. All such devices shall be replaced with approved type sewage disposal systems required under Section 7 of this Article within six months after the passage of this ordinance.

SECTION 12. Water Closets in Cellars. No water closet shall be maintained in the cellar of any dwelling without a permit in writing from the Building inspector, who shall have power to make rules and regulations governing the maintenance of such water closet.

ARTICLE V--CONSTRUCTION

SECTION 1. Footings. All dwellings hereafter erected shall be provided with concrete footings, the top of which shall be at least three feet six inches (3' 6") below ground level. Footings shall be at least eight (8) inches wider than the foundation walls and shall be at least ten (10) inches deep. In all commercial buildings hereafter erected

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

footings shall be of such size and construction as will adequately support the building, due consideration being given to the weight thereof and the type of soil in which the same are located.

SECTION 2. Foundation Walls. In all dwellings hereafter erected, foundation or basement walls shall be constructed of stone, brick, concrete or other approved incombustible material, and shall be at least eight (8) inches thick. All basement walls shall be suitably waterproofed on the outside. In commercial buildings, foundation walls shall be of such construction, material and thickness as to adequately support the building.

SECTION 3. Girders. In all dwellings and other buildings hereafter erected or substantially remodeled, girders shall be of ample size to carry the weight supported thereon, shall be firmly set, and shall be supported where necessary by suitable wood or steel posts set on adequate footings.

SECTION 4. Sills. In all dwellings or other buildings hereafter erected, sills shall be firmly bolted to basement walls with bolts firmly set deep in the masonry. A termite shield of rust-resistant metal shall be set between the sill and masonry.

SECTION 5. Joists. All wooden floor joists shall be at least two inches by eight inches (2"x8") in size on the first floor and at least two inches by six inches (2"x6") in size on the second floor, and shall lie placed no more than sixteen (16) inches apart. Where two joists meet at a bearing, partition or girder, they shall overlap. Joists between masonry walls involving a span in excess of twenty (20) feet shall tie supported by intermediate girders. Where concrete or metal joists are used, they shall be of such size and shall be so placed as to insure adequate support to the building and its contents.

SECTION 6. Subflooring. In all dwellings hereafter erected, subflooring shall be laid upon the joists before the finished floor is laid. Subflooring shall where possible be laid diagonally to add rigidity to the building. Where concrete or other type of floor is used, details of the construction thereof shall first be approved by the Building Inspector.

SECTION 7. Studding. In all dwellings or other buildings hereafter erected, all wooden studdings shall be at least two inches by four inches (2"x4") in size and shall be nailed at the bottom to bottom plate. Studs shall be not more than sixteen (16) inches apart. Ceiling joists shall rest upon double top plates or upon a ribband cut into the studs. Suitable braces shall be provided where necessary and all corner posts shall be properly built up. Fire stops shall be provided between studs at each floor level and also between floors where practicable.

SECTION 8. Rafters. Where wooden rafters are used they shall be at least two inches by four inches (2"x4") in size and shall be firmly secured at the bottoms to double top plates on top of the stud sections, forming a firm base for the roof skeleton. At the peak of the roof, rafters shall be reinforced by a ridge board.

SECTION 9. Wall Sheathing. In all dwellings hereafter erected using wooden wall sheathing, the same shall be made of sound lumber without knot holes and shall be nailed on diagonally to add strength to the walls. Where sheathing of other material than wood is used, details of construction shall first be approved by the Building Inspector.

SECTION 10. Roofing. In all dwellings or other buildings hereafter erected and in all dwellings hereafter re-roofed, all roofing shall be of tile, slate, metal or composition asphalt shingles or other approved fire resistant materials, laid upon proper roof sheathing. In all cases where composition shingles are used, they shall overlap properly to prevent leakage and shall be laid over a layer of approved type waterproof paper. Flashing of rust-resistant metal shall be provided around chimneys, dormers and along valleys caused by gables.

SECTION 11. Heating, water supply and waste pipes, heating ducts, and electrical wiring shall be so installed as not to weaken joists and other supports. Notching shall be avoided wherever possible.

SECTION 12. Chimneys. All chimneys shall be properly built up in approved fashion and equipped with suitable flues. Chimneys shall be framed away from the wooden parts of the building so that no wooden rafters, studs or joists shall be in contact therewith.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

SECTION 18. Oil Burners. The provisions of Act 319 of the Public Acts of 1929, as amended, relating to the use, handling, storage and sale of fuel oil and the arrangement, design, construction and installation of burners, tanks and other equipment for the burning of fuel oil for heating purposes are hereby adopted as part of this ordinance.

ARTICLE VI--ELECTRICAL WORK

SECTION 1. General. In every dwelling hereafter erected or remodeled, the construction and installation of electrical wiring and electrical devices used therein shall be in conformity with approved modern standards of construction and installation.

SECTION 2. Conduit. In new dwellings or other buildings hereafter erected all wiring shall be installed in rigid metal conduit wherever possible. The inner diameter of all conduit shall be one-third larger than the combined diameter of the wires contained therein and in no case smaller than one-half (1/2) inch. Conduit shall run as nearly straight as possible between outlets and switches. Bends shall be so made that the conduit shall not be injured.

SECTION 3. In all dwellings or other buildings hereafter remodeled, altered or repaired, either flexible metal conduit or rigid metal conduit may be used.

SECTION 4. Splicing. Joints and splicing in wires will only be permitted at junctions or .outlet boxes, never inside conduit. All joints shall be firmly soldered without acid, and taped, first with rubber tape and then with friction tape equivalent in thickness to the insulation of the wire.

SECTION 5. Boxes and Switches. Wiring shall terminate at all outlets in stamped steel outlet boxes of approved make. Boxes for fixture outlets shall have suitable studs for the support of the fixtures so arranged that the weight of the fixture will not come on the outlet box. All outlets and switches must be of approved standard quality in type and workmanship.

SECTION 6. Panel Boards. All panel boards shall be of approved safety type in steel box with steel door. All switches, bars, clips, etc., shall be of approved pattern, well secured and of ample capacity.

SECTION 7. Flexible Cord. Flexible cord shall be used only for pendants, wiring of fixtures, and portable appliances or when necessary to use plug and receptacle connections to facilitate interchange of devices.

ARTICLE VII--ENFORCEMENT

SECTION 1. Defective Buildings--Order to Vacate. Whenever it shall be certified by the Building Inspector or Health Officer that a dwelling is infected with contagious disease, or that it is unfit for human habitation or dangerous to life or health because of want of repairs or of defects in the drainage, plumbing, lighting, ventilation, or in the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness, the Building Inspector or the Health Officer may issue an order requiring all persons therein to vacate such dwelling within not less than twenty-four (24) hours or more than ten (10) days for the reasons to be mentioned in said order. In case the order is not complied with within the time specified, the Health Officer or the Building Inspector may cause such dwelling to be vacated and the same shall not be re-occupied until such time as the defects have been remedied.

SECTION 2. Abatement of Nuisances. Whenever any dwelling or other building or any structure, excavation, pursuit, matter or thing in or about such dwelling or other building, or the lot upon which the same is situated, or the plumbing, sewage, drainage, light or ventilation thereof is, in the opinion of the Health Officer or the Building Inspector, in effect dangerous to life or health (or to property because of the danger of fire), the Health Officer or the Building Inspector may designate the same, to the extent he may specify, as a public nuisance, and may order the same to be removed, abated, suspended, altered or purified, as the order shall specify.

SECTION 3. Entrance for Inspection. The Health Officer and / or the Building Inspector may without fee or hindrance, enter, examine and survey all dwellings or structures in any part of the Village. The owner or his agent

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

or representative, and the occupant or lessee of every building, or other person having the care and management thereof, shall give such official free access thereto upon request at all reasonable times.

SECTION 4. Board of Appeal. In order that the provisions of this ordinance may be reasonably applied and substantial justice done in instances where practical difficulties are apparent or unnecessary hardships result in carrying out the strict letter hereof, an appeal may be had to the Village Council acting as a Board of Appeals under such rules as the Council may hereafter from time to time adopt. Any person considering himself aggrieved by any action or decision of the Building Inspector and / or of the Health Officer may within ten (10) days thereafter appeal to the Village Council, which shall have power to hear and determine said appeal, and may, by resolution, affirm, modify or reverse, wholly or in part, the decision of said officials. In no case shall any official of the Village or any member of the Council be liable for costs or damages in any matter concerning the decision of such official or the appeal therefrom. Provided, however, that appeals from decisions of the Building Inspector or the Health Officer under Sections 1 and 2 of Article VII shall be made within forty-eight (48) hours after the decision appealed from, and the Council shall hear and determine such appeals forthwith.

SECTION 5. Aid of Courts. In addition to all other methods provided for the enforcement of the provisions of this ordinance, the Village shall have the right to bring a bill in equity in the appropriate court to .enjoin the violation hereof or to abate a nuisance or to otherwise enforce the terms hereof.

ARTICLE VIII--PENALTIES

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this ordinance, or any rule or regulation adopted by the Building Inspector and or the Health Officer pursuant hereto, or any order issued by the Building Inspector and/or the Health Officer under the authority hereof, shall be guilty of a misdemeanor, and shall upon conviction, be punished by a fine of not to exceed One Hundred Dollars (\$100.00) or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court. In default of the payment of such fine and costs, if the same be imposed, the Court is hereby authorized and empowered to commit the respondent to the County Jail until such time as the fine and costs are paid, not to exceed, however, ninety (90) days from the date of commitment.

ARTICLE IX---EFFECTIVE DATE

This ordinance shall become effective on the 1st day of January, 1940.

Passed by the Village Council and approved this 2nd day of December, 1939.

HARRY M. SMITH, President. JOHN R. ROHDE, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 33

AN ORDINANCE TO PROHIBIT CONSUMPTION OF INTOXICATING LIQUORS IN PUBLIC PLACES

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. No person shall drink or consume beer, wine or alcoholic or intoxicating liquor of any kind or offer beer, wine alcoholic or intoxicating liquor of any kind to any other person on any street, sidewalk, alley, public building, public park; public beach or any public place in the Village of Grand Beach or in any automobile which is parked or being driven on any street, alley or public place in the Village of Grand Beach.

Section 2. No person shall deposit, place or throw any bottle, can or container sold for transportation and storage of beer, wine or alcoholic or intoxicating liquor of any kind, whether such container is filled, partially filled or empty; on any street, alley, sidewalk or public place in the Village of Grand Beach.

Section 3. Any person who shall violate this ordinance or any section thereof shall, upon conviction, be punished by a fine not to exceed One Hundred Dollars (\$100.00) and costs of prosecution or by imprisonment for not to exceed ninety (90) days, or both, in the discretion of the Court. In the event a fine is imposed the Court shall have the power to imprison the violator until such time as the fine. is paid, not to exceed, however, ninety (90) days from the date of commitment.

Section 4. This ordinance shall take effect ten (10) days after its publication.

Passed by the Village Council of the Village of Grand Beach this 23rd day of July, 1955

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 35

AN ORDINANCE REGULATING THE HEIGHTS AND CONSTRUCTION OF FENCES

THE VILLAGE OF GRAND BEACH ORDAINS:

Section I.

It shall be unlawful to erect any fence in the Village of Grand Beach higher than three (3) feet, irrespective of the material of which the same is constructed and it shall also be unlawful to erect a barbed wire fence within the Village of Grand Beach.

Section II.

Any person who shall violate or fail to comply with any provision of this ordinance shall, upon conviction, be punished by a fine of not less than \$25.00 nor more than \$100.00 for each offence.

Section III

Five days notice of hearing shall be given by the Clerk by posting the same in five public places in the Village.

Section IV.

In the event any section or clause of this ordinance shall be debated to be invalid, the remainder hereof shall not be affected thereby.

This ordinance shall take effect ten days after publication.

Dated August. 11, 1945

William A. Neubaur, President
John R. Rohde, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 36

FRANCHISE GRANTED TO MICHIGAN GAS COMPANY

An Ordinance granting a franchise to Michigan Gas Company to construct, operate and maintain in the public streets, highways, alleys and other public places in the Village of Grand Beach, Berrien County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus requisite for the manufacture, transmission and distribution of gas for public and private use and to conduct a local business therein.

The Village of Grand Beach Ordains:

Section 1. Grant of Franchise. Permission is hereby granted to Michigan Gas Company, a Michigan Corporation, and to its successors and alleys and other public places in the Village of Grand Beach, Berrien County, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all Purposes to the Village of Grand Beach, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplies with gas by said Grantee, subject, however, to all conditions and restrictions hereinafter contained.

Section 2. Conditions. The conditions of the foregoing grant are as follows:

- a. The Grantee shall do no injury to any street, highway, alley or other public place, or to any shade tree, or in any manner disturb or interfere with any water transmission and distribution lines or with any public or private sewer now or hereafter laid or constructed by any authorized person or corporation.
- b. All construction work done under this grant shall be under the Supervision of the designated representative of the Grantor and shall be Subject to inspection and approval by the designated representative of the Village of Grand Beach as to location within the right-of-way. The Grantee shall pay cost of such inspection and approval.
- c. The Grantee, before entering upon any street, alley, easements for public utility purposes or other public place to install pipes, mains or other apparatus, shall notify the Village of Grand Beach or its designated representative of the proposed construction and shall, if the Village of Grand Beach so requires, file with the Village of Grand Beach a sufficient plan or map and shall obtain the representative's approval thereof before beginning construction.
- d. No street, alley, highway or public place shall be allowed to remain obstructed or encumbered by the construction work of said Grantee for a longer period than shall be reasonably necessary to execute said work, and the Grantee shall, at all times, conform to all applicable ordinances and regulations of the Village of Grand Beach now or hereafter in force
- e. The Grantee shall indemnify, hold the Village of Grand Beach harmless and defend it against any claim, action or demand that maybe asserted against the Village of Grand Beach by reason of wrongdoing or negligence of the Grantee in the construction or maintenance of it's gas mains, pipes or other apparatus, or any claim or actionable consequence resulting from this nonexclusive grant of Franchise

Section.3. Rules, Regulations and Rates. The rules and regulations applicable to the service, the quality of the gas furnished, and the rates charged, therefore by the Grantee herein, its successors and assigns, shall be as fixed from time to time by the Michigan Public Service Commission or other such state authority as shall have jurisdiction of the subject matter, reserving, however, the right of the Village of Grand Beach to object thereto.

Section 4. Regulation of Streets, Alleys and Public Places. Nothing in this grant shall be construed to alienate the title of the public in and to any street, highway or public place, or any portion thereof, shall anything herein construed in any manner as a surrender by the Village of Grand Beach or it's legislative power with respect to subject matter hereof, or respect to any other matter whatsoever; nor as in any manner limiting the right of said Village of Grand Beach to regulate the use of any street, avenue, highway or public place within it's jurisdiction.

Section 5. Assignment of Franchise. The Grantee shall not assign this Franchise to any person, firm or corporation without the prior approval of the Grand Beach Village Council and unless the assignee is, in the opinion of the management of Michigan Gas Company, financially able to carry out the Grantee's obligations, under this

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

Franchise and is authorized by the Michigan Public Service Commission, or such other State authority as shall then have jurisdiction of the subject matter so to do.

Section 6. Effective date This Ordinance shall take effect upon its publication and the filing of Grantees written acceptance with the Village of Grand Beach Clerk and shall remain in effect for a period of thirty (30) years following its confirmation by a majority of the electors of the Village of Grand Beach voting thereon.

Introduced and Adopted March 19, 1997

CERTIFICATION

I hereby certify that the Ordinance, of which the foregoing is a true copy, was introduced and adopted March 19, 1997, and was published in New Buffalo Times on March 26, 1997.

William Vanderslice
Supervisor

Carole S. Nagy
Village Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE No. 37

**AN ORDINANCE TO IMPOSE A CURFEW ON CERTAIN MINORS IN THE VILLAGE OF GRAND BEACH AT
NIGHT**

THE VILLAGE OF GRAND BEACH OF ORDAINS:

SECTION 1. Ordinance No. 11 pertaining to the regulation of children under 12 years of age in the Village of Grand Beach at night is hereby repealed and rescinded.

SECTION 2. It shall be unlawful for any person under the age of 17 years to be present at or remain in or upon any street, alley, or public place in the Village of Grand Beach, Michigan, between the hours of 11:00 p.m. and 6:00 a.m. village time, on the following days: Monday, Tuesday, Wednesday, and Thursday of each week; and between the hours of 12:00 p.m. and 6:00 a.m. village time on the following days: Friday, Saturday, and Sunday of each week, unless accompanied by his or her parent, guardian, or other person having legal custody and control, or unless such minor is performing an errand or duty as directed in writing by his or her parent, guardian, or other person having legal custody or control, and such writing shall state the reason it is necessary, for said minor to violate the curfew.

SECTION 3. It shall be unlawful for any parent, guardian or other persons having legal custody and control over a minor under the age of 17 years to allow or permit such minor to be present at or remain in or upon any street, alley or public place in the Village of Grand Beach, Michigan, during the curfew period and hours specified in preceding Section 2 of this Ordinance, unless such minor is accompanied by his or her parent, guardian, or other person having his or her legal custody and control, or unless such minor is performing an errand or duty as directed in writing by his or her parent, guardian, or other person having his or her legal custody or control.

SECTION 4. Violation of this Ordinance shall be punishable by a fine of not more than \$100.00 or by imprisonment for not more than 90 days, or both, subject to the laws of the State of Michigan pertaining to juvenile offenders.

SECTION 5. This Ordinance shall take effect one week after its adoption or 10 days after its publication, whichever is later.

Enacted by the Village Council this 22nd day of August 1967.

John R. Rohde, Clerk.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 39

**AN ORDINANCE REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SUPPLY SYSTEM, I.E.,
A CONNECTION OR ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF
QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER
SUPPLY SYSTEM.**

Be it ordained by the council of the Village of Grand Beach, State of Michigan:

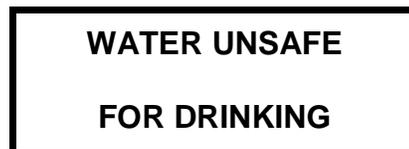
Section 1. That the village adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code.

Section 2. That it shall be the duty of the Grand Beach Water Department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Grand Beach Water Department and as approved by the Michigan Department of Public Health.

Section 3. That the representative of the Grand Beach Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Grand Beach for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

Section 4. That the Grand Beach Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of the ordinance.

Section 5. That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the state and village plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:



Section 6. That this ordinance does not supercede the state plumbing code and village or township plumbing ordinances but is supplementary to them.

Section 7. That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the Grand Beach Water Department, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100 for

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

This ordinance to be in full force and effect on and after August 1, 1977.

Dated this 18th day of July, 1977.

Attest:

Robert O. Grim, President

Louise M. Krejci, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 40

FLOOD DAMAGE PREVENTION ORDINANCE

1. STATUTORY AUTHORIZATION

The legislature of the State of Michigan has in Public Act 207 of 1921 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore the Council of the Village of Grand Beach does ordain as follows:

2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Development" means any man made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading paving, mobile home placement, excavation or drilling operations located within the area of special flood hazard.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones, applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

3. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Village of Grand Beach," dated Feb. 15, 1978, with an accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Office of the Village Clerk.

4. DESIGNATION AND DUTIES OF THE ADMINISTRATOR

The Clerk of the Village of Grand Beach is hereby appointed administrator and is to review all development and subdivision proposals to insure compliance with this ordinance.

5. DEVELOPMENT PROHIBITION

All development shall be prohibited within areas of special flood hazard as established in Sec. 3.

6. VARIANCE PROCEDURE

The Council of the Village of Grand Beach shall hear and decide appeals and requests for variances from the requirements of this ordinance consistent with the standards of Sections 1910.3(d) and 1910.6(a) of the Rules and Regulations of the National Flood Insurance Program (24CFS1909, etc.)

This ordinance to be in full force and effect on and after March 30, 1978.

Passed on final reading this 11th day of March, 1978 by the Council of the Village of Grand Beach, Michigan

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

Robert O. Grim, President

Witness: Louise M. Krejci, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 41

(1993-02)

ELECTRICAL AND MECHANICAL CODE VILLAGE OF GRAND BEACH

Effective June 3, 1993

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Village of Grand Beach under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION 1. AGENCY DESIGNATED.

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

SECTION 2. CONFLICTING ORDINANCE REPEALED.

Ordinance 41 adopted July 11, 1979 and all Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This Ordinance shall be effective after legal publication and in accordance with provision of the Charter of the Village of Grand Beach and the Statutes of the State of Michigan.

AYES: J. Miller, J. Greenwood, W. Vanderslice, K. McHugh, R. Kelly

NAYES: - 0 -

Made and passed by the Council of the Village of Grand Beach, New Buffalo, Michigan this 19th day of May, A. D. , 1993.

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on May_19, 1993, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that this Ordinance or a synopsis thereof was duly published in the South County Gazette a paper of general circulation in the Village on May 27, 1993.

CAROLE S. NAGY,

ORDINANCE No. 45

AN ORDINANCE TO CREATE A PARKING VIOLATIONS BUREAU

THE VILLAGE OF GRAND BEACH, MICHIGAN, ORDAINS:

Section 1- Creation

There is hereby created a Parking Violations Bureau which shall be located in the Village Hall and shall be operated by the Village Clerk. The Village Clerk is hereby empowered to accept pleas of guilty for any parking violation citation issued by an authorized police officer. All expenses arising out of the operation of the Parking Violations Bureau shall be borne by the Village.

Section 2 - Violations

Charges or fines for parking violations shall be fixed by resolution of the Village Council.

Section 3- Payment

The Village Clerk shall issue a receipt in triplicate, one copy of which is to be given to the person paying the charge, one copy of which is to be retained by the Clerk, and the other copy of which is to be deposited with the Village Treasurer.

This ordinance shall become effective 10 days after adoption.

Adopted by the Village Council the 26th day of September, 1984

John J. Dreesen - President
Judy Sodini
Lilian McIntosh
Robert O. Grim
Kenneth F. Bye

Louise M. Krejci, Clerk - Treasurer

RESOLUTION FIXING CHARGES FOR PARKING VIOLATIONS (REVISED 3/20/2015)

RESOLVED that the charges for parking violations in the Village of Grand Beach shall be \$35.00.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 46

WAGE ORDINANCE

TO BE EFFECTIVE NOVEMBER 1, 2008

	MINIMUM-MAXIMUM HOURLY RATE	MAXIMUM SALARY
SUPERINTENDENT	SALARIED	\$51,325
MAINTENANCE	10.00-16.25	
PART TIME MAINTENANCE	7.25-13.00	
CLERK/TREASURER	12.00-19.50	
DEPUTY CLERK/TREASURER	9.75-18.50	
POLICE CHIEF	SALARIED	\$65,750
OFFICER-FULL TIME (3)	12.50-23.00	
OFFICERS – PART TIME	11.00-15.75	
LIFE GUARDS	7.25-10.00	
GOLF SUMMER MAINTENANCE	7.25-10.00	
PRO-SHOP MANAGER	SALARIED	\$13,125.00
PRO-SHOP EMPLOYEES	7.25-9.00	
RANGER	7.50-9.00	

MOVED AND ADOPTED BY THE VILLAGE OF GRAND BEACH COUNCIL, THIS FIFTEENTH DAY OF OCTOBER, 2008.

MOTION:

(1) AYE:

(2) NAY:

(3)

JAMES BRACEWELL, PRESIDENT

SUPPORT:

ABSENT:

MARY J. ROBERTSON, CLERK

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 48

**AN ORDINANCE TO REGULATE AND CONTROL THE STORAGE, ACCUMULATION AND DISPOSITION OF
ABANDONED VEHICLES, WRECKED, DISMANTLED OR UNUSABLE, VEHICLES WITHIN THE LIMITS OF
THE VILLAGE OF GRAND BEACH, AND TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND TO
PROVIDE PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS, the Village of Grand Beach has found and determined that abandoned vehicles are a public nuisance and safety hazard, and,

WHEREAS, the Village of Grand Beach is interested in preserving the public peace, health, safety and general welfare of the community.

NOW THEREFORE, THE VILLAGE OF GRAND BEACH ORDAINS:

No person shall park or store any wrecked, junked, abandoned automobile or other vehicle, or parts thereof on private or public property within the village except in a garage or other enclosure so as not to be exposed to public view.

Any vehicle shall be included if the vehicle does not have attached thereto a valid and current license plate; but the license plate shall not be the sole factor in determining the status of the vehicle.

Grand Beach Police Department is authorized to issue a written notice by registered return receipt requested mail, for the removal of the vehicle and the owner will be advised to remove the vehicle within seven days of this notice. Upon the failure or refusal of the person to remove the vehicle within the time specified, the Police Department shall impound and cause it to be removed by a licensed towing agency and stored to protect it from vandalism or damage. Vehicle may be released to owner only upon payment of towing and storage charges incurred.

Any violation of, or failure to comply with this Ordinance shall be punishable by a fine not to exceed \$100.00, and the cost of prosecution. Each day that a violation of this ordinance is continued or permitted to exist without compliance shall constitute a separate offense.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 49

AN ORDINANCE TO REGULATE PRIVATE SWIMMING POOL OWNERS AND COMMERCIAL POOL-FILLING COMPANIES TO DRAW WATER FROM VILLAGE FIRE HYDRANTS.

SECTION 1. Village residents wishing to fill their pools directly from fire hydrants must first contact the Grand Beach Village office during normal business hours and make arrangements for Village Personnel to open the nearest hydrant and affix the metering device. The Village shall charge for this service at it's billing rate currently in effect.

SECTION 2. Commercial pool-filling companies wishing to fill their tank trucks with Village water, or fill the pools of Village residents must first make arrangements with the Grand Beach Village office during normal business hours. Water drawn from Village hydrants will be equipped with a metering device and affixed to the hydrant by Village personnel. Water will be charged to the pool filling company at the billing rate currently in effect.

SECTION 3. No person shall disconnect, by-pass, alter, damage, or attempt to defeat the metering device placed on Village hydrants by Village personnel.

SECTION 4. No persons other than Village personnel or Volunteer fire fighters shall draw water directly from Village Hydrants.

SECTION 5. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine of not to exceed one hundred dollars or by imprisonment not to exceed ninety days or by both such fine and imprisonment in the discretion of the court, together with the costs of prosecution for such violation thereof, and in default of payment may be imprisoned not to exceed ninety days.

PASSED AND ADOPTED by the Council of the Village of Grand Beach on the day of 19 .

Louise M. Krejci
Clerk - Treasurer

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 51

**AN ORDINANCE REGULATING THE USE OF STREETS AND RIGHT-OF-WAYS WITHIN VILLAGE OF GRAND
BEACH**

THE VILLAGE OF GRAND BEACH ORDAINS.

Section 1. No persons, firm or corporation or public utility or franchise shall for any purpose whatsoever, remove any of the surface material from any of the streets or right-of-ways within the Village of Grand Beach, nor make any opening or excavation in or under any such streets within the right-of-way without first having obtained a permit therefore from the Village Clerk.

Section 2. Application for such permit shall be in writing and directed to the Village Clerk or Deputy Village Clerk, shall be approved by the Village Street Commissioner and shall give the following information.

- a. Location of such proposed work.
- b. Estimated size of such opening or excavation.
- c. Estimated area of right-of-way to be impacted and vegetation effected or street surface material to be removed.
- d. Approximate number of days required for said work.

The Village may require as a condition of approval that the applicant complete a full block or other natural division to reduce multiple excavations or damage to streets and right-of-ways. Further, utility repairs, extensions, improvements or removals shall, when deemed feasible by the Village, be done in conjunction with other utility companies or services.

Section 3. No such permit shall be granted unless and until such applicant shall deposit with the Village Clerk sufficient cash or acceptable bond to cover the cost of making satisfactory and proper repairs in replacement of all street surface removed or right-of-way restoration to original condition with materials of equal or superior quality. The amount of said deposit shall be determined by the Village Clerk or at the request of the applicant, by the Village Council and said amount shall be stated upon the application and the permit when issued.

Section 4. When the conditions herein contained have been complied with, such permit shall be issued to the applicant. Such permit shall be numbered and dated, shall show the name and address of the applicant, the address of the proposed work and the date upon which such permit expires. Such permit shall not be transferable and shall only be extended upon good cause shown and the approval of the Village Street Commissioner.

Section 5. Said applicant shall notify the Village Street Commissioner and each abutting property which is directed effected by said application as to the date and time it intends to commence said work and a date for completion of such work by restoring and replacing right-of-way conditions and street surface materials and such work shall be done under the supervision of the Village Street Commissioner.

Section 6. The said Village of Grand Beach may at its option perform the work of making repairs, restoration or replacements of street and right-of-way to complete the work and deduct the cost and charges thereof from the deposit paid by applicant or charge the same to applicant's account. Upon satisfactory completion of the work the balance of said deposit, remaining in the hands of the Village Clerk, shall be returned to said applicant. The intention of said Village of Grand Beach to make or not make repairs and replacements of street and right-of-ways, shall be indicated on the permit granted to applicant, according to the recommendations of the Village Street Commissioner.

Section 7. During the progress of said work the applicant shall at all times keep the said work properly guarded and lighted and use such means as are necessary to safeguard the persons and property of those traveling upon the streets and sidewalks where such work is in progress.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

Section 8. No permit shall be granted to any applicant who is indebted to the Village of Grand Beach for making repairs and replacements of street or right-of-way to complete a work under a permit formerly issued pursuant to this ordinance.

Section 9. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine of not to exceed Five Hundred Dollars or by imprisonment, in the county jail not exceeding ninety days or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution, and in default of payment may be imprisoned not to exceed ninety days.

This ordinance shall take effect after the adoption and publication thereof.

ORDINANCE DECLARED ADOPTED.
CAROLE S. NAGY, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on March 19, 1997, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

CAROLE S. NAGY, Village Clerk

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN

Revised: September 2010

ORDINANCE NO. 52

PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO INSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPATION AND USE; AND THAT PREMISES ARE FREE OF LITTER, NOXIOUS WEEDS, AND DANGEROUS OR HAZARDOUS CONDITIONS.

THE VILLAGE OF GRAND BEACH ORDAINS:

A. Unfit dwellings or buildings.

Section 1. **Definitions.** The following terms whenever used or referred to in this ordinance shall have the following respective meanings unless a different meaning clearly appears from the context:

a. "Owners" shall mean the holder of fee simple title.

b. "Parties in interest" shall mean all individuals, associates, and corporations who have a mortgage or other interest of record in a dwelling or building or who are in possession thereof.

c. "Dwelling" shall mean any building or structure or part thereof used and occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto.

d. "Dwelling unit" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.

e. "Building" shall mean structure or part thereof.

f. "Public record" shall mean deeds, mortgages, and other instruments of record relating to land titles.

g. "Occupant" shall mean any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit,

h. "Public officer" shall mean the code enforcement or a law enforcement officer or officers who are authorized by law to exercise the powers prescribed by this article.

Section 2. **Unfit dwelling and buildings defined.** Any dwelling or building which fails to meet the minimum standards of the BOCA National Property Maintenance Code, as shall be in effect from time to time, shall be deemed unfit for human habitation.

Section 3. **Renting an unfit dwelling or building.** It shall be unlawful for any owner or any party in interest of a dwelling or of a building to rent or offer for rent any dwelling or building which is unfit for human habitation for any reason set out in paragraph 5 of this article, due to the dilapidation, leaking water lines, leaking gas lines, electrical defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwelling or building unsafe or unsanitary or dangerous.

Section 4. **Nuisance.** Any dwelling unfit for human habitation is hereby declared to be a public nuisance, and shall be repaired or removed from site as a serious continuing health hazard and public nuisance pursuant to the laws of the State of Michigan.

B. Litter regulations.

Section 1. **Depositing of litter prohibited.** It shall be unlawful for any person, firm or corporation, in person, or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

other public place in the city or any public water, drain, sewer, or receiving basin within the jurisdiction of the Village any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Village in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the Village; or to articles or things deposited in or conducted into the Village storm system through lawful drains in accordance with the ordinances of the Village relating thereto.

Section 2. Litter on Private Property. For purpose of this Ordinance, the term "litter on private property" is defined to mean any condition or use of premises or of building exteriors which is materially detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the property in the neighborhood in which such premises are located or creates a haven for vermin and pests or creates a health or safety hazard. This includes, but is not limited to the keeping or the depositing on, or the scattering over the premises of any of the following:

a. Lumber, junk, trash, or debris;

b. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.

Section 3. Duty of maintenance of private property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any litter thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. Nor shall any person maintain premises as a health or safety hazard.

C. Plants and weeds.

Section 1. Weeds - declared a nuisance. Any weeds such as jimson, burdock, cocklebur, or other weeds defined as "noxious weeds" pursuant to Act 359 of Public Acts 1941, as amended (MCL 247.61 et. seq.) of a like kind, found growing in any lot or tract of land in the city are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Section 2. Height. It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding twelve inches anywhere in the city; any such plants or weeds exceeding such height are hereby declared to be a nuisance. This shall not apply to dune grasses or other vegetation designed to preserve the dunes or reduce erosion.

Section 3. Removal - notice. It shall be the duty of the Code Enforcement Officer to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance within ten days as provided under said Act 359. A failure to remove after said Notice shall result in the Village eradicating or cutting the weeds and charging the same to the Owner.

D. **Swimming pools.**

Section 1. Compliance required. It shall be unlawful to operate, maintain, or use any swimming pool in the Village except in compliance with all the provisions of this Ordinance. Each swimming pool maintained in the Village shall have the following accessories, fixtures, safety equipment, and areas of protection:

a. **Walk areas.** Unobstructed walk areas not less than thirty-six inches wide shall be provided to extend entirely around the pool. The walk area shall be constructed of impervious material, and the surfaces shall be of such as to be smooth and easily cleaned and of non-slip construction. The slope of the walks shall have a pitch of a least one-fourth inch to the foot, designed so as to prevent back drainage from entering the pool.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

b. **Fences.** All outdoor swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be six feet in height above the grade level and shall be constructed of a minimum number 9 gauge woven wire mesh corrosion-resistant material, or similar material. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

c. **Steps or ladders.** Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep and shallow end of the pool. Treads of steps and ladders shall be constructed of non-slip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

d. **Skimmers.** In every swimming pool, at least one skimming device shall be provided for each eight hundred square feet of surface area or fraction thereof.

e. **Recirculation system and appurtenances.** The swimming pools' recirculation systems shall consist of pumping equipment, hair and lint catcher, filters, together with the necessary pipe connections to the pool inlets and outlets, facilities and pipe connections necessary for back washing filters, and facilities and equipment for disinfection the pool water.

Section 2. **Inspection.** The building inspector or code enforcement officer periodically shall inspect all swimming pools to determine whether or not the provisions of the ordinances regarding health, sanitation, and safety applicable thereto are being complied with.

Section 3. **Nuisance.** Any swimming pool that fails to meet the minimum standards set forth above shall be declared a nuisance. The Building Inspector shall issue a notice of violation setting forth the remedial actions required. In the event the owner of the swimming pool shall fail to correct the violation prior to Memorial Day following said Notice if issued between September 2 and February 28 or within ninety (90) days if issued between June 1 and September 1, the owner shall remove the pool and fill the site.

E. Penalties.

Any person or firm convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not more than Five Hundred and no/100 (\$500.00) Dollars or imprisonment in the County Jail of Berrien County for a period of not more than ninety (90) days or both such fine and imprisonment in the discretion of the Court.

F. Existing Conditions. The provisions of this ordinance shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this ordinance, and to conditions which, in the opinion of the enforcement officer, constitute a distinct hazard to life or property.

G. Effective Date.

This Ordinance shall become effective on this 11th day February, 1998 following publication hereof.

H. Conflicting Ordinances.

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ORDINANCE DECLARED ADOPTED.
CAROLE S. NAGY, Clerk
CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st Day of January, 1998, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

CAROLE S. NAGY, Clerk

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN

Revised: September 2010

ORDINANCE NO. 53

(AS REVISED BY ORDINANCE 55 & 63)

AN ORDINANCE TO REGULATE THE USE AND OPERATION OF LOW SPEED VEHICLES IN THE VILLAGE OF GRAND BEACH AND THE REGISTRATION THEREOF.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section One. Definitions.

1. "Low Speed Vehicle" shall mean a bicycle, golf cart, lawn mower, or moped when operating upon any roadway in the Village.
2. "Operator" shall mean an individual, at least sixteen (16) years of age, possessing a valid driver's license.
3. "Street, Roadway, Alley or Public right-of-way" shall mean all public ways under the jurisdiction of the Village.
4. "Village" shall mean the Village of Grand Beach, New Buffalo Township, Berrien County, Michigan.

Section Two. General Regulation. (REVISED BY ORDINANCE NO. 55)

A. Compliance with Uniform Traffic Code and Chapter III - Michigan Vehicle Code. All low speed vehicles operated on the public ways of the Village shall comply with the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of state police which is adopted by reference and is made a part of this Ordinance as if fully set forth in this Ordinance.

All persons operating low speed vehicles, except bicycles, on the public ways of the Village shall possess a current valid motor vehicle operators license.

B. Operation on Roadway. A person operating a bicycle, low-speed vehicle, or moped upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. A person riding a bicycle, motorcycle, or moped upon a roadway shall not ride more than two (2) abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

Where a usable and designated path by bicycles is provided adjacent to a roadway, a bicycle rider shall be required to use the path. Low-speed vehicles shall not be operated on a sidewalk constructed for the use of pedestrians.

Section Three. Lights.

All low-speed vehicles, including animal drawn vehicles, implements of husbandry, road machinery, road rollers, and farm tractors, not otherwise required under this Act to be equipped with head or rear lamps, shall at the times specified hereinbelow be equipped with at least one (1) lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle.

Lights, as above set forth, shall be required at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons or vehicles on the roadway at a distance of 500 feet.

Section Four. Occupant.

A low speed vehicle shall not be used to carry more persons at one time than the number for which it is designed and equipped.

Section Five. Regulation of Low Speed Vehicles within Grand Beach. (REVISED BY ORDINANCE NO. 63)

Only stickered golf carts shall be operated within the Village of Grand Beach. Each owner shall annually secure a sticker from the Village Clerk based on such fees as shall be set from time to time by the Village Council and each cart shall have three inch (3") numerals to be placed on both sides of the cart. All operators on the Grand Beach Municipal Golf Course shall be at least fourteen (14) years of age. The golf course manager, any ranger, or any police officer may revoke any sticker and ban further access on any public way or public property by any golf cart,

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

when in the opinion of the golf course manager, ranger, or officer that the golf cart is being used in a manner to cause damage to public property or members of the public or Village employees. Golf carts shall not be allowed on the golf course property from a half-hour after sunset to one-half hour prior to sunrise.

Section Six. Penalties for Violation. (REVISED BY ORDINANCE NO. 55)

A. Uniform Traffic Code. Any person, firm or corporation who violates Section Two A of this Ordinance shall, in addition to the other provisions of this Ordinance, be responsible for the penalties set forth under the applicable Section of the Uniform Traffic Code as herein referenced.

B. Civil Infractions. A person who violates Sections Two B, Three, Four, or Five of this Ordinance is responsible for a civil infraction punishable by a fine of not more than \$100.00 and which shall be processed pursuant to the terms of the Michigan Vehicle Code. Any person who is cited for a repeat or second violation of the above Sections within a period of twenty-four (24) months from date of first citation shall be deemed guilty of a misdemeanor as set forth in Section Six A above.

This Ordinance shall become effective after public hearing, adoption and publication in accordance with the Charter of the Village of Grand Beach and the laws of the State of Michigan.

Section Seven. Conflicting Ordinances.

Ordinance #44 and any other or parts of Ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after the adoption and publication thereof.

ORDINANCE DECLARED ADOPTED.

CAROLE S. NAGY, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting held on May 17th, 2001 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act

CAROLE S. NAGY, Village Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 54

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE

An Ordinance to adopt by reference the Uniform Traffic Code to provide for penalties for violations of said Ordinance and to repeal all conflicting Ordinances.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section One. Uniform Traffic Code Adopted.

Pursuant to Public Act No. 62 of 1956 (MCL 257.951 et seq., MSA 9.2651 et seq.), as amended, the Uniform Traffic Code for Cities, Townships, and Villages promulgated by the director of state police is adopted by reference as the Village of Grand Beach Traffic Code and is made a part of this Ordinance as if fully set forth in this Ordinance, subject to the modifications contained in Section Two and subject to such further modifications as the village shall adopt by Ordinance from time to time. References to the governmental unit in the Uniform Traffic Code shall mean the Village of Grand Beach. Copies of the Uniform Traffic Code, as amended and supplemented, are available at the office of the village clerk, located at the village hall, for inspection by and distribution to the public during normal business hours.

Section Two. Modifications.

The following sections and subsections of the Uniform Traffic Code for Cities, Townships and Villages are amended as set forth in this section, and additional sections and subsections are added as indicated. Section numbers shall refer to the like-numbered sections in the Uniform Traffic Code.

Sec. 5.15. Operating while under influence of intoxicating liquor or controlled substance, or combination thereof or operating a motor vehicle while visibly impaired.

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the village, if either of the following applies:

(a) The person is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(b) The person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the village, by a person who is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, who has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or whose ability to operate the motor vehicle is visibly impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the village, when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1) of this section, a finding of guilty under this subsection may be rendered.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

(4) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the village if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

(5) A person, whether licensed or not, shall not operate a vehicle in violation of subsection (4) of this section while another person who is less than 16 years of age is occupying the vehicle. If a person is convicted of violating this subsection (5), the following shall apply:

(a) The person is guilty of a misdemeanor, punishable by one or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(b) In the Judgment of sentence under this section, the court may, unless the vehicle is ordered forfeited under MCL 257.625n, MSA 9.2325(14), order vehicle immobilization as provided in MCL 257.904d, MSA 9.2604(4).

(6) If a person is convicted of violating subsection (1) of this section, the person is guilty of a misdemeanor, punishable by one or more of the following:

(a) Community service for not more than 45 days

(b) Imprisonment for not more than 93 days.

(c) A fine of not less than \$100.00 or more than \$500.00.

(7) A person who is convicted of violating subsection (2) of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a less than \$100.00 or more than \$500.00, or both.

(8) If a person is convicted of violating subsection (3) of this section, the person is guilty of a misdemeanor punishable by one or more of the following:

(a) Community service for not more than 45 days.

(b) Imprisonment for not more than 93 days.

(c) A fine of not more than \$300.00.

(9) If a person is convicted of violating subsection (4) of this section, all of the following shall apply:

(a) Except as otherwise provided in subsection (9)(b) of this section, the person is guilty of a misdemeanor punishable by one or both of the following:

(i) Community service for not more than 45 days.

(ii) A fine of not more than \$250.00.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

(b) If the violation occurs within seven years of one or more prior convictions, the person may be sentenced to one or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment of not more than 93 days.

(10) In addition to imposing sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution, pursuant to the Code of Criminal Procedure, Public Act No. 175 of 1927, being MCL 760.1--776.22, MSA 28.841--28.1274(3).

(11) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or the village as a result of the person's activities in that service.

(12) If a person is charged with a violation of subsection (1), (3) or (5) of this section, or of MCL 257.625m, MSA 9.2325(13), the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (4) of this section in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the motion of the prosecuting attorney.

(13) Except as otherwise provided in subsection (15) of this section, if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (1) of this section, the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(14) Except as otherwise provided in subsection (15) of this section, if a person is charged with operating a vehicle while his ability to operate the vehicle was visibly impaired due to his consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (3) of this section, the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person with a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(15) A special verdict described in subsections (13) and (14) of this section is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or of a combination of intoxicating liquor and controlled substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his consumption of a controlled substance or a combination of intoxicating liquor and controlled substance at the time of the violation.

(16) If a jury or court makes a finding under subsection (13), (14) or (15) of this section that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) Forward to the department of state police, on a form prescribed by the state court administrator, a record that specifies the penalties imposed by the court, including any term of imprisonment and any licensing sanction imposed under MCL 257.625n, MSA 9.2325(14) or MCL 257.904d, MSA 9.2604(4).

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

(17) Except as otherwise provided by law, a record described in subsection (16)(b) of this section is a public record, and the department of state police shall retain the information contained on that report for a period of not less than seven years.

(18) In a prosecution for a violation of subsection (4) of this section, the defendant shall bear the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

Sec. 5. 15e. Confiscation by peace officer of accused's license upon refusal to take test or if test reveals impermissible blood alcohol content; issuance of temporary license; report to secretary of state; destruction of accused's license.

(1) If a person refuses a chemical test offered pursuant to MCL 257.625a(6), MSA 9.2325(1), (6) or section 5.15a(6) of the Uniform Traffic Code adopted by the village, or submits to a chemical test or a chemical test is performed pursuant to a court order, and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle, and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the secretary of state.

(b) Except as provided in subsection (2) of this section, immediately do all of the following:

(i) Forward a copy of the written report of the person's refusal to submit to a chemical test to the secretary of state.

(ii) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.

(iii) Destroy the person's driver's license or permit.

(2) If a person submits to a chemical test offered pursuant to MCL 257.625a(6), MSA 9.2325(1), (6) or section 5.15a(6) of the Uniform Traffic Code adopted by the village that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) of this section pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b) of this section. If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first class mail to the address given at the time of arrest.

(3) A temporary license or permit issued under this section is valid for one of the following time periods:

(a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended pursuant to MCL 257.625f, MSA 9.2325(6), whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.

(b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted or revoked.

(4) As used in this section, "unlawful alcohol content means any of the following, as applicable:

(a) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

(b) If the person tested was operating a commercial motor vehicle within the state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine.

(c) If the person tested is not a person described in subsection (a) or (b) of this section, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine.

Sec. 5.62a. Operation of a motor vehicle by a person whose license is suspended, revoked or denied or who has never applied for a license.

(1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in MCL 257.212, MSA 9.1912 of that suspension or revocation, whose application for a license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles within the village.

(2) A person shall not knowingly permit a motor vehicle owned by such person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the village, by a person whose license or registration certificate is suspended or revoked, whose application for a license has been denied, or who has never applied for a license, except as permitted under this Code or the Michigan Vehicle Code.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) of this section is guilty of a misdemeanor punishable as follows:

For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the driving record of the person from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

(5) This section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and summoning prompt aid is essential.

(6) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in MCL 257.212, MSA 9.1912 of that suspension or revocation, or whose application for a vehicle group designation has been denied, as provided in the act, or who has never applied for a vehicle group designation, and who operates a commercial motor vehicle within the state, except as permitted under this Code or the Michigan Vehicle Code, while any of those conditions exist is guilty of a misdemeanor, punishable, except as otherwise provided in this section, by imprisonment for not less than three days or more than 93 days, or a fine of not more than \$100.00, or both.

Sec. 5.62b Order of impoundment

(7) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

(1) When a person is convicted under section 5.62a(1) of the Uniform Traffic Code adopted by the village, of operating a motor vehicle while his license to operate a motor vehicle is suspended, revoked or denied, the motor vehicle, if it is owned in whole or in part by that person, shall be ordered impounded for not less than a period the court orders, but not more than 120 days from the date of the judgment.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

(2) An order of impoundment issued pursuant to subsection (1) of this section is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

(3) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 2.5a of the Uniform Traffic Code adopted by the village.

(4) Nothing in this section affects the rights of a conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this act.

Sec. 5.62c. Confiscation of registration plate and issuance of a temporary vehicle registration plate.

(1) When a peace officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:

(a) Immediately confiscate the vehicle's registration plate and destroy it.

(b) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the secretary of state for temporary registration plates issued under section MCL 257.226a, MSA 9.1926(1) or MCL 257.226b, MSA 9.1926(2).

(c) Place the temporary vehicle registration plate on the vehicle in the manner required by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was confiscated and destroyed, and a temporary plate was issued.

(2) A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

Sec. 5. 62e. Immobilization of vehicles.

(1) A court shall order a vehicle immobilized under MCL 257.904d, MSA 9.2604(4) by the use of any available technology approved by the court that locks the ignition, wheels or steering of the vehicle, or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating section 5.15 of the Uniform Traffic Code or MCL 257.625, MSA 9.2325, or a suspension, revocation or denial under section 5.62a of the Uniform Traffic Code or MCL 257.904, MSA 9.2604 to pay the cost of immobilizing and storing the vehicle.

(2) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3(3)(a) of the Use Tax Act, 137 PA 94, MCL 205.93, MSA 7.555(3) without a court order.

(3) A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease or otherwise obtain a motor vehicle during this immobilization period.

(4) A person shall not remove, tamper with or bypass, or attempt to remove, tamper with or bypass a device that he knows or has reason to know has been installed on a vehicle by court order by vehicle immobilization or operate or attempt to operate a vehicle that he knows or has reason to know has been ordered immobilized.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(6) To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.

(7) If a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction.

(8) The court shall require the defendant or a person who provides immobilization services to the court under this section to certify that a vehicle ordered immobilized by the court is immobilized as required.

Section Three. Conflicting Ordinances.

Ordinance #42 and any other or parts of Ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after the adoption and publication thereof.

ORDINANCE DECLARED ADOPTED.

CAROLE S. NAGY, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on August 16, 2001, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

CAROLE S. NAGY, Village Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 55

**ORDINANCE TO AMEND ORDINANCE 53, THE SLOW MOVING VEHICLE ORDINANCE OF THE VILLAGE OF
GRAND BEACH TO MODIFY CERTAIN PROVISIONS AND TO PROVIDE FOR CIVIL INFRACTION
PENALTIES.**

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Section Two of Ordinance No.53 is hereby deleted and the following inserted in its place and stead:

Section Two. General Regulation.

A. Compliance with Uniform Traffic Code and Chapter III - Michigan Vehicle Code. All low speed vehicles operated on the public ways of the Village shall comply with the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of state police which is adopted by reference and is made a part of this Ordinance as if fully set forth in this Ordinance.

All persons operating low speed vehicles, except bicycles, on the public ways of the Village shall possess a current valid motor vehicle operators license.

B. Operation on Roadway. A person operating a bicycle, low-speed vehicle, or moped upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. A person riding a bicycle, motorcycle, or moped upon a roadway shall not ride more than two (2) abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

Where a usable and designated path by bicycles is provided adjacent to a roadway, a bicycle rider shall be required to use the path. Low-speed vehicles shall not be operated on a sidewalk constructed for the use of pedestrians.

SECTION TWO: Section Six of Ordinance 53 is deleted and the following penalty provisions are inserted in its place and stead:

Section Six. Penalties for Violation.

A. Uniform Traffic Code. Any person, firm or corporation who violates Section Two A of this Ordinance shall, in addition to the other provisions of this Ordinance, be responsible for the penalties set forth under the applicable Section of the Uniform Traffic Code as herein referenced.

B. Civil Infractions. A person who violates Sections Two B, Three, Four, or Five of this Ordinance is responsible for a civil infraction punishable by a fine of not more than \$100.00 and which shall be processed pursuant to the terms of the Michigan Vehicle Code. Any person who is cited for a repeat or second violation of the above Sections within a period of twenty-four (24) months from date of first citation shall be deemed guilty of a misdemeanor as set forth in Section Six A above.

This Ordinance shall become effective after public hearing, adoption and publication in accordance with the Charter of the Village of Grand Beach and the laws of the State of Michigan.

ORDINANCE DECLARED ADOPTED.

MARY ROBERTSON, Clerk

CERTIFICATION

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan. at a Regular Meeting, held on the 20th day December, 2001, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No, 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 58

AMENDMENT TO ELECTRICAL AND MECHANICAL CODE ORDINANCE

Effective 9-16-2002

An Ordinance to amend Ordinance 41, the Electrical and Mechanical Code Ordinance of the Village of Grand Beach to transfer responsibility for the administration and enforcement of its Mechanical Code to the Bureau of Construction Codes under the provisions of the State Construction Code Act of 1972, as amended.

VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: The title of the Ordinance "Electrical and Mechanical Code Village of Grand Beach" is here by deleted and the following inserted in its place and stead:

"Electrical and Mechanical Code Enforcement Ordinance of The Village of Grand Beach"

SECTION TWO: Section 1, "Agency Designated" is hereby deleted and the following inserted in its place and stead:

SECTION 1. INSPECTING AGENCY.

A) **Electrical Code** - Pursuant to the provisions of the Michigan Construction Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Electrical Inspector of the Village of Grand Beach is hereby designated as the enforcing agency to discharge the responsibilities of the Village of Grand Beach under the Electrical Code according to Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Village of Grand Beach assumes responsibility for the administration and enforcement of said Code throughout its corporate limits.

B) **Mechanical Code** - Pursuant to the provisions of Section 8b(7) of the Michigan Construction Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Village of Grand Beach hereby transfers responsibility for the administration and enforcement of its Mechanical Code provisions to the State of Michigan Bureau of Construction Codes.

This Ordinance shall become effective after public hearing, adoption and publication in accordance with the Charter of the Village of Grand Beach and the laws of the State of Michigan.

ORDINANCE DECLARED ADOPTED.

MARY ROBERTSON, Clerk

JOHN DEANER, President

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 15th day of August, 2002, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 59

EFFECTIVE DATE 1-12-2003

AN ORDINANCE 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; MCL 484.3101 ET SEQ) (“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.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1 Terms Defined.

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

- (a) 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.
- (b) Village means the Village of Grand Beach.
- (c) Village Council means the Village Council of the Village of Grand Beach or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.
- (d) Permit means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

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

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 in the Department of Consumer and Industry Services, and shall have the same meaning as the term “Commission” in the Act.

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

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

Telecommunications Facilities or Facilities means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of Part 1 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 Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. Telecommunication Provider does not

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

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 1 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 within a public right-of-way.
- (c) A person providing broadband internet transport access service.

Section 2 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 and one copy with the Village attorney. Upon receipt, the Village Clerk shall make one copy of the application and distribute a copy to the Public Works Department. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) Confidential information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.23 1 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

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

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

(f) Previously Issued Permits. Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan Telecommunications act, .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 424.2251, 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 (c) 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 3 Issuance of Permit.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

(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 limitations 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 4 Construction / Engineering Permit.

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

Section 5 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 6 Route Maps.

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

Section 7 Repair of Damage.

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

Section 8 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 public right-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Section 9 Modifying of Existing Fees.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

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 10 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 11 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 12 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 13 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 14 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 15 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 Freedom of Information Act, 1976 PA 442, MCL 15.231, 215.246, as provided in Section 4(c) of this ordinance.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

- (b) Allowing certain previously issued permits to satisfy the permit requirements of this ordinance, 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 \$500.00 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 a 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 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 16 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 telecommunications 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 17 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 18 Authorized Village Officials.

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

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

Section 19 Municipal Civil Infraction.

Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine of not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not exceeding ninety (90) days or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution, and in default of payment may be imprisoned not to exceed ninety (90) days.

Section 20 Repealer and Conflict.

All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed. Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

ORDINANCE DECLARED ADOPTED.

MARY ROBERTSON, VILLAGE CLERK

JOHN DEANER, VILLAGE PRESIDENT

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of December, 2002 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, VILLAGE CLERK

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 60

Adopted: December 19, 2002

Effective: January 31, 2003

LAND DIVISION ORDINANCE

**AN ORDINANCE TO REGULATE PARTITIONING OR DIVISION OF PARCELS OR TRACTS OF LAND, TO
PROVIDE A PROCEDURE THEREFORE; TO REPEAL ANY ORDINANCE OR PROVISION THEREOF IN
CONFLICT HEREWITH; AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE
VIOLATION OF THIS ORDINANCE.**

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Village of Grand Beach Land Division Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the Village, to assure proper access to public roads, and otherwise provide for the health, safety and welfare of the residents and property owners of the Village of Grand Beach by establishing reasonable standards for prior review and approval of land divisions within the Village.

SECTION III

DEFINITIONS

For purposes of this ordinance certain terms and words herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divided" or "Division" - 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 year or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108, 109, and 109a of the State Land Division Act.
- C. "Exempt split" or "exempt division" - 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 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public road through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.
- D. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

- E. "Governing body" - the Village Council.
- F. "Road" or "Street" - a right-of-way for vehicular traffic which has been dedicated and accepted by the public.

SECTION IV

PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION

Land in the Village shall not be divided without the prior review and approval of the Zoning Administrator or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement.

- A. A parcel proposed for subdivision through a recorded plat pursuant to the municipality's Subdivision Control Ordinance and the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance

SECTION V

APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Village Clerk or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form or such form as may be provided by the municipality.
- B. Proof of fee ownership of the land proposed to be divided.
- C. The land proposed to be divided shall be described with an adequate and accurate legal description. The application must include a tentative parcel map showing area, parcel lines, public utilities, accessibility, and all other requirements of the State Land Division Act.
- D. In the event the land proposed to be divided includes parcels that are not served by streets or roads dedicated and accepted by the Village, the applicant shall construct, improve and develop roads or streets which shall meet Village Road Standards, dedicate and receive acceptance of said dedication by the Village as a condition for approval of any such land division.
- E. Proof that all standards of the State Land Division Act and this Ordinance have been met. (See checklist accompanying this ordinance).
- F. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- G. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full
- H. If transfer of division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

I. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VIII of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site. The provisions of this Section are intended to assure that each division shall result in a buildable parcel; however, the approval of any division by the Village Council shall not imply that said property will satisfy regulatory approvals of the Michigan Department of Natural Resources, the Berrien County Health Department, or any other agency.

J. The fee as may from time to time be established by resolution of the governing body of the municipality for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

SECTION VI

PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

A. Upon receipt of a land division application package, the Village Clerk or other official designated by the governing body shall forthwith submit the same to the Zoning Administrator or other designated official for decision. The Zoning Administrator or other designee shall approve, with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the Zoning Administrator or other designee shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.

B. Any person or entity aggrieved by the decision of the Zoning Administrator or designee may, within 30 days of said decision appeal the decision to the Village Council or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the Berrien County Register of Deeds office and filed with the Village Clerk or other designated official accomplishing the approved land division or transfer.

D. The Village Clerk or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII

STANDARDS FOR APPROVAL OF LAND

A proposed land division shall be approved if the following criteria are met:

A. All parcels to be created by the proposed land divisions(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum public road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures.

B. The proposed land divisions(s) comply with all requirements of the State Land Division Act and this Ordinance.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this Ordinance.

D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section VIII of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

The permissible minimum standards for each parcel created shall be as defined in the Zoning Ordinance.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS

Notwithstanding disqualification from approval pursuant to this ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the Zoning Ordinance or this Ordinance may be approved in any of the following circumstances:

A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the Village Council, designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the Register of Deeds records of Berrien County with a copy filed with the Village Clerk, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height.

B. Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this Ordinance, granted a variance from the lot, yard, ratio, frontage and / or area requirements with which the parcel failed to comply.

C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any applicable zoning ordinance, or the State Land Division Act.

SECTION IX

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

SECTION X

PENALTIES AND ENFORCEMENT

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Zoning Ordinance or the Building Code.

SECTION XIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days following its publication after adoption.

ORDINANCE DECLARED ADOPTED.

John Deaner, Council President

Mary Robertson, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of December, 2002 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Mary Robertson, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 61

AMENDMENT TO ZONING ORDINANCE

Effective 1-12-2003

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF GRAND BEACH TO AMEND
THE ZONING MAP OF THE VILLAGE OF GRAND BEACH AND CHANGE THE PROPERTY HEREIN
DESCRIBED FROM UNZONED DESIGNATION TO LDR "LOW DENSITY RESIDENTIAL DISTRICT"**

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Pursuant to the power to amend, reserved under Article XVI of Ordinance 25-A of the Village of Grand Beach being the Zoning Ordinance and Section 3.05 "Changes to Official Zoning Map" the zoning map is hereby amended to change the following described parcel from unzoned to the "LDR LOW DENSITY RESIDENTIAL DISTRICT":

Beginning at a point found by commencing at the North Quarter Post of Fractional Section 19, Town 8 South, Range 21 West; thence South 00°02' 36" West along the North and South Quarter line of said Section, 1609.75 feet to the point of beginning; thence South 29°01' 55" East, 135.20 feet; thence South 65°23' 09" West, 315.94 feet; thence South 46°15' 40" West, 104.38 feet; thence South 36°20' 33" East, 181.80 feet to the centerline of Grand Beach Road; thence South 45°53' 44" West along said centerline, 592.87 feet to the Northeast corner of the Assessor's Replat of Outlot "A" in Michigan Shores Country Club Subdivision as recorded in Liber 21, page 35 of Berrien County Records; thence North 43°03' 29" West (recorded as North 43°05' West) along the Northernly line of said subdivision, 1041.58 feet (recorded as 1042.02 feet); thence continuing on said Northernly line North 33°42' 07" West 626.72 feet (recorded as North 33°45' West 627.55 feet) to the Southwest corner of Lot 6, Block 12 in Michigan Shores Country Club Subdivision as recorded in Liber 11 of Plats, page 58 Berrien County Records; thence along the Southerly line of said subdivision the following courses: North 45°11' 55" East 178.55 feet (recorded as North 45°04' East 178.60 feet); 71.32 feet around a curve to the right with a radius of 85.40 feet, a delta angle of 47°51' 10" and a chord that bears North 68°03' 10" East 69.27 feet; South 89°39' 40" East (recorded as South 89°52' East) 163.89 feet; and South 89°5' 0' 00" East 321.72 feet (recorded as South 89°52' East 320.21 feet) to the Southeast corner of Lot 1, Block 11 in said Michigan Shores Country Club Subdivision; thence North 00°07' 00" East (recorded as North 00°08' East) on the East line of said Lot 1 a distance of 109.68 feet to an intermediate traverse line along the White Creek; thence on said traverse line the following courses; South 49°04' 21" East 183.77 feet; South 21° 12' 45" East 58.51 feet; South 51°53' 38" East 62.00 feet and South 79°23' 19" East 330.20 feet to the Easterly line of Fairway Drive and the end of said traverse line; thence South 29°01' 55" East, 46.73 feet to the place of beginning of this description. Together with all land lying between said intermediate traverse line and the East line of Lot 1, Block 11 in said Michigan Shores Country Club Subdivision extended to the thread of White Creek and all land lying between said intermediate traverse line and the Easterly line of Fairway Drive extended to the thread of White Creek.

SECTION TWO: The Village Clerk is hereby directed to up-date and revise said map and all notations, references, and other information to reflect the above amendment and change of District designation.

This Ordinance shall become effective after publication in accordance with the Charter of the Village of Grand Beach.

AYES: John Deaner, Walter Carroll, Debbie Lindley, James Bracewell, Charles Joyce

NAYS: None

ORDINANCE DECLARED ADOPTED.

Mary Robertson, Village Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

John Deaner, Council President

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of December, 2002, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Mary Robertson, Village Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 62

**AN ORDINANCE REGULATING THE STARTING OF FIRE IN THE VILLAGE OF GRAND BEACH, AND FOR
THE ELIMINATION OF FIRE HAZARDS, AND FOR THE PREVENTION OF FIRES.**

THE VILLAGE OF GRAND BEACH ORDAINS THAT WITHIN THE VILLAGE
LIMITS:

SECTION 1. WASTE ACCUMULATION

That no person shall allow or permit any rags, waste, chips, trash, rubbish, waste paper, ashes, oil, excelsior or other or combustible material to accumulate on or in any lands, premises or building owned or occupied by him, except in metal or other fireproof containers so located as not to constitute a fire hazard, nor shall any person keep or maintain any paint, varnish or similar material unless the same shall be kept in closed containers when not being applied.

SECTION 2. FIRE HAZARD

That no person shall construct or maintain on or in any lands, premises or building owned or occupied by him any boiler, stove, water tank or heater, furnace, chimney, pipe, duct or other devise for the production or transmission of heat, smoke or gas, or any electric wiring, which is so constructed, operated or located, or which is in such a condition of disrepair, as to constitute a fire hazard or to subject such lands, premises or building or other property in the vicinity thereof to the danger of fire or explosion.

SECTION 3. DANGEROUS STRUCTURE

That no person shall erect or maintain on any lands or premises owned or occupied by him any building or structure which by reason of improper construction, want of repair or other conditions therein is especially liable to fire or explosion or is so situated as to endanger other property in the vicinity thereof.

SECTION 4. OPEN FIRES

No person shall kindle or maintain any open fire (for purposes of lot clearing or farming purposes) in the Village of Grand Beach without having first obtained a written burning permit from the Zoning Administrator. Such permit shall be issued by the Zoning Administrator without charge on forms provided by him / her at Village expense. Such permit shall state the date of issuance, the length of time (not to exceed three days hereafter) during which it shall be in effect, and the place where such burning is to take effect. No permit shall be allowed for the burning of yard waste. Even though a burning permit is obtained as aforesaid, no open fire shall be kindled or maintained unless the same shall be located more than fifty feet from any building and shall be constantly attended until completely extinguished. Recreational fires for the purpose of recreation or meal preparation are authorized without permit provided they are no closer than fifteen feet from a building and are constantly attended until completely extinguished and confined to a burning pit or outdoor grill. The Police Chief or any officer of the police department shall have the authority to order extinguishment of any fire whenever in his / her judgment the same shall constitute a hazard (because of high winds or other conditions) or a nuisance.

SECTION 5. BEACH BONFIRES

No person shall kindle or maintain any bonfire on the public beaches in the Village of Grand Beach without having first obtained a written burning permit from the Village Police Department. Such permit shall be issued by the Police Department without charge on forms provided by the Department. Such permit shall state the date of issuance, the length of time (not to exceed three days hereafter) during which it shall be in effect, and the place where such burning is to take effect. Even though a burning permit is obtained as aforesaid, no open fire shall be kindled or maintained unless the same shall be located more than fifteen feet from a building and are constantly attended until completely extinguished. The Police Chief or any officer of the Police Department shall have the authority to order extinguishment of any fire whenever in his / her judgment the same shall constitute a hazard (because of high winds or other conditions) or a nuisance.

SECTION 6. YARD WASTE

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

The burning of yard waste is strictly prohibited by the Village of Grand Beach. Yard Waste includes all grasses, weeds, leaves, and shrub clippings less than four (4) feet in length and two (2) inches in diameter, flowers, and basic waste resulting from landscaping and yard and lawn maintenance activities.

SECTION 7. EXEMPTION

The provisions of this Ordinance shall not apply to the Village of Grand Beach, when discharging a public function.

SECTION 8. ACCESS

The Zoning Administrator is hereby authorized to enter upon or into any lands, premises, building or structure within the Village at all reasonable hours for the purpose of inspecting the same to determine whether any fire hazard exists therein, or whether the provisions of this Ordinance are being observed, or whether all safety structures or other devices required hereby have been installed are in good working order

SECTION 9. DELEGATION

The Zoning Administrator shall have authority to designate any other official of the Village to perform the permitting or inspection duties imposed upon him or her by the terms of this Ordinance, or for the issuance of permits.

SECTION 10. PUBLIC NUISANCE

Every fire hazard of whatever nature or origin is hereby declared to be a public nuisance and the same may be abated and removed or its continuance enjoined in any manner provided or permitted by law for the abatement of nuisance. The term "fire hazard" as used in this Ordinance shall mean and include every building, structure, place, thing or condition which by reason of its nature, location, occupancy, condition or use may cause loss, damage or injury to persons or property by reason of fire or explosion.

SECTION 11. VIOLATION

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not exceeding ninety (90) days or both, such fine and imprisonment in the discretion of the Court, together with costs of prosecution, and in default of payment to ninety (90) days.

SECTION 12. DEFINITION

The term "person" as used herein shall mean and include natural persons, firms, partnerships, and corporations, and their agents, receivers, servants and trustees. The term "fire" or "bonfire" shall mean the open burning of any flammable material in the Village of Grand Beach, except a fire in a furnace, stove, boiler, fireplace or campfire restricted to recreational or meal preparation contained in a pit no larger than thirty-six (36) inches in diameter if circular or nine (9) square feet if square or rectangular.

SECTION 13. REPEALER

Ordinances 50, 57, and all other provisions or any other ordinance of the Village of Grand Beach in conflict with the provisions of this Ordinance are expressly repealed.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect 30 days following its publication after adoption.

ORDINANCE DECLARED ADOPTED.

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien. State of Michigan, at a Regular Meeting, held on the 16th day of January, 2003, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

MARY ROBERTSON, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 63

Effective: August 3, 2003

**AN ORDINANCE TO AMEND ORDINANCE 53, THE SLOW MOVING VEHICLE ORDINANCE OF THE VILLAGE
OF GRAND BEACH TO MODIFY CERTAIN PROVISIONS CONCERNING IDENTIFICATION.**

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Section Five of Ordinance No. 53 is hereby deleted and the following inserted in its place and stead:

Section Five. Regulation of Low Speed Vehicles within Grand Beach.

Only stickered golf carts shall be operated within the Village of Grand Beach. Each owner shall annually secure a sticker from the Village Clerk based on such fees as shall be set from time to time by the Village Council and each cart shall have three inch (3") numerals to be placed on both sides of the cart. All operators on the Grand Beach Municipal Golf Course shall be at least fourteen (14) years of age. The golf course manager, any ranger, or any police officer may revoke any sticker and ban further access on any public way or public property by any golf cart, when in the opinion of the golf course manager, ranger, or officer that the golf cart is being used in a manner to cause damage to public property or members of the public or Village employees. Golf carts shall not be allowed on the golf course property from a half-hour after sunset to one-half hour prior to sunrise.

This Ordinance shall become effective after adoption and publication in accordance with the Charter of the Village of Grand Beach and the laws of the State of Michigan.

ORDINANCE DECLARED ADOPTED.

MARY J. ROBERTSON, Clerk

JAMES BRACEWELL, President

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16th day of July 2003, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

**CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY,
MICHIGAN**

Revised: September 2010

ORDINANCE NO. 64

AN ORDINANCE TO REGULATE NON-STORM WATER DISCHARGES TO THE STORM WATER DRAINAGE SYSTEM TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY FEDERAL AND STATE LAW; TO ESTABLISH METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE STORM WATER DRAINAGE SYSTEM IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS; TO PROVIDE FOR PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES INCURRED BY THE VILLAGE OF GRAND BEACH ASSOCIATED WITH NONCOMPLIANCE; TO PROVIDE FOR THE INSPECTION, SAMPLING, AND MONITORING OF STORM WATER AND OTHER DISCHARGES; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

The VILLAGE OF Grand Beach ordains:

ARTICLE I GENERAL

SECTION 1.01 STATUTORY AUTHORITY AND TITLE

This Ordinance is adopted in accordance with the Home Rule Village Act, as amended, being MCL 78.1, 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.; 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.

The Village shall administer, implement, and enforce the provisions of the ordinance. Any powers granted, or duties imposed, upon the Village may be delegated in writing by the Village Council of the Village of Grand Beach to persons or entities acting in the beneficial interest of, or in the employ of the Village.

SECTION 1.02 FINDINGS

The Village Council of the Village of Grand Beach finds that:

- (1) Illicit discharges contain pollutants that will significantly degrade the stream and Lake Michigan and water resources of the Village, thus threatening the health, safety, and welfare of the citizenry.
- (2) Illicit discharges enter the storm water drainage system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).
- (3) Establishing the measures for controlling illicit discharges and connections contained in this Ordinance and implementing the same will address many of the deleterious effects of illicit discharges.
- (4) Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.

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 regulate the contribution of pollutants to the storm water drainage system and natural water bodies by storm water discharges by any user.
- (2) To prohibit illicit discharges and connections to the storm water drainage system and natural water bodies.
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

(4) To provide appropriate remedies for failure to comply with this Ordinance.

SECTION 1.04 APPLICABILITY AND GENERAL PROVISIONS

This Ordinance shall apply to all discharges entering the storm water drainage system and natural water bodies generated on any developed and undeveloped lands within the Village.

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:

Authorized Enforcement Agency: The Village of Grand Beach, and/or any persons or agencies designated to act as the Authorized Enforcement Agency by the Village Council of the Village of Grand Beach.

Best Management Practices (BMPs): Structural devices or nonstructural practices that are designed to prevent pollutants from entering storm water flows, to direct the flow of storm water, or to treat polluted storm water flows. Many BMPs may include, but shall not be limited to, those described in the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan watersheds. 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) shall be as determined by the Village Engineer.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC Section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Discharge: means the introduction (intentionally or unintentionally, and directly or indirectly) of any liquid, substance, pollutant, or other material into a storm water drainage system or natural water body.

Discharger: Any person or entity who directly or indirectly discharges storm water from any premises or property. Discharger also includes any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission that is, or results in, a violation of this Ordinance.

Drain: Any and all conduits, facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water or groundwater, either on a temporary or permanent basis.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainage way: A drain, water body, or flood plain.

EPA: The U.S. Environmental Protection Agency (EPA).

Flood plain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, that has been or may be covered by flood water.

Hazardous Materials: Any solid, liquid, semisolid, or gaseous substance or material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection: Any method or , means, or conduit for conveying an illicit discharge into a natural water body or a storm water drainage system.

Illicit Discharge: Any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of an NPDES permit, or that is not an authorized discharge as defined by this Ordinance.

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

MDEQ: Michigan Department of Environmental Quality.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued by the EPA or a state under authority delegated pursuant to the Clean Water Act that authorizes the discharge of pollutants to waters of the United States.

Non-Storm Water Discharge: Any discharge to the storm water drainage system or a water body that is not composed entirely of storm water.

Person: An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

Pollutant: The term pollutant 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, hazardous materials, 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. Pollutant, also includes properties or characteristics of water, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises: Any building, structure, lot, parcel of land, or portion of land, or property, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property Owner: Any person having legal or equitable title to property or premises or any person having or exercising care, custody, or control over any property or premises.

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.

Storm Drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm Water Drainage System: Storm sewers, conduits, curbs, gutters, catch basins, drains, ditches, pumping devices, parking lots, roads, or other man-made channels that are designed or used, singly or together in combination with one another, for collecting or conveying storm water.

Storm Water Pollution Prevention Plan: A document, that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, a storm drain or storm water drainage system, and/or a water body to the maximum extent practicable.

Storm Water Runoff (or Storm Water): The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Toxic Material: Any pollutant or combination of pollutants that is or can potentially be harmful to the public health or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or as otherwise provided by local, state, or federal laws, rules, or regulations.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a property or premises. The term includes any water that has in any way been used and degraded or physically or chemically altered.

Water Body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE II PROHIBITIONS AND AUTHORIZATIONS

CURRENT ORDINANCES OF THE VILLAGE OF GRAND BEACH - BERRIEN COUNTY, MICHIGAN

Revised: September 2010

SECTION 2.01 PROHIBITED DISCHARGES

- (1) It is unlawful for any person to discharge, or cause to be discharged, to a storm water drainage system or water body, directly or indirectly, any substance or material, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water or an authorized discharge. This prohibition includes the commencement, conducting, or continuance of any illicit discharge by any person to a storm water drainage system or water body.
- (2) Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.
- (3) The Authorized Enforcement Agency is authorized to require dischargers to implement pollution prevention measures, using Storm Water Pollution Prevention Plans and BMPs, as determined necessary by the Authorized Enforcement Agency to prevent or reduce the discharge of pollutants to a storm water drainage system or water body.
- (4) The discharge prohibitions of this section shall not apply to any non storm water discharge authorized under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

SECTION 2.02 PROHIBITED ILLICIT CONNECTIONS

- (1) It is unlawful for any person to construct, use, maintain (or to allow the construction, use, maintenance or continued existence of) an illicit connection.
- (2) This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this Ordinance, and regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

SECTION 2.03 AUTHORIZED DISCHARGES

The following non storm water discharges are permissible, provided they do not result in a violation of State of Michigan water quality standards and provided that they are undertaken in compliance with any applicable or required BMPs:

Water supply line flushing.

Landscape irrigation runoff.

Diverted stream flows.

Rising groundwater.

Uncontaminated groundwater infiltration to storm drains.

Uncontaminated pumped groundwater.

Discharges from potable water sources.

Foundation drains.

Air conditioning condensate.

Irrigation water.

Springs.

Water from crawl space pumps.

Footing drains and basement sump pumps.

Lawn watering runoff.

Waters from non-commercial car washing.

Flows from riparian habitats and wetlands.

Residential swimming pool water and other dechlorinated swimming pool water, provided that any filter backwash water that is present is treated.

Residual street wash water.

Discharges or flows from emergency fire fighting activities.

Discharges specifically authorized in writing by the Authorized Enforcement Agency as being necessary to protect public health, welfare, and safety or the environment.

SECTION 2.04 STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGE WAY

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

ARTICLE III INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

SECTION 3.01 INSPECTION AND SAMPLING

The Authorized Enforcement Agency may inspect and/or obtain samples from discharger's property or premises as necessary to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the properly identified representatives of the Authorized Enforcement Agency to enter the property or premises of the discharger at all hours necessary for the purposes of such inspection, or investigation, including, but not limited to, smoke/dye testing, televising pipes, sampling, and excavation. The Authorized Enforcement Agency shall provide the discharger reasonable advance notice of the need for such access, if possible and consistent with protection of public health and safety and the environment. The properly identified representatives may place on the discharger's property or premises the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a property or premises is a violation of this Ordinance.

SECTION 3.02 STORM WATER MONITORING FACILITIES

If directed in writing to do so by the Authorized Enforcement Agency, a discharger of storm water runoff from any property or premises shall provide and operate equipment or devices for the monitoring of storm water runoff to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water drainage system, as specified by the Authorized Enforcement Agency. The Authorized Enforcement Agency 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 at the discharger's expense in accordance with applicable laws, ordinances, and regulations.

SECTION 3.03 ACCIDENTAL DISCHARGES

Any discharger who accidentally discharges into a storm water drainage system or a water body any substance other than storm water or an authorized discharge shall immediately notify the Authorized Enforcement Agency of the discharge. If the notification is given orally, a written report concerning the discharge shall be filed with the Authorized Enforcement Agency within five (5) days. The written report shall specify all of the following:

- (1) The composition of the discharge and the cause thereof.
- (2) The exact date, time, and estimated volume of the discharge.
- (3) All measures taken to clean up the discharge, all measures taken or proposed to be taken to mitigate any known or potential adverse impacts of the discharge, and all measures proposed to be taken to reduce and prevent any recurrences.
- (4) The names and telephone numbers of the individual making the report, and (if different) the individual who may be contacted for additional information regarding the discharge.

SECTION 3.04 RECORD KEEPING REQUIREMENT

Any person that violates the requirement of this Ordinance or that is subject to monitoring under this Ordinance shall retain and preserve for no less than three 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 or premises connected with the violation or subject to monitoring.

ARTICLE IV ENFORCEMENT

SECTION 4.01 SANCTIONS FOR VIOLATION

(1) Violation: Any person who (1) knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Authorized Enforcement Agency under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Authorized Enforcement Agency regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

SECTION 4.02 FAILURE TO COMPLY; COMPLETION

The Authorized Enforcement Agency is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for the costs of the work to be reimbursed. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Authorized Enforcement Agency under other sections of this Ordinance.

SECTION 4.03 EMERGENCY MEASURES

If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Authorized Enforcement Agency 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 4.04 COST RECOVERY FOR DAMAGE TO STORM WATER DRAINAGE SYSTEM

Any person who discharges to a storm water drainage system or a water body, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a storm water drainage system, or causes or contributes to a violation of any federal, state, or local law governing the Village, shall be liable to and shall fully reimburse the Village for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the Village as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedence or noncompliance. The costs that must be reimbursed to the Village shall include, but shall not be limited to, all of the following:

- (1) All costs incurred by the Village in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedence or noncompliance.
- (2) All costs to the Village of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedence, or noncompliance.
- (3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the Village, or any Village representative, by any governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedence, or noncompliance.
- (4) The full value of any Village staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the Village legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedence or noncompliance, or otherwise enforcing the requirements of this Ordinance.

SECTION 4.05 COLLECTION OF COSTS; LIEN

(1) Costs incurred by the Village pursuant to Sections 4.02, 4.03, 4.04, and 4.06(1) shall constitute a lien on the premises or premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time, or as otherwise authorized by law. Any such charges that are delinquent for six (6) months or more may be certified to the New Buffalo Township Treasurer, who shall enter the lien on the next tax roll against the property or premises, 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 shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended, and by other applicable laws.

(2) The failure by any person to pay any amounts required to be reimbursed to the Village as provided by this Ordinance shall constitute an additional violation of this Ordinance.

SECTION 4.06 SUSPENSION OF ACCESS TO THE STORM WATER DRAINAGE SYSTEM

(1) Suspension due to illicit discharges in emergency situations. The Authorized Enforcement Agency may, without prior notice, suspend access to the storm water drainage system to any property or premises when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm water drainage system

or a water body. If the property or premises owner fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or the environment, or to minimize danger to persons, and bill the property or premises owner for the costs incurred by the Village.

(2) Suspension due to the detection of illicit discharge. Any person discharging to the storm water drainage system in violation of this Ordinance may have their access to the system terminated, if the Authorized Enforcement Agency determines that such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a discharger of the proposed termination of access. It shall be unlawful for any person to reinstate access of the storm water drainage system to a property or premises terminated pursuant to this section without the prior written approval of the Authorized Enforcement Agency.

SECTION 4.07 APPEALS

Any person who has been ordered to take action to comply with the provisions of this Ordinance may appeal in writing to the Village Council of the Village of Grand Beach, not later than 30 days after the action or decision being appealed. 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 Authorized Enforcement Agency and the comments of other persons having knowledge or expertise regarding the matter. In considering any such appeal, the Village Council may grant a temporary 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 unnecessary hardship for the property or premises owner appealing; provided, however, that unnecessary hardship shall not include the need for a property or premises of owner to incur additional reasonable expenses in order to comply with the Ordinance; and

(2) The granting of the relief requested will not prevent accomplishment of the goals and purposes of this Ordinance, nor result in less effective management of storm water runoff.

SECTION 4.08 JUDICIAL RELIEF

The Village may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The Village may also seek collection of fines, penalties and any other amounts assessed and due to the Village that remain unpaid.

SECTION 4.09 CUMULATIVE REMEDIES

The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the Village, the Authorized Enforcement Agency, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

ARTICLE V PERFORMANCE AND DESIGN STANDARDS

SECTION 5.01 RESPONSIBILITY TO IMPLEMENT BMPs

The owner or operator of a premises used for any commercial or industrial purposes shall provide, at the owner or operator's own expense, reasonable protection from an accidental discharge of prohibited materials or other wastes from entering into the storm water drainage system or natural water body through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises, that is, or may be, the source of an illicit discharge may be required to implement, at their expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm water drainage system or natural water body. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

ARTICLE VI MISCELLANEOUS

SECTION 6.01 INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except those 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 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 6.02 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 6.03 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 this Ordinance.

SECTION 6.04 REPEAL

This Ordinance shall be in addition to other ordinances of the Village and shall not be deemed to repeal or replace other ordinances, parts thereof; provided, that in the event of any inconsistency or conflict between this Ordinance and any other provision of any other ordinance, the provisions of this Ordinance shall control.

SECTION 6.05 EFFECTIVE DATE

This Ordinance shall become effective fifteen (15) days, following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, Village President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of July, 2004, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 1991-48

AN ORDINANCE AWARDING A NON-EXCLUSIVE FRANCHISE FOR A CABLE COMMUNICATIONS SYSTEM IN THE VILLAGE OF GRAND BEACH TO U.S. CABLE OF NORTHERN INDIANA

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION I. Grant of Franchise.

The Village Council of the Village of Grand Beach, Michigan, hereby grants a non-exclusive franchise to U.S. Cable of Northern Indiana to provide cable television service utilizing its Michigan City facilities and system to the residents of Grand Beach.

SECTION II. Service Exclusions.

Pursuant to this grant, said franchisee shall provide an extension of its Michigan City service and shall not be required to provide Grand Beach any of the following: Separate office facilities, separate studio, separate master telecommunications center or separate access channels.

SECTION III. Compliance with the Michigan City Ordinance.

U.S. Cable of Northern Indiana shall remain in compliance with the franchise given to said U.S. Cable of Northern Indiana by the City of Michigan City by Ordinance dated the 4th day of September, 1990, under Ordinance No. 3181.

SECTION IV. Franchise Fee.

In consideration of the granting of this franchise, franchisee shall pay to Grand Beach a franchise fee of three percent (3%) of annual gross revenues from all sources from its customers within Grand Beach.

SECTION V. Performance Bond.

The franchisee shall file and maintain throughout the term of this franchise faithful performance bond running to Grand Beach with a good and sufficient surety to be approved by this Council in the penal sum of Ten Thousand Dollars (\$10,000.00), conditioned that the franchisee shall well and truly perform each term and condition of this franchise, said bond shall not be terminated or allowed to expire upon thirty (30) days written notice to this council.

SECTION VI. Term

The term of this franchise shall be for a period commencing upon the effective date of this Ordinance and ending in fifteen (15) years. Renewal or extension of this franchise shall be granted pursuant to the terms of the Cable Communication Act.

SECTION VII. Utilization of Public Facilities.

Permission is hereby granted to the Franchisee to utilize the facilities of public utilities for the purpose of installing cable service even though the same may cross over the streets, easements, sidewalks, public land and highways to the Community, provided the public utility companies concerned grant permission and consent.

SECTION VIII. Effective Date.

This Ordinance and the franchise hereby granted shall take effect on the 7th day of November, 1991, following publication hereof in accordance with the Charter of the Village of Grand Beach.

SECTION IX. Date of Passage.

Made and passed by the Council of the Village of Grand Beach, Michigan this 16th day of October, 1991.

SECTION X. Conflicting Ordinances.

Any Ordinances or parts of Ordinances in conflict herewith are repealed, including but not limited to Ordinance No. 1980-48.

AYES: M. Pope, J. Miller, J. Conerty, J. Greenwood, R. Grim.

NAYES: none

ORDINANCE DECLARED ADOPTED: UNANIMOUS 5 – 0

MICHAEL A. POPE, COUNCIL PRESIDENT

CAROLE S. NAGY, VILLAGE CLERK

CERTIFICATION

I, hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on October 16, 1991, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act. I further certificate that this Ordinance or a synopsis thereof was duly published in the New Buffalo times, a paper of general circulation in the village on October 24, 1991.

CAROLE S. NAGY, VILLAGE CLERK

ORDINANCE NO. 2005-65

Adopted: August 17, 2005

Effective: September 23, 2005

REGULATION OF WILD ANIMALS ORDINANCE

AN ORDINANCE TO REGULATE THE FEEDING, SHELTERING AND KEEPING OF WILD ANIMALS WITHIN THE VILLAGE OF GRAND BEACH AND TO PRESCRIBE PENALTIES AND ENFORCEMENT REMEDIES FOR THE VIOLATION OF THIS ORDINANCE.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION I

Definitions

1. "Wild Animal" means any non domesticated animal or any cross of an undomesticated animal.
2. "Feeding" means to provide food or other nourishment whether in a container or otherwise, where such substance is accessible to any wild animal.
3. "Sheltering" or "keeping" means to provide structures or bedding to wild animals.
4. "Burrow" means a hole dug by a small animal, such as a woodchuck or groundhog, for habitation or refuge, excluding moles or rabbits.

SECTION II

Exemptions

This Ordinance shall not apply to the feeding or sheltering or keeping of wild birds, fish or amphibian.

SECTION III

Prohibited Conduct

1. No owner or occupant, firm or corporation having control or management of any residence, dwelling, building, or structure shall allow the feeding of wild animals or allow structures for the keeping or sheltering of wild animals to exist on the premises over which such person, firm or corporation is the owner or exercises control or management; nor shall any person, firm or corporation allow the same to exist within any dedicated public or private street, or alley way within the limits of the Village of Grand Beach.
2. No person shall allow or permit any waste, chips, brush or other materials to accumulate on their lands, premises or building owned or occupied by them so structured or located as to constitute a shelter or bedding area for wild animals.
3. No person shall intentionally allow any burrows on their lands, premises or under their building owned or occupied by them as to constitute a shelter or bedding area for wild animals.

SECTION IV
Penalties

Any person who knows or has reason to know that their action violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days or by both such fine and imprisonment.

SECTION V
Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION VI
Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Zoning Ordinance or the Construction Code.

SECTION VII
Effective Date

This Ordinance shall take effect 30 days following its publication after adoption.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, Council President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17th day of August ,2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2005-66

AN ORDINANCE TO REGULATE AND CONTROL THE USE AND ENJOYMENT OF PUBLIC BEACHES IN THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS, AND TO REPEAL ALL ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE VILLAGE OF GRAND BEACH ORDAINS:

ARTICLE I

ADMINISTRATION

SECTION 1. GENERAL SUPERVISION

A Law Enforcement employee shall have authority to enforce all ordinances, rules, or regulations, pertaining to the beach and activities and no person shall willfully disregard any lawful order to obey this ordinance, any rules, or regulations nor interfere with or hinder any employee while such employee is engaged in his assigned duties and activities.

SECTION 2. RULES AND REGULATIONS

The Village Council may, from time to time, adopt, revise and amend rules or regulations for use of the Beach not in conflict with the provisions of this Ordinance to be observed by all persons using or enjoying the property, facilities and grounds referred to in this Ordinance, which rules and regulations, amendments or revisions thereof shall be printed and posted in a conspicuous place or places or posted on signs on or near the beach, grounds or facilities of the Beach. All such rules and regulations displayed on signs or printed and posted in the Beach shall be given full force and effect under the provisions of this Ordinance as though they were fully set out in this Ordinance and incorporated herein by reference.

ARTICLE II

BEACH RULES

SECTION 1. UNLAWFUL CONDUCT

The following acts are deemed unlawful and in violation of this Ordinance and are expressly prohibited anywhere on the Beach; use of profane, obscene, lewd, threatening or abusive language, fighting or quarreling, loud, boisterous, unruly or disorderly conduct, offenses against decency or good morals, carrying, taking or possession of glass bottles or containers of any kind of sort whatsoever upon the beach, littering, dumping or depositing papers, garbage, rubbish or other offensive substances anywhere in the Beach, except in containers expressly provided for that purpose, and the violation of any posted Beach rule, regulation or signs anywhere in the Beach.

SECTION 2. DAMAGE TO PROPERTY

It shall be unlawful for any person to write on, cut, mutilate, deface, damage, remove, or destroy in any manner any equipment, structure, sign, sand or any other property real or personal or any appurtenances thereto, owned or operated by the Village and located upon or in the beach area or belonging to any person and rightfully upon the beach area.-

SECTION 3. INJURY TO PLANTS AND TREES

It shall be unlawful for any person to cut, remove, mutilate, damage or injure any trees, shrubs or plantings that are growing and located on the beach.

SECTION 4. BEACH HOURS

The use of the beach shall be restricted to a period two hours before sunrise to two hours after sunset; provided, such hour as may be modified by Resolution, from time to time by the Village Council to address public events or special occasions. After the designated hour for the closing of the beach, all persons within the beach areas shall immediately depart therefrom. Any unauthorized vehicles, unauthorized watercraft, or equipment remaining on the beach after the closing hour or prior to opening hour shall be towed or hauled away and the cost thereof, including reasonable storage fees, shall be assessed against the owner or operator of the vehicle, watercraft or equipment. Further violators of this section shall be subject to a fine as set by the Village Council.

SECTION 5. ANIMALS

It shall be unlawful for any person to permit any domestic animal to run at large on the Beach, nor shall any dog be allowed therein, except on a leash. No person shall permit any domestic animal whether under restraint or not, on any public beach of the Village of Grand Beach, except between the hours of 6:00 P.M. and 11:00 A.M. from May 1st through October 1st of each year.

Further, the owner or person in control of any domestic animal shall remove any animal waste or feces discharged or deposited by such animal on the beach. The depositing of domestic animal waste or feces is declared to be a public nuisance;

No person shall permit any dog to continue any loud and offensive barking which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of the beach area. The making or causing of such disturbance is declared to be a public nuisance.

A dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf person or audibly impaired person or a service dog for a physically limited person is not subject to the provisions of this Ordinance. As used in this section, the following terms are defined as:

(i) "Audibly impaired" means audibly impaired as defined in section 1 of Act No. 82 of the Public Acts of 1981, being section 752.61 of the Michigan Compiled Laws.

(ii) "Blind person" means a blind person as defined in section 1 of Act No. 260 of the Public Acts of 1978, being section 393.351 of the Michigan Compiled Laws.

(iii) "Deaf person" means a deaf person as defined in section 1 of Act No. 82 of the Public Acts of 1981, being section 752.61 of the Michigan Compiled Laws.

(iv) "Physically limited" means physically limited as defined in section 1 of Act No. 1 of the Public Acts of 1966, being section 125.1351 of the Michigan Compiled Laws.

The riding or leading of horses and other riding animals is expressly prohibited anywhere in the Beach area including the roads and streets therein.

SECTION 6. SWIMMING

All swimming by children shall be under the immediate supervision of an adult. Parents or persons in loco parentis are responsible for the supervision and safety of minors under their care.

SECTION 7. DIVING FROM PIER

No persons shall at any time "dive" and/or "jump" from the Grand Beach Pier.

SECTION 8. USE OF VEHICLES

No person shall at any time use any beach or dune buggy, snowmobile, automobile, truck, motorcycle or other mechanically propelled vehicle of any kind of sort whatsoever upon the beaches, except on the streets, roads and parking areas adjacent thereto, where such use is limited solely to vehicles used for providing transportation to beach patrons for carrying persons or their equipment into and out of the beach area. No person shall park any motor vehicle within said beach area, other than police and emergency vehicles in the line of duty.

SECTION 9. OFFERING ARTICLES FOR SALE

No person shall offer or exchange for sale any article or thing, or do any hawking, peddling or soliciting, or buy or offer to buy any article or thing or take up any collection or solicit or receive contributions of money or anything of value in the beach areas, except when authorized to do so by a permit obtained from the Village Council.

SECTION 10. FIREARMS AND FIREWORKS

No person shall carry or discharge firearms or discharge or set off any rocket, firecracker or torpedo or other fireworks or things containing any substance of an explosive nature in the beach areas.

SECTION 11. OPEN FIRES

No person shall build or cause to be built any open fires anywhere upon the sand beaches along the water front, except by permit issued by the Grand Beach Police Department in the areas as designated in said permit on the date of the permit. An open fire is defined as any fire not in a grill or fireplace or other receptacle constructed and provided for that purpose. Ashes and coals shall not be dumped or disposed of on the beaches or in the water.

ARTICLE III

PENALTIES

SECTION 1. PENALTIES

Any person, firm or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$500.00 or imprisonment not exceeding ninety (90) days or both such fine and imprisonment in the discretion of the Court.

ARTICLE IV

SAVING CLAUSE

SECTION 1. SAVING CLAUSE

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

ARTICLE V

REPEAL

SECTION 1. REPEAL

This Ordinance repeals all Ordinances or part of Ordinances heretofore enacted by the Village of Grand Beach that may be in conflict with this Ordinance.

ARTICLE VI

EFFECTIVE DATE

SECTION 1. EFFECTIVE DATE

This Ordinance was adopted by the Village Council of the Village of Grand Beach on the 16th day of November, 2005, and was ordered to be made effective 30 days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16th day of November, 2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

ORDINANCE NO. 2005-67

AN ORDINANCE TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE AND THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS, AND VILLAGES.

Section 1. Interpretation.

In the event of a conflict between the Uniform Traffic Code for Cities, Townships, and Villages as adopted in this Chapter, and any provision of this Chapter, the provisions of this Chapter shall control. In the event of a conflict between the provisions of this Chapter and the Michigan Vehicle Code (MCL 257.1 et seq), the Michigan Vehicle Code shall control. In the event of conflict between the Uniform Traffic Code for Cities, Townships, and Villages, as adopted in this Chapter, and the Michigan Vehicle Code, the Michigan Vehicle Code shall control.

Section 2. Enforcement

The provisions of this Chapter shall be enforced in accordance with the Uniform Traffic Code for Cities, Townships, and Villages as adopted in this Chapter and the Michigan Vehicle Code.

Section 3. Michigan Vehicle Code Adopted.

(a) The Michigan Vehicle Code, Public Act No. 300 of 1949(MCL 257.1-257.923), and all future amendments and revisions of the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.

(b) References in the Michigan Vehicle Code to "local authorities" shall mean this Village of Grand Beach.

(c) The village clerk shall publish the Ordinance from which this section is derived in the manner required by law, and at the same time, shall publish a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the village clerk, village hall, for inspection.

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

State law reference: Authority to adopt Michigan Vehicle Code by reference, MCL 117.3(k).

Section 4: Uniform Traffic Code for Cities, Townships, and Villages Adopted.

(a) 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, Public Act No. 306 of 1969 (MCL 24.201-24.328) and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code for Cities, Townships, and Villages, when they are promulgated and effective in this state, are incorporated and adopted by reference.

(b) References in the Uniform Traffic Code for Cities, Townships, and Villages to a "governmental unit" shall mean the Village of Grand Beach.

(c) The village clerk shall publish the Ordinance from which this section is derived in the manner required by law, and at the same time, shall publish a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Villages and the fact that a complete copy of the code is available to the public at the office of the village clerk, village hall, for inspection.

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

State law reference: Authority to adopt the Uniform Traffic Code by reference, MCL 257.951.

Section 5: Inconsistent ordinances repealed.

All other ordinances or provisions thereof that are inconsistent with the provisions of the Ordinance herein adopted, to the extent of such inconsistency, are hereby repealed.

ORDINANCE DECLARED ADOPTED.

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of December, 2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2006-01

AN ORDINANCE TO ADOPT BY REFERENCE THE STATE CONSTRUCTION CODE WITH FLOODPLAIN MANAGEMENT PROVISIONS AND DESIGNATE AN ENFORCEMENT AGENCY.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the Village of Grand Beach is hereby designated as the enforcing agency to discharge the responsibility of the Village of Grand Beach under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Village of Grand Beach assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency with the Village of Grand Beach.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Berrien County Flood Insurance Study (FIS), effective April 17, 2006, and Flood Insurance Rate Map(s) (FIRMS) Number 260210316C; 260210317C; 260210318C; 260210319C, are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.

Section 4. REPEAL OF CONFLICTING ORDINANCES. Ordinance 40, titled the Flood Damage Prevention Ordinance, is hereby repealed. In addition, all other ordinances of the Village of Grand Beach, to the extent that they are inconsistent with the State Construction Code, are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.
Adopted this 15th day of March, 2006. This ordinance duly adopted on March 15th, 2006, at a regular meeting of the Village Council of the Village of Grand Beach and will become effective April 1st 2006.

ORDINANCE DECLARED ADOPTED.

Mary Robertson, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 15th day of March, 2006, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Mary Robertson, Clerk

James Bracewell, Council President

1 AUGUST 23, 2006

NOTICE REGARDING ORDINANCE NUMBERS

Ordinance numbers 2006-02 through 2006-67 were intentionally omitted.

Mary J. Robertson, Village Clerk

ORDINANCE NO. 2006-68

Effective: September 22, 2006

AN ORDINANCE TO REPEAL ORDINANCES DEEMED TO BE OF NO FURTHER EFFECT OR HAVING APPLICATION.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: The following Ordinances are hereby repealed and declared to be of no further effect:

- A. Ordinance No. 7, "An ordinance relative to the prevention and extinguishment of fires."
- B. Ordinance No. 9, "An ordinance relative to the use of streets, sidewalks, alleys and public places."
- C. Ordinance No. 10, "An ordinance relative to the running at large of animals or fowls, to the muzzling of dogs and for building and maintaining a village pound."
- D. Ordinance No. 13, "An ordinance relative to arrests and imprisonment of offenders."
- E. Ordinance No. 14, "An ordinance to regulate electric wiring and the use of electricity."
- F. Ordinance No. 15, "An ordinance to regulate traffic at street intersections."
- G. Ordinance No. 22, "An ordinance to regulate and limit the location of trades and industries and the location of buildings and structures designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected and altered, to regulate and determine the areas of yards, courts and other open spaces surrounding buildings, to regulate and limit the density of population, to require building permits for the erection or alteration of buildings, and for said purposes to divide permits for the erection or alteration of buildings, and for said purposes to divide the village into districts, and to prescribe penalties for the violation of its provisions."
- H. Ordinance No. 23, "An ordinance defining and prohibiting the use, operation and maintenance of automobile trailers or house cars within the Village of Grand Beach, and providing penalties for the violation of its provisions."
- I. Ordinance No. 24, "An ordinance to improve standard of construction within the Village and protect property values".
- J. Ordinance No. 29, "An ordinance to license hotels, inns, lodging houses, restaurants, soda fountains, and other places of public resort."
- K. Ordinance No. 30, "The Village Council having heretofore declared by resolution that it was desirable and for the best interests of the public to vacate, discontinue and abolish that portion of Ravine Road located west of Crescent Road and east of the Village limits, bounded on the north by Lot 2 and on the south by Lot 3 of Golf Addition to Grand Beach Springs, and the south by Lot 3 of Golf Addition to Grand Beach Springs, and the Clerk having given notice thereof as required by said resolution and having given notice that a public hearing would be held thereon on Saturday, the 2nd day of October, 1943, at 3 o'clock P.M. in the Village Hall in the Village of Grand Beach, at which time objections to the vacation of Ravine Road would be heard by the Village Council, and this being the time and place for said public hearing and no one having appeared and objected thereto, and no objections having been filed with the Village Clerk, and the Council having fully considered the matter, it is"
- L. Ordinance No. 31, "An ordinance regulating the heights and construction of fences."

M. Ordinance No. 32, "An ordinance to forbid the sale of alcoholic liquor on Sunday."

N. Ordinance No. 38, "An ordinance to adopt a building code and to designate an enforcing agency to discharge the responsibilities of the Village under the provisions of the State Construction Code Act."

O. Ordinance No. 43, "An ordinance to secure the public health and safety of persons and property within the Village of Grand Beach, Berrien County, Michigan by regulating the construction and operation of swimming pools within said "Village"; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith."

P. Ordinance No. 47 "An ordinance to regulate the use of the beach for fires and to prohibit glass containers and other litter on beaches."

SECTION TWO. EFFECTIVE DATE

This Ordinance was adopted by the Village Council of the Village of Grand Beach on the 16th day of August , 2006, and was ordered to be made effective 30 days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the ____ day of _____, 2006, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

ORDINANCE NO. 2006-70

AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 1991-48 "CABLE TELEVISION ORDINANCE" TO EXTEND THE TERM OF SAID ORDINANCE.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section One. Ordinance No. 1991-48 is amended to repeal Section VI and insert the following in its place and stead:

Term. The franchise granted by the Village Council under this Ordinance shall be for a term of one (1) year from November 6, 2006, until and including November 6, 2007, unless terminated prior to expiration as herein provided. Any further franchise renewals shall be subject to the prior approval of the Village Council pursuant to the terms of this Ordinance.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the _____ day of December, 2006, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 261, Public Acts of Michigan, 1968, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2007-71

Effective 2-3-2007

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF GRAND BEACH TO CONDITIONALLY REZONE A PARCEL OF LAND FROM LOW DENSITY RESIDENTIAL DISTRICT (LDR) TO MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR) PURSUANT TO ARTICLE XV OF THE ZONING ORDINANCE.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Pursuant to the power to amend, reserved under the Zoning Ordinance, the following amendment to the Zoning Ordinance is hereby approved to conditionally amend the "Zoning District Map of the Village of Grand Beach" to change the following described property from Low Density Residential District to Medium Density District:

Lots 17 and 18, Eiffel Tower Bluffs, according to the Plat thereof recorded in Berrien County Records.
Being parcel code number 11-39-2000-0017-00-9 & 11-39-2000-0018-03-0.

SECTION TWO: The following Statement of Conditions are hereby incorporated into and are made a part of the Conditional Rezoning:

1. Upon the sale, transfer or change of ownership of either individual lot, the conditional rezoning use shall terminate and the property shall revert to Low Density Residential District. The encroachments in the side lot line area of each lot shall be removed, the septic system shall be separate so each structure has its own service, and compliance required with all dimensional requirements for each lot.
2. During the period of conditional rezoning, all provisions of Section 4.06 of Article IV shall apply to the use of each of said Lots:

Section 4.06 - Dimensional Requirements

- (4) Lot Area: Minimum of 15,000 square feet per dwelling unit with sanitary septic or sewer and potable water accessible from each lot or parcel.
- (5) Lot Width: Minimum of 100 feet at the building setback line.
- (6) Lot Coverage: Maximum of 30%.
- (7) Gross Floor Area: The minimum floor area of a dwelling shall be 1800 square feet.
- (8) Yard and Setback Requirements:
 - a. Front Yard: Minimum of forty (40) feet from the street right of way line and minimum of fifty (50) feet from the shoreline of any surface water features, except as otherwise required in Section 4.03(C.2). for special uses and unless a greater setback from the shoreline is required by the Michigan Department of Natural Resources or other public agency, or a greater setback from the street right-of-way line as specified in the Master Plan for streets and highways, whichever is greater.
 - b. Side Yards: Minimum of fifteen (15) feet for each side yard, except where a side yard abuts a street right-of-way or shoreline, the minimum shall be the same as for the front yard.
 - c. Rear Yard: Minimum of thirty (30) feet.

(9) Height Limitations: Maximum of thirty (30) feet for residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures.

(10) Area Limitations: In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

H. Dwelling Lots or Sites: Every dwelling shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

I. Frontage on Public or Private Street or Highway: Every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private street right-of-way that meets all of the requirements for street.

J. Minimum Floor Area Exceptions for Accessory Structures: All accessory structures or buildings located on a lot or parcel, which has a principal structure or building located upon it, which are less than 150 square feet of floor area, and which are not to be used for human habitation, shall not be required to apply for or obtain a zoning permit under the provisions of this Zoning Ordinance, but must be located upon the lot or parcel in accordance with the provisions of this Zoning Ordinance.

K. Lot Coverage Inclusions: When determining the percent of lot coverage on any lots or parcels, all buildings and structures (any impervious material), whether above or below ground level or on the ground surface, shall be included in the computations so as to provide greater assurance for surface water percolation or necessary on-site impoundment in instances of excessive rainfall, flooding or other water accumulation circumstances.

L. Use of Yard Space: No required yard surrounding a dwelling, building or structure utilized for dwelling purposes shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of not more than five (5) licensed and operable motor vehicles when parked on a designated paved parking area for each vehicle, but in no case shall any yard be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures.

SECTION THREE: The following provisions shall apply to said Conditional Rezoning:

1. The Owner or any occupant shall continuously operate and maintain the use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.

3. The approved use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council, if (1) it is demonstrated to the Council's reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

4. If approved use of the rezoned land does not occur within the time frame specified under paragraph 3 above, then the land shall revert to its former zoning classification as set forth in MCL 125.584g. The reversion process

shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

5. Nothing in the Statement of Conditions nor in the provisions of this Ordinance shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with the Michigan Zoning Enabling Act.

6. The applicant agrees to pay the Village's actual costs to review the proposed rezoning.

This Ordinance shall become effective after publication in accordance with the Charter of the Village of Grand Beach and the Michigan Zoning Enabling Act.

AYES: James Bracewell, Walter Carroll, Debbie Lindley and Kaye Moriarty.

NAYS: None

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17th day of January, 2007, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Village Clerk

ORDINANCE NO. 2007-72

Effective Date: 8-13-07

AN ORDINANCE TO RESTRICT THE HOURS OF CONSTRUCTION, ALTERATION, DEMOLITION AND REPAIR ACTIVITIES, CONDUCTED IN THE VILLAGE OF GRAND BEACH.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. CONSTRUCTION ON RESIDENTIAL PROPERTY. Any and all construction, alteration, demolition or repair activities conducted in a residential zone, which has been authorized by a valid Village building permit, shall be prohibited on Sundays and holidays and is prohibited on all other days except during the hours of 8 a.m. and 5 p.m. (EST) Monday through Friday, and 8 a.m. and 5 p.m. (EST) on Saturday.

Section 2. Each infraction of this ordinance will be considered a separate violation.

Section 3. VIOLATION. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not exceeding ninety (90) days or both, such fine and imprisonment in the discretion of the Court, together with costs of prosecution, and in default of payment to ninety (90) days.

Section 4. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

ORDINANCE DECLARED ADOPTED.

James Bracewell, Council President

Mary Robertson, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of July, 2007, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Mary Robertson, Clerk

VILLAGE OF GRAND BEACH

ORDINANCE NUMBER 2008-73

EFFECTIVE DATE: JULY 5, 2008

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT, CONTROL AND REGULATION OF STREET NUMBERING DISPLAY WITHIN THE VILLAGE OF GRAND BEACH, TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN DIRECT CONFLICT HEREIN.

The Village of Grand Beach has determined that the health, safety, and welfare of the residents of Grand Beach would be better served by the establishment of a uniform street house number display system. Such system will enable police agencies, ambulance services, fire services, public utilities, postal service, village officials, township officials, and other necessary services to more rapidly identify and locate properties within the Village of Grand Beach.

SECTION I- Name

This ordinance shall be known and cited as the "VILLAGE OF GRAND BEACH HOUSE NUMBER DISPLAY ORDINANCE".

SECTION II – Purpose

The purpose of this Ordinance is to establish a system within the Village of Grand Beach whereby the addresses of all premises will be identified and to provide rules and guidelines to facilitate enforcement thereof.

SECTION III – Definitions

A. The term "premises" shall mean any lot or parcel of land owned by any person, firm or corporation, public or private, improved with buildings, whether occupied or not.

B. The term "house number" shall mean the official number assigned that premise by the Village of Grand Beach.

C. The term "street or road name" shall refer to any official name as recognized by government authority. No such named street or road shall be changed without the approval of the Village of Grand Beach Board and the Berrien County 911 Central Dispatch governing board.

D. "Clearly visible" means visible by a person with normal or corrected 20/20 vision.

SECTION IV – Regulation

A. All premises shall bear the distinctive street number assigned to that premise by the Village of Grand Beach and recognized by Berrien County Central Dispatch governing board.

B. 1. All houses shall display upon the front of each dwelling the distinctive street number assigned to that premise. The number shall be placed in such a position as to be clearly visible to all road traffic coming to the premise from both directions. These numbers shall be no less than four (4) inches in height.

2. If a dwelling is more than 50 feet from the street or is not clearly visible from the road, every owner of a premise shall place or display adjacent to the road on which the property fronts a sign attached to a fence or post those distinctive street numbers assigned to that premise. These numbers shall be no less than four (4) inches in height. These numbers should be visible from both directions. The sign must be placed at a height to assure it does not become obscured by winter snows or snowplowing.

3. All house numbers shall be in either block or script style numbers and shall be reflective or lighted, whether on the dwelling or on a sign at the road.

4. Any different numbers, which might be mistaken for or confused with the number assigned to said property by the Village of Grand Beach shall be removed.

SECTION V – Violations and Penalties:

Failure to display house numbers within sixty (60) days after the adoption of this ordinance, or in the case of new construction, within thirty (30) days after a letter or certificate of occupancy has been issued, shall be considered a violation of this Ordinance and shall subject such violator the penalties hereinafter provided.

Any person, firm or corporation violating any provisions of this Ordinance shall be responsible for a misdemeanor, subject to the payment of a fine of \$50.00, plus costs, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both at the discretion of the Court. A subsequent or repeat violation shall be subject to increased fines of \$100.00 for the first repeat violation, or by imprisonment in the County Jail for a period not to exceed six (6) months, or both such fine and imprisonment at the discretion of the Court. For each subsequent repeat violation, a person shall be subject to an increased fine of \$200.00 for each subsequent repeat violation, plus costs, or by imprisonment in the County Jail for a period not to exceed one (1) year, or both at the discretion of the Court. A repeat or subsequent violation means a second or any re-occurring violation of this Ordinance by the same person within a twelve (12) month period of the initial violation. Enforcement of this Ordinance is authorized by any enforcement officer duly appointed by the Village.

SECTION VI – Saving Clause

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in full force and effect.

SECTION VIII – Effective Date

This Ordinance was adopted by the Council of the Village of Grand Beach on the 21st day of May, 2008, and was ordered to be made effective 30 days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of May, 2008, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

ORDINANCE NO. 2008-74

AN ORDINANCE TO ESTABLISH A PLANNING COMMISSION.

AN ORDINANCE TO ESTABLISH THE VILLAGE OF GRAND BEACH PLANNING COMMISSION PURSUANT TO P. A. 285 OF 1931, AS AMENDED, P. A. 110 OF 2006, AS AMENDED, AND THE MICHIGAN PLANNING ENABLING ACT, P. A. 33 OF 2008, EFFECTIVE SEPTEMBER 1, 2008, TO PROVIDE FOR THE CREATION, POWERS, AND DUTIES OF THE VILLAGE OF GRAND BEACH PLANNING COMMISSION IN THE REGULATION OF LAND USE.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. Membership. The Planning Commission ("Commission") shall consist of five (5) members who shall represent, insofar as is possible, the important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the Village. The membership shall also be representative of the entire interests as they exist in the local unit of government to the extent practicable. Members of the Commission shall be members of the qualified electors of the local unit of government, except that two (2) members may be individuals who are not qualified electors of the Village. Commission members shall be appointed by the Village President, subject to approval of the Village Council by majority vote. In addition, the Village President, or his or her designee, who shall be a current member of the Village Council, shall be an ex officio member of the Commission. Each member of the Commission shall be compensated at a rate to be determined by the Village Council. No member of the Commission shall hold any other municipal office, except that one member may be a member of the Zoning Board of Appeals. The members of the first Commission have been selected with terms thereof being staggered as follows: two (2) members shall serve for a term of three (3) years, two members shall serve for two (2) year terms; one (1) member shall serve for a one (1) year term; the Village President shall serve as an ex officio member during his or her term as Village President; if a Village Council Member is designated to serve by the President, then the designee shall be appointed annually by the Village President. Thereafter, all members, except the Council's ex officio member, shall be appointed for three year terms. All members shall hold office until their successors are appointed and any vacancies in the Commission shall be filled by appointment by the President, subject to approval by the Village Council.

Any Member of the Planning Commission may be removed by the Village Council for misfeasance, malfeasance or nonfeasance in office. In the event the Council determines that the Member may be guilty of misfeasance, malfeasance or nonfeasance in office, the Council shall prepare written charges and call a public hearing. The hearing shall be recorded, the Member may be represented by counsel, call witnesses, and testify, after which the Council shall make a decision regarding the removal of the Member. The decision of the Council shall be final. The Member may appeal the decision to the Circuit Court for Berrien County within 21 days of the Council's decision.

Section 2. Officers, Meetings and Records. The Commission shall elect a Chairman from among its members and fill such other offices as it may create from time to time. The Chairman shall hold office for one year and be eligible for reelection. The Commission shall hold at least four regular meeting each year, which meeting schedule, time and place shall be determined by Commission resolution. The Commission shall adopt rules for the transaction of its business and keep a record of its proceedings, which record shall be a public record. A majority of the members shall constitute a quorum for the transaction of business. The Zoning Administrator/Building Inspector shall serve a staff liaison.

Section 3. Employees, Expenditures. The Commission may appoint such employees as it deems necessary for its work and it may contract with planners, engineers, architects and consultants for such services as

it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amount appropriated for that purpose by the Village Council.

Section 4. Function. It shall be the function and duty of the Commission to make and adopt a master plan for land use, historic preservation, environmental preservation, and conduct related studies.

Section 5. Powers and Duties. The Commission shall have such powers and duties as are set in the provisions of Act 285 of the Public Acts of 1931, as amended (the Municipal Planning Act of the State of Michigan), Act 110 of P.A. 2006 (Michigan Zoning Enabling Act), and as of September 1, 2008, Act 33 of P.A. 2008 (Michigan Planning Enabling Act) as well as such additional powers and duties as may be conferred or imposed upon it from time to time by the laws of the State of Michigan, including but not by way of limitation:

Preparation of a zoning plan for the control of the height, area, bulk, location and use of buildings and premises.

Preparation of comprehensive surveys and studies of present conditions and future growth of the Village.

Formal adoption of the master plan, in whole or in part.

Conduct public hearings and make recommendation for land use development, prior to filing or recording of any form of land use development concept within the Village, which recommendation shall be submitted to the Village Council for final review.

In general, such powers as may be necessary to enable the commission to fulfill its function.

Section 6.

Effective Date.

This Ordinance shall become effective on the 15th day of August, A.D., 2008, following publication hereof.

Section 7. Conflicting Ordinances.

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the _____ day of

_____, 2008, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2008-75

AN ORDINANCE TO AMEND ORDINANCE NO. 2008-74 "AN ORDINANCE TO ESTABLISH A PLANNING COMMISSION".

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. Membership, of ordinance No. 2008-74 is amended in the following manner:

The eighth sentence is hereby repealed and the following sentence is inserted in its place and stead:

The members of the first Commission have been selected with terms thereof being staggered as follows: two (2) members shall serve for a term of three (3) years, one (1) member shall serve for a two (2) year term; one (1) member shall serve for a one (1) year term; the Village President shall serve as an ex officio member during his or her term as Village President; if a Village Council Member is designated to serve by the President, then the designee shall be appointed annually by the Village President.

ORDINANCE DECLARED ADOPTED. This Ordinance was adopted by the Council of the Village of Grand Beach on the 15th day of October, 2008, and was ordered to be made effective on October 23, 2008.

JAMES BRACEWELL, President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the _____ day of _____, 2008, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2010-76

Effective July 6, 2010

AN ORDINANCE TO AMEND ORDINANCE 2007-72, AN ORDINANCE TO RESTRICT THE HOURS OF CONSTRUCTION, ALTERATION, DEMOLITION, AND REPAIR ACTIVITIES, CONDUCTED IN THE VILLAGE OF GRAND BEACH.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Section One of Ordinance No. 2007-72 is hereby deleted and the following inserted in its place and stead:

Section 1. Construction on Residential Property.

Any and all construction, alteration, demolition, or repair activities conducted in the Village, which construction has been authorized by a Village Building Permit, shall be prohibited on Sundays and Holidays and is prohibited all other days except:

- i. During the hours of 8:00 a.m. to 5:00 p.m. (EST) from Monday through Friday;
- and
- ii. On Saturdays during the off-season hours of 8:00 a.m. to 5:00 p.m. (EST), starting the Saturday after Labor Day weekend and ending the Saturday before Memorial Day weekend.

Any construction, alteration, demolition or repair activities conducted and authorized pursuant to a Village Building Permit may also be completed on any day from the hours of 7:00 a.m. to 7:00 p.m.(EST) in a fully-enclosed building, provided that such interior work shall not require the use of any construction equipment outside of the building or in an open garage, and further provided that the work being performed shall not be audible from outside of the property lines of the lot on which the fully-enclosed building is located. A "fully-enclosed building" shall be defined as a building or structure having a full roof and all windows, entry, and garage doors completely installed.

This Ordinance shall become effective after adoption and publication in accordance with the Charter of the Village of Grand Beach and the laws of the State of Michigan.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, Council President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16th day of June, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2010-77

AN ORDINANCE TO ESTABLISH A MUNICIPAL CIVIL INFRACTIONS BUREAU TO ACCEPT ADMISSION OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRACTIONS, TO COLLECT AND RETAIN FINES AND COSTS, AND TO PROSCRIBE THE OPERATIONS, THEREOF, ALL AS AUTHORIZED BY ACT 12 OF P.A. 1994.

THE VILLAGE OF GRAND BEACH ORDAINS

SECTION 1.

Definitions: As used in this Ordinance, the following definitions shall apply:

- A. "Authorized municipal official" means the Zoning Administrator, Police Chief and Police Officers with Chief's approval or other personnel of the Village of Grand Beach authorized by any ordinance of the Village of Grand Beach to issue municipal civil infraction citations or municipal civil infraction violation notices.
- B. "Bureau" means the Village of Grand Beach Municipal Civil Infractions Bureau as established by this Ordinance.
- C. "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- D. "Municipal civil infraction citation" means a written complaint or notice prepared by an authorized Village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- E. "Municipal civil infraction violation notice" means a written notice prepared by an authorized Village official, directing a person to appear at the Village of Grand Beach Municipal Civil Infractions Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Village, as authorized under Sections 8396 and 8707(6) of the Act.

SECTION 2.

Municipal Civil Infraction Enforcement: A municipal civil infraction enforcement is commenced when a police officer or other authorized municipal official as designated under the provision of one or more of the ordinances of the Village of Grand Beach issues either a municipal civil infraction citation or municipal civil infraction notice directing an alleged violator to appear at the Village of Grand Beach Municipal Civil Infractions Bureau under the following circumstances or conditions:

- F. An authorized municipal official who witnesses a person violate an ordinance, a violation of which is a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a citation, except as provided in subsection (F).
- G. An authorized municipal official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction. An authorized municipal official may issue a citation to a person, if based upon investigation of a complaint, by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the prosecuting attorney or the Village attorney for the

Village of Grand Beach approves, in writing, the issuance of the citation.

H.Except as otherwise provided under subsection (D), the authorized municipal official shall personally serve the third copy of the citation upon the alleged violator.

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

J.A citation served under subsection (D) for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation served personally upon a defendant pursuant to subsection (A) or (B).

K.An authorized municipal official may issue and serve a municipal ordinance violation notice, instead of a citation, under the same circumstances and upon the same persons as provided in this section for the service of a citation. If an authorized municipal official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the municipal civil infractions bureau, a citation may be filed with the court described in subsection 4.C and a copy of the citation may be served by first-class mail upon the alleged violator at his or her last known address. The citation filed with the court pursuant to this subsection need not comply in all particulars with Section Three but shall consist of a sworn complaint containing the allegations stated in the municipal civil infractions violation notice and shall fairly inform the defendant how to respond to the citation. A citation issued under this subsection shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (A) or (B).

SECTION 3.

Municipal Civil Infraction Citation contents. Each municipal civil infraction citation shall:

L.Be numbered consecutively,

M.Shall consist of the following parts:

1.The original, which is a complaint and notice to appear by the authorized official and shall be filed with the court in which the appearance is to be made.

2.The first copy, which shall be retained by the ordinances enforcement agency.

3.The second copy, which shall be issued to the alleged violator if the violation is a misdemeanor.

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

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

O.Shall contain the following:

1.The name of the Plaintiff: Village of Grand Beach,

- 2.The name and address of the Defendant: alleged violator,
- 3.The municipal infraction alleged,
- 4.The place where the Defendant shall appear,
- 5.The telephone number of the place to appear,
- 6.The time at or by which the appearance must be made,
- 7.In addition, the citation shall inform the Defendant:

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

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

That a hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the plaintiff political subdivision.

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

That at a formal hearing the defendant must appear in person before a judge with the opportunity of being represented by an attorney.

The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the defendant on the municipal civil infraction. Return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs, return of the citation with an admission of responsibility with explanation, or timely application to the court for a scheduled date and time for an appearance or a hearing constitutes a timely appearance.

SECTION 4.

Municipal Civil Infractions Bureau. The Village of Grand Beach hereby established the Municipal Civil Infractions Bureau for the purpose of accepting admissions of responsibility for municipal civil infractions as shall be designated and defined under the Ordinances of the Village of Grand Beach, from time to time and to collect and retain fines and costs, as follows:

P.Address: The Municipal Civil Infractions Bureau shall maintain its office in the Village Hall of the Village of Grand Beach, 48200 Perkins Boulevard, Grand Beach, Michigan. The mailing address for the Municipal Civil Infractions Bureau is Municipal Civil Infractions Bureau, c/o Village of Grand Beach, 48200 Perkins Boulevard, Grand Beach, Michigan, 49117.

Q.Clerk: The Village clerk shall be responsible for the administration and operation of the Municipal Civil Infractions Bureau. The Village Clerk shall, subject to the approval of the Village Council of the Village

of Grand Beach, set policies and procedures and designate employees authorized to accept admissions of responsibility, collect and deposit fines and costs.

R.Default: Failure to Appear or Pay Fine. In the event the Defendant (alleged violator) fails to appear by or at the time set forth in the municipal civil infraction citation or municipal civil infraction notice and/or the fine is not paid, the Village Clerk or his or her designee may file the municipal civil infraction citation or municipal civil infraction notice with the Fifth Judicial District Court and shall mail to the Defendant (alleged violator) a copy thereof by first class mail. The filing and mailing shall include a sworn complaint containing the allegation set forth in the municipal civil infraction citation or municipal civil infraction notice.

SECTION 5.

Civil Infraction Fines. Civil infraction fines payable to the Municipal Civil Infractions Bureau shall be proscribed under the terms and conditions of each Ordinance of the Village of Grand Beach for which civil sanctions may be imposed. In the event any Ordinance of the Village of Grand Beach shall not provide for specific civil infraction fines, then the civil infraction fines, any costs, damages, expenses and other sanctions shall be:

- A. The Civil Fine for a first violation shall be one hundred dollars (\$100.00) plus costs.
- B. The Civil Fine for a first repeat violation shall be two hundred fifty (\$250.00) plus costs.
- C. The Civil Fine for a second (or any subsequent) repeat offense shall be five hundred dollars (\$500.00) plus costs.
- D. A repeat offense shall mean a second or subsequent violation of the same provision of a municipal ordinance committed by the same person within any 2 month period (unless some other period is specifically provided by this ordinance or any ordinance).
- E. Each day on which any violation of this ordinance or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- F. In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of any Village ordinance.

SECTION 6.

Effective Date

This Ordinance was adopted by the Council of the Village of Grand Beach on the 18th day of August, 2010 and was ordered to be made effective ten (10) days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of August, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

ORDINANCE NO. 2010-78

Effective Date: September 11, 2010

AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 55 TO PROVIDE FOR REVISED CIVIL INFRACTION PENALTIES.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section One. Ordinance No. 55 is amended to repeal Section 6B and to insert the following in its place and stead:

Section 6.B. Civil Infraction. Any person who violates Sections 2B, 3, 4, or 5 of this Ordinance is responsible for a civil infraction punishable by a fine of \$100.00, which shall be processed according to the Michigan Vehicle Code.

Section Two. Ordinance No. 55 is amended to insert the following section entitled Section 6C.

Section 6C. Any person who is cited for the same offense under any section of this Ordinance within a period of one year from the date of the first citation shall be charged with misdemeanor as set forth in Section A above.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of August, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2010-79

Effective Date: September 11, 2010

AN ORDINANCE TO AMEND THE PROVISIONS OF ORDINANCE NO. 59, AN ORDINANCE TO REGULATE ACCESS TO AND ONGOING USE OF PUBLIC RIGHT OF WAYS.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section One. Ordinance No. 59 is amended to repeal Section 18 and insert the following in its place and stead:

Section 18. All Village police officers and the Village Zoning Administrator/Building Official are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators to appear at the municipal civil infractions bureau.

Section Two. Ordinance No. 59 is amended to repeal Section 19 and to insert the following in its place and stead:

Section 19. Municipal Civil Infraction. Any person who shall violate any of the provisions of this Ordinance is responsible for a civil infraction punishable by a fine of \$500, together with all costs of prosecution for a first offense.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of August, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

ROBERTSON, Clerk

MARY

ORDINANCE NO. 2010-81

Effective Date: September 11, 2010

SUBDIVISIONS

AN ORDINANCE TO REGULATE THE CREATION AND USE OF SUBDIVISION DEVELOPMENTS WITHIN THE VILLAGE AND TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1 – Purpose

The purpose of this Ordinance is to regulate the creation and use of subdivision developments within the Village and to promote and protect the health, safety and general welfare of the public. These regulations and controls shall in no way repeal, annul or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

Section 2 – Compliance Required

All plats shall comply with the provisions of the Michigan Land Division Act (1967 PA 288, as amended), and with the provisions of this Ordinance.

Section 3 – Tentative Approval of Preliminary Plat (Step 1 Approval)

- A. Submission: Every person, firm, or corporation who shall hereafter submit a preliminary plat plan to the Village Clerk for tentative approval shall submit ten (10) legible copies of said proposed preliminary plan. Said preliminary plan shall be prepared by a Registered Civil Engineer, Land Surveyor, or other person authorized by law. Said copies must contain, at a minimum, the following information and fees:
1. Show relief of area proposed to be platted with not more than four foot (4') contour intervals.
 2. Indicate road layout.
 3. Indicate lot layout, showing size and shape of proposed lots, as well as any dedicated common open space.
 4. Indicate whether the proposed plat will be served by public sanitary sewer and/or water system.
 5. Indicate the general location and size of any flood plain possibly located within the proposed plat.
 6. Indicate, in general, the methods for storm water disposal.
 7. When the proprietor owns or plans to acquire and anticipates platting adjoining land, the proprietor shall submit with the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.

8. A fee established by resolution of the Village of Grand Beach Village Council.

B. Planning Commission Review: Upon receipt of said proposed preliminary plat plan for tentative approval, the Village Clerk shall forward a copy of the same to the Planning Commission for its review of the plan for its compliance with the applicable standards set forth in Section 6 below and for the Planning Commission's recommendation regarding the same.

1. Prior to review or a decision by the Planning Commission, the Zoning Administrator and/or the Planning Commission may distribute the proposed application and materials to the Public Works Director, Police Chief, Fire Chief, Village Engineer, Village Planner, Village Attorney, and/or other staff or consultants as appropriate and necessary. If such plans are distributed, these parties shall review the materials and provide feedback and recommendations prior to the public hearing to ensure the Village stays within the time requirements and that the Commission is well informed at the hearing.
2. At this time, the Planning Commission shall conduct a public hearing regarding the proposed development. Not less than 15 days before the date of the hearing, notice of the date, time, and place of the hearing shall be sent to the applicant by mail and shall be published in a newspaper of general circulation in the Village. Notice shall also be mailed to the owners of land immediately adjoining the proposed platted land.
3. Following the public hearing and after consideration of the standards for the zoning district, any reviews or recommendations received from staff and consultants, and the criteria for approval of a subdivision shown in Section 6, the Planning Commission shall make a recommendation of approval, approval with conditions, or denial within 63 days of the submittal of the plat to the Planning Commission.

C. Village Council Review: After receipt of the Planning Commission's recommendation or the passage of 63 days from the Planning Commission's receipt of the plan (whichever occurs first), the Village Council shall examine said preliminary plan with such assistance and review by the consultants and the Village Attorney as the Village Council shall request. The Village Council shall determine whether said proposed preliminary plat plan complies with all Village Ordinances and address the standards for subdivision approval provided in Section 6 of this Ordinance.

1. **The Village Council shall tentatively approve and note its approval on the copy of the preliminary plat plan, or tentatively approve it subject to conditions and note its approval and conditions on the copy of the preliminary plat plan, to be returned to the proprietor, or set forth in writing its reasons for rejection and requirements for tentative approval, within the following time period, as applicable:**
 - a. Within 60 days after it was submitted to the Village Clerk if the development is a plat and a pre-application review meeting was held pursuant to Section 111(3) of the Michigan Land Division Act (1967 PA 288, as amended).
 - b. Otherwise, within 90 days after it was submitted to the Village Clerk.
2. Tentative approval under this section confers upon the proprietor for a period of one (1) year from the date thereof approval for refinement of engineering and infrastructure details, further definition of the development layout and design, and obtaining necessary permits and reviews from required outside entities and agencies. The tentative approval may be extended if applied for by the proprietor and granted by the Village Council in writing.

Section 4 – Final Approval of Preliminary Plat Plan (Step 2 Approval)

A. Submission: Every person, firm, or corporation who shall hereafter submit copies of a proposed preliminary plat plan for final approval shall submit the following relevant data and fees to the Village Clerk:

1. Evidence that all requirements imposed by the Village Council at the time of granting tentative approval have been incorporated into the proposed plan.
2. Detailed working drawings showing grades, drainage structures, proposed utilities, and road construction plans for public and/or private roads within and adjoining said plat. Prior to submitting copies of the preliminary plat plan to the Village Council for final approval, the developer shall document consultation with all public utilities which will be servicing the development to resolve any conflicts in location between public utility facilities and other improvements.
3. A list of all authorities required by statute to review the preliminary plat plan and written approvals from all such authorities.
4. A fee established by resolution of the Village of Grand Beach Village Council.

B. Village Council Review: The Village Council shall examine the plan with such assistance and review by consultants, Village Departments, and Village Attorney as the Village Council shall request. The Council may, if time permits, forward the plans to the Planning Commission for their review and recommendation. Upon completing its review, the Village Council shall determine whether said plat plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, continues to meet the requirements of Section 6.

C. Approval: If the Village Council determines that the preliminary plat plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth in this Ordinance, the Village Council shall, at its next meeting following plan submission or within twenty (20) days from the date of submission, grant final approval of the preliminary plan which shall confer upon the proprietor for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two (2) year period may be extended in the discretion of the Village Council upon application by the proprietor one time for a period not to exceed one (1) year.

Section 5 – Final Approval of Final Plat Plan (Step 3 Approval)

A. Submission. Every person, firm, or corporation who shall hereafter submit a proposed final plat plan for final approval shall also submit the following relevant data and fees to the Village Clerk:

1. An abstract of title or title insurance policy showing merchantable title in the proprietor of the proposed final plat.
2. A digital copy of the final plat plan in an AutoCAD (.dwg) format or a .DXF format as well as .pdf format on a disk, CD, or through e-mail to the Village. Each digital copy shall show a minimum of two ties to government section corners. Each digital copy shall include at a minimum the following information:

Lot Numbers
Dimensions
Lot Lines

Boundaries
Right-of-Ways
Street Names
Easements
Section Lines & Section Corners
Utility Lines (if available)
Adjacent Plat Corners (if available)

3. A fee established by resolution of the Village of Grand Beach Village Council.

B. Village Council Review: The Village Council shall, at its next regular meeting or within twenty (20) days from the date of submission, review the proposed final plat plan and grant final approval if it determines that it satisfies all requirements of the Ordinance, including the standards for subdivision approval in Section 6:

Section 6 – Criteria for Approval

At each stage of review, the Village Council and/or Planning Commission shall consider the following items when making a determination about the proposed application:

- A. The impact or anticipated impact of the proposed development on the health, safety, and welfare of the surrounding community.
- B. Provision for a safe and efficient circulation system arranged to provide connections to and from current and future development.
- C. Stormwater management and drainage shall be managed in compliance with the Village Storm Water Management Plan so as not to create an impact on the health, safety, and welfare of the surrounding community. The proposed development shall not result in any greater storm water runoff to adjacent property after development than existed prior to development.
- D. Compliance with the standards of the Village of Grand Beach Zoning Ordinance land development standards for the zoning district in which the proposed development is located and the goals and objectives of the Village of Grand Beach Master Plan. Particular details of the proposed development shall also comply with any applicable standards adopted by the Village of Grand Beach.

Section 7 – Waiver of Timing Requirements

Upon the agreement of both the applicant and the Village, the specific time requirements and deadlines indicated in this Ordinance may be waived. If the time requirements are waived, reasonable progress shall be made to ensure efficient processing of the request.

Section 8 – Performance Guarantee

As a condition of approval of the subdivision, the Village Council may require a surety by the developer to make the improvements shown on the plan and to insure completion of filing requirements in accordance with the requirements of Section 13.17 of the Village of Grand Beach Zoning Ordinance.

Section 9 – As-Built Plans

After approval of the Final Plat and prior to issuance of the Certificate of Occupancy of the first dwelling within the development (with the exception of a model home to be used for sales purposes), the applicant shall submit as-built plans to the Village as required in Section 13.19 of the Village of Grand Beach Zoning Ordinance.

Section 10 - Effective Date

This Ordinance was adopted by the Council of the Village of Grand Beach on the 18th day of August, 2010 and was ordered to be made effective ten (10) days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of August, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

ORDINANCE NO. 2010-82

Effective: December 4, 2010

AN ORDINANCE TO REPEAL ORDINANCE NO. 56, BEING AN AMENDMENT TO ORDINANCE NO. 25-A.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION ONE: Ordinance No. 56 of the Village of Grand Beach is hereby repealed and declared to be of no further effect.

SECTION TWO. EFFECTIVE DATE

This Ordinance was adopted by the Village Council of the Village of Grand Beach on the 17th day of November, 2010, and was ordered to be made effective 10 days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17th day of November 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**ORDINANCE 2012-83
Effective October 9, 2012**

An Ordinance to amend the provisions of Ordinance No. 2010-80, the Zoning Ordinance of the Village of Grand Beach.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. Section 2.02 of the Zoning Ordinance of the Village of Grand Beach, Definitions, “Practical Difficulties” is hereby amended to read as follows:

Practical Difficulties – Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape, or natural or existing characteristics and such lots or parcels are different in the sense of these characteristics from other typical lots located in the same district.

Section 2. Section 2.02, Definitions, “Use, Temporary” of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

Use, Temporary – A use, activity, building, dumpster, pod, construction vehicle or construction trailer that may be permitted to exist during period of construction of the main building or use, or for special temporary or transient events.

Section 3. Section 4.06, Dimensional Requirements, Section F of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

F. Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet.

Section 4. Section 5.06, Dimensional Requirements, Section F of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

F. Height Limitations: Maximum of thirty-five (35) feet for residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet.

Section 5. Section 6.06, Dimensional Requirements, Section F of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

F. Height Limitations: Maximum of thirty (30) feet for all residential structures; a maximum of seventy-five (75%) percent of principal structure for all residential related accessory structures. An exception to this requirement shall be granted for accessory structures serving as garages for vehicle storage for single-story residences. In these instances, the accessory garage structure may be the same height of the principal structure up to a maximum height of the garage of 15 feet.

Section 6. Section 11.04, Signs in the Residential Districts, Section C of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

C. One (1) temporary, unlighted window sign not to exceed six (6) square feet advertising the construction, lease or sale of the premises on which it is maintained provided said sign shall be removed upon issuance of occupancy certificate, or closing. One (1) temporary unlighted real estate sign not to exceed six (6) square feet may be located on premises being constructed or offered for sale provided clear vision corners are maintained and provided said sign shall be removed upon issuance of occupancy certificate or closing.

Section 7. Section 14.04, Nonconforming Structures of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

B. Should the structure be destroyed by any means – on purpose or by act of God – it may be reconstructed provided there is no increase in the footprint of the original structure. For purposes of this paragraph, “footprint of the original structure” shall be limited to the structure’s foundation and shall not include roof eaves, cantilevers, decks, or other attached projections. All other zoning requirements in the zoning district must be met.

C. Should the structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Whenever a nonconforming structure has been destroyed or damaged and remains uninhabitable for one (1) year, such shall be considered conclusive evidence of an intention to abandon legally the nonconforming structure. Any future use or occupancy shall be in conformity with the provisions of this Ordinance.

Section 8. Section 16.07, Variances, Section A(4) of the Zoning Ordinance of the Village of Grand Beach is hereby amended to read as follows:

That nonconforming use of other land, structures, or buildings in the same zoning district, and permitted uses of land, structures or buildings in other zoning districts, shall not be considered grounds for the issuance of a variance.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, Village President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of September, 2012, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**ORDINANCE 2014-84
Effective June 1, 2014**

An Ordinance to provide rules and regulations regarding commercial filming in the Village of Grand Beach.

THE VILLAGE OF GRAND BEACH ORDAINS:

I. DEFINITIONS:

- a. "Motion picture, television, still photography" shall mean and include all activity attendant to staging or shooting commercial motion pictures, television shows or programs, commercials, and student films produced to satisfy a post-secondary school course requirement at an educational institution in any medium including film, tape or digital format.
- b. "Charitable films" shall mean commercials, motion pictures, television, videotapes, digital recording or still photography produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.
- c. "News Media" shall mean the photographing, filming or videotaping for the purpose of spontaneous, unplanned television news broadcast or reporting for print media by reporters, photographers or camerapersons.
- d. "Studio" shall mean a fixed place of business certified as such by local fire authority having jurisdiction where filming activities (motion or still photography) are regularly conducted upon the premises.

II. PERMITS AND EXEMPTIONS:

- a. Permit required: No person shall use any public or private property, facility or residence for the purpose of taking motion pictures, television, or commercial still photography without first applying for and receiving a permit from the officer designated by the Village.

b. Exemptions:

- 1) News Media: The provisions of this Chapter shall not apply to or affect reporters, photographers or camerapersons in the employ of a newspaper, news service, or similar entity engaged in on-the-spot print media, publishing or broadcasting, of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.
- 2) Personal/Family Video: The recording of visual images (motion or still photography) solely for private personal use, and not for commercial use.
- 3) Studio Filming: Filming activities (motion or still photography) conducted at a studio.

III. RULES AND REGULATIONS:

Rules: The designated Village officer is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the Council, governing the form, time and location of any film activity set forth within the Village. The officer shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:

1. The health and safety of all persons;
2. Mitigation of disruption to all persons within the affected area;
3. The safety of property within the Village; and
4. Traffic congestion at particular locations within the Village.

IV. APPLICANTS AND ISSUANCE:

- a. Issuing Authority: the issuing authority shall be the Village designee.
- b. Applications: The following information shall be included in the application:
 1. The representative of the property, the address, email address and telephone number of the place at which the activity is to be conducted;
 2. The specific location at such address or place;
 3. The inclusive hours and dates such activity will occur;

4. A general statement of the character or nature of the proposed filming activity;
 5. The name, address, email address, and telephone number of the person or persons in charge of such filming activity;
 6. The exact number of personnel to be involved;
 7. Activity which may cause public alarm such as the use of any animals, gunfire or pyrotechnics and low flying helicopters; and
 8. The exact amount/type of vehicles/equipment to be employed along with a parking plan.
- c. Fee Schedule: The issuing authority may adopt a fee schedule.
- d. Reimbursement for Personnel: The production company shall reimburse the Village for any personnel provided to the company (e.g., police, fire, traffic) for the purpose of assisting the production.
- e. Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location.

V. LIABILITY PROVISIONS:

- a. Liability Insurance: Before a permit is issued, a certificate of insurance will be required in an amount not exceeding \$1,000,000 naming the Village as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage. The Village officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Village. A copy of the certificate shall remain on file.
- b. Worker's Compensation Insurance: An applicant shall conform to all applicable Federal and State requirements for Worker's Compensation Insurance for all persons operating under a permit.
- c. Hold Harmless Agreement: An applicant shall execute a hold harmless agreement as provided by the Village prior to the issuance of a permit under this ordinance.
- d. Security Deposit: To ensure cleanup and restoration of the site, an applicant may be required to submit a refundable deposit (amount to be determined). Upon completion of filming and inspection of the site by the Village, if no verifiable damage has occurred, the security deposit should be returned to the applicant.

VI. VIOLATION:

If an applicant violates any provisions of this ordinance or a permit issued pursuant thereto, the Village may provide the applicant with verbal or written notice of such violation. If the applicant fails to correct the violation, the Village may revoke the permit and all activity must cease.

ORDINANCE DECLARED ADOPTED.

PAUL LEONARD JR., Village President

MARY ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of February, 2014, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY ROBERTSON, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE 2014-85

Effective September 8, 2014

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE IGNITION, DISCHARGE
AND USE OF CONSUMER FIREWORKS IN THE VILLAGE OF GRAND BEACH.**

Purpose. This is an ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

The Village of Grand Beach finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other districts. The Village of Grand Beach endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

Section 1. Definitions.

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

“Act” means the Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time be adopted.

“APA standard 87-1” means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

“Consumer fireworks” means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. “Consumer fireworks” does not include low-impact fireworks.

“Display fireworks” means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

“Articles pyrotechnic” means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the

weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

“Fireworks” means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

“Fireworks” consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

“Low-impact fireworks” means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

“Novelties” means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

“Special effects” means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment

“Minor” means an individual who is less than 18 years of age.

“National holiday” means the following legal public holidays:

- (1) New Year’s Day, January 1.
- (2) Birthday of Martin Luther King, Jr., the third Monday in January.
- (3) Washington’s Birthday, the third Monday in February.
- (4) Memorial Day, the last Monday in May.
- (5) Independence Day, July 4.
- (6) Labor Day, the first Monday in September.

- (7) Columbus Day, the second Monday in October.
- (8) Veteran’s Day, November 11.
- (9) Thanksgiving Day, the fourth Thursday in November.
- (10) Christmas Day, December 25.

“Person” means any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any other entity or organization. An individual shall include a minor as defined in this article.

Section 2. Manufacture of Fireworks.

The manufacture of fireworks is prohibited within the Village.

Section 3. Prohibited Fireworks.

- (a) Consumer fireworks. A person shall not ignite, discharge or use consumer fireworks, except between the hours of 8 a.m. and 1 a.m. on the day preceding, the day of, or the day after a national holiday, provided that a person shall not ignite, discharge or use consumer fireworks in violation of the Act and/or this article.
- (b) Low Impact and Novelty Fireworks. Low impact or novelty fireworks may not be discharged between the hours of 11:00 p.m. and 7:00 a.m., or after dusk, whichever is earlier, and may not otherwise be discharged in violation of this article and/or the Act.
- (c) Illegal fireworks. Any use, possession, or discharge of fireworks that is illegal and not approved by the State of Michigan or the State Fire Marshall is prohibited, regardless of how it is labeled.
- (d) Burn Ban. Due to the Village’s natural topography and location on Lake Michigan, the Village has a considerable amount of natural dune grasses which are highly flammable in the event of unusually high temperatures combined with very dry or draught-like conditions. In extreme circumstances, the Village’s Police Chief may issue a burn ban to protect the Village residents’ health, safety and welfare. In the event of a Village-wide ban on burning, the discharge of fireworks of any nature or sort shall also be prohibited.

Section 4. Minors.

- (a) A minor shall not possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day, including national holidays, and the day before and day after a national holiday.
- (b) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under the supervision of a parent or guardian, and the use, discharge and/or ignition is within permitted hours, and does not violate the provisions of this article and/or the Act.

Section 5. General Restrictions.

(a) Unless specifically authorized, on any day, the use, discharge or ignition of any fireworks, including consumer fireworks, is prohibited on public property.

(b) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent, or shed, or under any canopy, or overhanging cover, of any nature.

(c) Excessive use of fireworks, including consumer fireworks, that results in the disruption of residents is prohibited, notwithstanding anything to the contrary in the Act. Excessive use is defined as conduct that includes the continuous or intermittent ignition of fireworks continuing for more than 20 minutes.

(d) No person shall either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.

(e) No consumer fireworks may be ignited, launched or discharged within 20 feet of a residential building or vehicle.

Section 6. Applicability of General Ordinances.

Nothing in this article or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

Section 7. Zoning Ordinances.

Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to comply with the zoning ordinances of the Village, including obtaining necessary approvals thereunder. Failure to obtain necessary zoning approvals is subject to penalty as provided in the code of zoning ordinances of the Village.

Section 7. Imminent Dangers.

Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety, or welfare, as deemed by the Police Chief or his designee, shall be prohibited and the fireworks may be immediately seized.

Section 8. Seizure.

All fireworks used, discharged, and/or ignited in violation of the Act and/or this article are subject to seizure. Any costs incurred by the Village to seize and store the fireworks shall be paid by the responsible party.

Section 9. Display fireworks.

No display fireworks shall be used, discharged, ignited or displayed unless approved by Village Council, upon application made to the Village Clerk providing proof that the display and applicant are adequately insured and bonded to the satisfaction of the Village Council, the applicant has submitted a security plan, safety compliance plans, and an application fee in the minimum amount of \$100.00, plus any additional

costs incurred by the Village to administer the permit. A permit for display fireworks is supplemental to any other requirement for such display under the Village's ordinances.

Section 10. Penalty.

- (a) A violation of this article is a civil infraction, punishable by a minimum fine of \$150.00, up to a fine of \$500.00, plus the costs of prosecution.
- (b) Following final disposition of a finding of responsibility for violating this article, the Village may dispose of or destroy any fireworks retained as evidence in that prosecution.
- (c) In addition to any other penalty, a person that is found responsible for a violation of this article shall be required to reimburse the Village for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated by the Village in accordance with this article.

Section 11. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is 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 remaining portions of the ordinance, it being the intent of the Village that this ordinance shall be fully severable.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

ORDINANCE DECLARED ADOPTED.

PAUL A. LEONARD JR., Village President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 20th day of August, 2014, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 2014-86

Effective September 8, 2014

An Ordinance to adopt by reference the 2012 International Property Maintenance Code and to provide certain modifications therein and its application to the Village of Grand Beach.

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION 1. REPEALER.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

SECTION 2. CODE ADOPTED.

Pursuant to the provisions of Section 8 of the State Construction Code Act (Act 230 of 1972, Compiled Laws 1948, Section 125.1501 et seq.) the International Property Maintenance Code as published by the International Code Council, 2012 Edition, as updated and amended from time to time, is hereby adopted by reference, subject to the modifications contained in this Ordinance and the provisions of Act 230 of P.A. 1972, as amended.

SECTION 3. AMENDMENT TO CODE.

Section 106.3, Prosecution of Violation, shall be amended to state as follows:

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed responsible for a municipal civil infraction. Each day that a violation continues after a notice has been served shall constitute a separate offense.

SECTION 4. CONFLICTING ORDINANCES.

a. Where a provision of the code adopted in this article relating to a fine, fee to be paid or a fee schedule is found to be in conflict with a provision, resolution, or code of the Village, the fees or fee schedule adopted by the Village shall control and prevail.

b. Where a provision of the code adopted in this article is found to be in conflict with a provision of any ordinance or code of the Village, the provision which establishes the higher standard for promotion or protection of the health and safety of the people shall prevail.

AYES: James Bracewell, Paul Leonard Jr., Deborah Lindley, Kaye Moriarty and Blake O'Halloran.

NAYS: None

ORDINANCE DECLARED ADOPTED.

Paul A. Leonard Jr., Council President

Mary J. Robertson, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on 20th day of August, 2014, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Mary J. Robertson, Village Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE 2014-87

Effective September 8, 2014

An Ordinance to amend the provisions of Ordinance No. 2010-80, the Zoning Ordinance of the Village of Grand Beach.

THE VILLAGE OF GRAND BEACH ORDAINS:

Section 1. Section 2.02 of the Zoning Ordinance of the Village of Grand Beach, Definitions, “Lot, Corner” is hereby amended to read as follows:

Lot, Corner – A lot abutting two (2) streets at the intersection of the two (2) streets. A corner lot shall have two (2) front yard setbacks and two (2) side yard setbacks for the zoning district in which it is located.

Section 2. Section 4.06, Dimensional Requirements, Section E of the Zoning Ordinance of the Village of Grand Beach is hereby amended to include Section 5 to read as follows:

5. Corner Lot: A corner lot shall have two (2) front yard setbacks and each shall be a minimum of forty (40) feet from the street right of way line unless otherwise approved or provided for herein, and shall have two (2) side yard setbacks and each shall be a minimum of fifteen (15) feet.

Section 3. Section 5.06, Dimensional Requirements, Section E of the Zoning Ordinance of the Village of Grand Beach is hereby amended to include Section 5 to read as follows:

5. Corner Lot: A corner lot shall have two (2) front yard setbacks and each shall be a minimum of thirty (30) feet from the street right of way line unless otherwise approved or provided for herein, and shall have two (2) side yard setbacks and each shall be a minimum of ten (10) feet.

Section 4. Section 6.06, Dimensional Requirements, Section E of the Zoning Ordinance of the Village of Grand Beach is hereby amended to include Section 5 to read as follows:

5. Corner Lot: A corner lot shall have two (2) front yard setbacks and each shall be a minimum of twenty (20) feet from the street right of way line unless otherwise approved or provided for herein, and shall have two (2) side yard setbacks and each shall be a minimum of five (5) feet.

Section 5. Section 11.07, Prohibition ED – Environmental Overlay District (sign regulations) of the Zoning Ordinance of the Village of Grand Beach is hereby deleted.

Section 6. Section 12.03, Special Land Use – Data Required, of the Zoning Ordinance of the Village of Grand Beach is hereby amended to include Section C to read as follows:

C. If an applicant requests a Special Land Use Permit for a short term rental as provided in this Ordinance, the applicant shall be required to provide all of the information requested in the Special Land Use Application for Short Term Rentals.

ORDINANCE DECLARED ADOPTED.

PAUL A. LEONARD JR., Village President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 20th day of August, 2014, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**ORDINANCE NO. 2014-88
Effective: December 9, 2014**

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN, BY THE REGULATION OF NOISE, ODORS, OFFENSIVE CONDUCT AND CONDITIONS, AND THE PRODUCTION OF DUST WITHIN SAID VILLAGE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Village of Grand Beach Anti-Noise and Public Nuisance Ordinance.

Section 2. Definition

A nuisance shall be deemed whatever annoys, injures, or endangers the safety, health, comfort, repose or tranquility of the public; offends public decency; interferes with or obstructs and renders dangerous any street, highway, lake, river or stream; or in any way renders the public insecure in life and property. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. All such conditions are hereby declared to be public nuisances.

Section 3. Public Nuisance Prohibited

It shall be unlawful for any owner, land contract vendee or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Village.

Section 4. Certain Public Nuisances Enumerated

The following acts, equipment, apparatus, and structures are hereby declared to be public nuisances per se, however, this enumeration shall not be deemed to be exclusive:

A. *Disturbing the public peace:*

No person shall disturb the public peace and quiet by loud or boisterous conduct or by engaging in any disturbance, fight, brawl, or quarrel in any public place.

B. *Noise:*

It shall be unlawful for any person to create, assist in creating, or as owner, lessee or occupant of the property on which the activity is located, permit the continuance of any of the following acts:

(1) *Musical instruments and electronic sound-producing devices.* The playing of any amplified or unamplified musical instrument, radio, television set, phonograph, loudspeaker, tape recorder, compact disc player, or other electronic sound-producing devices, in such a manner or with volume that:

a. The operation of any such musical instrument or electronic sound-producing device disturbs the comfort, repose or peace of others by being plainly audible to persons other than that from which it is generated; or

b. The bass has caused vibrations within a dwelling unit or within a vehicle other than that from which it was generated.

(2) *Shouting and whistling.* Continuous or repeated yelling, shouting, loud whistling, or loud singing, so as to disturb the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling or other type of residence other than that from which it originates.

(3) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.

(4) *Whistles or sirens.* The blowing of any amplified or electronic whistles, air horns or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.

(5) *Engine exhaust.* The discharge into the open air of the exhaust of any engine except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(6) *Devices to attract attention.* The continuous or repeated use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention so as to disturb the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling, hotel, hospital, or other type of residence other than that from which it originates.

(7) *Other excessive noise.* The creation of any other excessive or unreasonably loud noise which disturbs the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling or other type of residence other than that from which it originates.

C. *Trash accumulation:*

No person owning or occupying property in the Village shall fail to keep the exterior area of that property free from accumulations of trash. "Trash" means refuse, garbage and rubbish, as well as scrap materials, including, but not limited to, wrecked or scrapped vehicles, rags, paper products, scrap metal, used appliances, scrap plumbing supplies, or parts of any of the foregoing or similar property.

D: *Parking:*

No person owning or occupying property in the Village shall permit the outside parking and storage on residentially-zoned property of vehicles or boats in violation of the Village of Grand Beach Zoning Ordinance.

E. *Party or other social gathering:*

A social gathering or party which is conducted on premises within the Village and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on neighboring public or private property: public drinking or drunkenness; public urination or defecation; the unlawful sale, furnishing, or consumption of intoxicating beverages; the unlawful deposit of trash or litter; the destruction of property; the generation of pedestrian or unlawful vehicular traffic, standing, or parking which obstructs the free flow of traffic or interferes with the ability to render emergency services; excessive, unnecessary, or unusually loud noise which disturbs the comfort, quiet, or repose of the neighborhood, including public disturbances, brawls, fights, or quarrels; or conduct or condition which injures, or endangers the safety or health of the neighborhood, or results in any indecent or obscene conduct, or results in any immoral exhibition or indecent exposure by persons attending the social gathering or party, is hereby declared to be an unlawful public nuisance.

F. *Dust, ash, and odors:*

No person, firm, or corporation shall create, cause, or maintain any public nuisance within the Village of Grand Beach by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.

Section 5. Exceptions

None of the prohibitions hereinbefore enumerated shall apply to any of the following:

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

(2) Excavation or repair of bridges, streets or highways by or on behalf of the Village of Grand Beach, State of Michigan, or County of Berrien, 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 6. Enforcement

A. Except as otherwise specifically provided in this Ordinance, violations of any provision of this Ordinance shall be a municipal civil infraction punishable by a fine of not more than \$250.00. A second offense of same shall be punishable by a fine not exceeding \$500.00, and a third or subsequent offense shall be punishable by a fine not exceeding \$1,000.00. Each such act which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate violation of this section.

B. Should any fine for a municipal civil infraction not be paid within the required time period, or should any municipal civil infraction not be resolved by the Municipal Ordinance Violations Bureau, or a court of competent jurisdiction within the required time period, such violation shall become a misdemeanor.

C. If the penalty for violations of any section of this Ordinance is not paid within 45 days, it may be charged as a lien against the land, building, or structure involved in the violation by recording a copy of the court order and enforcing the lien in accordance with the provisions of MCL 600.8731, as amended.

D. The cost of abating a nuisance as defined by this Ordinance shall, to the extent reasonably necessary to protect the public health and safety, be charged against the premises and the owner thereof as costs in any enforcement action and shall include, but not be limited to, the following expenses: overtime expenses and labor and equipment expenses of Village officials or enforcement officers, fire department and emergency services, labor and equipment expenses, plus 15 percent of each of the foregoing expenses for administrative burden.

Section 7. Validity

The several provisions of this Ordinance are declared to be separate and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

Section 8. Repealer.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

ORDINANCE DECLARED ADOPTED.

PAUL A. LEONARD JR., Village President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of November, 2014, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

ORDINANCE NO. 2016-01

Effective March 14, 2016

AN ORDINANCE ESTABLISHING RATES, CHARGES AND RULES FOR THE USE AND SERVICE OF THE WATER SUPPLY, AND DISTRIBUTION SYSTEM OF THE VILLAGE OF GRAND BEACH, COUNTY OF BERRIEN, MICHIGAN.

THE VILLAGE OF GRAND BEACH ORDAINS: Section 1. A. Water Meter Charges and Base Water Rate Established. There shall be and there are hereby established rates and charges for the use of and the services supplied by the Village's Water Supply and Distribution system, as follows:

Metered Rates: Monthly water rates for users of the Village's Water Supply and Distribution System, based upon the size of the meter and the meter readings of the quantity of water consumed (Base Rate plus Flow Rate) as follows:

Water Rates Base Rate:

Meter Size Monthly Charge 5/8 inch \$16.80 3/4 inch 25.00 1 inch 31.00 1 1/2 inch 73.00
2 inch 114.00 The above base rates and other charges in this ordinance may be adjusted from time to time by a Village Council resolution. Water flow rates shall be \$5.75 per 1,000 gallons of water used and shall be set from time to time by a Village Council resolution. B. Pool Fill Charges

Residents or their agent may use the Village fire hydrant meter for a fee of \$100.00 or the current rate for the meter use in order to fill their swimming pool from the Village fire hydrant. An authorized employee of the Village will assist in connecting the meter to the hydrant for use in filling the swimming pool.

Water drawn from the hydrant for pool fills will be calculated by the meter, and the resident will be billed for the water at the current water rate. C. Special Rates

For miscellaneous services for which a special rate shall be established, such rates shall be fixed by Village Council resolution. D. Water Turn On and Turn Off Charges and Work Hours

The Village will impose a charge of \$75.00 when the Village is requested to turn the water on or turn the water off after regular hours of the Water Department, on weekends and on holidays that are observed by the Village of Grand Beach. If the Water Department has to return to turn the water back on or off after the initial visit, there will be an additional \$75.00 charge.

Regular Work Hours of the Water Department are defined as Monday through Friday between the hours of 7:00 a.m. EST and 3:00 p.m. EST, with the exception of any holiday observed by the Village of Grand Beach.

E. Delinquent Account

Charges for services rendered shall be calculated, billed and collected on a monthly or bi-monthly basis and payable as of the "Due Date". If payment is not received by the Village by the "Due Date" shown on the water bill, such charge shall be deemed delinquent and a penalty of 10% shall be added thereto. If such delinquency continues for thirty (30) days, then water furnished to such premises shall be shut off.

When water has been shut off, whether for non-payment of water bill, or any violation of this ordinance, a charge of \$50.00 shall be made for the final meter reading and turnoff. Water service shall not be restored to the premises until all delinquencies, charges, penalties, and fees are paid in full.

F. Enforcement of Lien on the Premises to Secure Payment

i. The charges for water services, pursuant to the provisions of Section 21 of Act No. 210 of the Public Acts of Michigan of 1941 (MCLA § 141.121) and Section 2 of Act No. 178 of the Public Acts of 1939, as amended by Act No. 132 of the Public Acts of Michigan of 1981 (MCLA § 123.162), and as may be amended in the future, are a lien on all premises immediately upon the distribution of water service to the premises or property supplied.

ii. The Village Treasurer shall annually, on May 1, certify all unpaid charges for such services furnished to any premises which, on April 30 preceding, have remained unpaid for a period of six months, to the Township Assessor, who shall place the same on the next tax roll of the Township. An additional penalty in an amount equal to 10% of the delinquent bill shall be added at the time the delinquent bill is entered on the tax roll.

iii. Such charges so assessed shall be collected in the same manner as general Village taxes, in cases where the Village is properly notified in accordance with Section 21 of Act No. 210 of the Public Acts of Michigan of 1941 (MCLA § 141.121).

iv. If a tenant is contractually responsible for the payment of water charges at a premises, the Village Clerk shall be notified in writing. Such notice shall include a fully executed copy of the lease for the subject premises. If these written requirements are met, then the water charges shall not become a lien against the premises after the date of the notice. In the event of filing of the notice with the Clerk, the Village shall render no further water service to the premises until a cash deposit of \$250.00 is made as security for the payment of water charges. In addition to any other lawful enforcement methods, the payment of charges for water service to any premises may be enforced by immediately discontinuing the water service to the premises until payment of charges and the cash deposit is made to the Village.

G. Tampering with Water System Prohibited

No person, except authorized employees of the Village, and then only in the legitimate discharge of their duties, shall open or close any main valve or fire hydrant, or remove the cover for any valve or hydrant, nor shall any person interfere with or damage in any manner any building, machine, pipe, meter or fixture of the Water Department. The use of fire hydrants as a source of water supply, except by employees as above mention is strictly prohibited, unless written permission is obtained from the Water Department.

No person, except authorized employees of the Village shall remove a water meter, or turn the water on or off at the water meter.

Any person, other than an authorized Village employee, who opens a water meter cover to turn the water on or off, or removes the water meter shall be responsible for a municipal civil infraction and fined a minimum of \$200.00 for tampering with the meter. If there is damage caused, the homeowner will be charged the actual costs to repair the damages (employee time, benefits and materials) plus any administrative cost, legal fees, inspection fees, or any other fees incurred by the Village in relation to a violation of this section.

H. Fire Hydrant Rate

For water used through a fire hydrant, the Village shall pay a charge of \$100.00 per hydrant per year to the Water Fund, which charge shall be payable from the current funds of the Village, or from the proceeds of taxes which the Village, within constitutional and statutory tax rate limits, is hereby Authorized and required to levy in an amount sufficient for that purpose. Section 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

Section 3. An ordinance summary shall be published in the New Buffalo Times, New Buffalo, Michigan newspaper, a paper of general circulation in the Village, promptly after

its adoption, and shall be recorded in the Ordinance Book of the Village, and such recording authenticated by the signatures of the Village President and Village Clerk. Section 4. This Ordinance is hereby determined by the Village Council to be immediately necessary for the preservation of the peace, health and safety of the Village and is therefore declared to have immediate effect after publication requirement has been met.

ORDINANCE DECLARED ADOPTED.

PAUL LEONARD JR., Village President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17th day of February, 2016, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk