

BARTON HILLS VILLAGE CODE

Adopted 11/9/2015 (As amended--see last page)

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TITLE I – VILLAGE ORGANIZATION

Chapter 1 - Code Contents and Interpretation

1:1 - Short Title

This document shall be known and cited as the Barton Hills Village Code.

1:2 – Amendment Procedure

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

1. To amend any section:

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

2. To insert a new section, chapter or title:

AN ORDINANCE TO AMEND THE CODE OF BARTON HILLS VILLAGE BY ADDING A NEW SECTION (_____ NEW SECTIONS, A NEW CHAPTER, OR A NEW TITLE, AS THE CASE MAY BE) WHICH NEW SECTION (SECTIONS, CHAPTER, OR TITLE) SHALL BE DESIGNATED AS SECTION _____ (SECTIONS _____ AND _____ OF CHAPTER _____ OF TITLE _____ (or proper designation if a chapter or title is added) OF SAID CODE.

3. To repeal a section, chapter, or title:

AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____), CHAPTER _____, TITLE _____, (as the case may be) OF THE CODE OF BARTON HILLS VILLAGE.

1:3 – Penalties

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

Chapter 2 – Village Superintendent

1:20 - Appointment

The Village Superintendent shall be appointed by, shall report to and serve at the pleasure of the Village Board of Trustees. The Village Superintendent shall be in charge of administering the facilities and personnel of the Village.

1:21 – Authority

The authority and duties of the Superintendent include, but are not limited to the following:

1. PERSONNEL

- a. Supervision of all employees of the Village.
- b. Hiring, suspension, or termination of employees.

2. FACILITIES

- a. Maintenance, repair and replacement of BHMC-owned roads including clearance of ice and snow.
- b. Maintenance, repair and replacement of all Village buildings, grounds and equipment.
- c. Operation of the Village water system.
- d. Preparation of the Village offices for meetings.
- e. Maintenance of records concerning the locations, conditions and insurance of all Village facilities.
- f. Coordination of the activities of service providers in the Village including those providing telephone, electricity, gas, cable television, Internet and refuse removal services.

3. SECURITY

- a. Enforcement of Village ordinances. The Superintendent shall have authority to issue citations and violation notices for violations of the Village Code. The Sheriff's Department may also issue citations and violation notices for violations of the Village Code.
- b. Coordination of patrols in the Village by County Sheriff's Department personnel.
- c. Assistance to those providing firefighting and other emergency services in the Village.
- d. Other reasonable measures as set forth in policies adopted by the Board of Trustees to assure the privacy, safety, and security of Village residents.

4. PURCHASES AND CONTRACTS

Except as modified by policy of the Board of Trustees:

- a. Within budget limits, make purchases of supplies and services which in each instance shall not exceed \$20,000, and make recommendations to the Board of Trustees for purchases which exceed \$20,000.
- b. Make purchases of unbudgeted supplies and services in which each instance shall not exceed \$1,500, and make recommendations to the Board of Trustees for purchases which exceed \$1,500.
- c. Make purchases of emergency supplies and services for pivotal municipal services, and alert the Board of Trustees as soon as reasonably possible or at the next Trustee meeting, whichever occurs first.
 - i. An *emergency* is a purchase made in a crisis where immediate action is required to: Prevent possible loss of life or property; or prevent significant financial loss, environmental impact, or impairment of the safe provision of pivotal municipal services; or maintain the functional integrity of equipment or buildings necessary for the safe provision of pivotal municipal services.
 - ii. A *pivotal municipal service* is the provision of clean drinking water, trash removal, the security or safe use of Village equipment or buildings, and the functionality or security of Village IT systems.

Chapter 3 – Public Safety [Repealed]

Chapter 4 – Public Improvement Fund

1:40 – Fund Established

Pursuant to Public Act 177 of 1943, State of Michigan, as amended, being MCL 141.261 et seq. a Public Improvement Fund is hereby created and established for the purpose of appropriating, providing for, setting aside and accumulating moneys to be used for acquiring, constructing, extending, altering, repairing, or equipping public improvements or public buildings for Barton Hills Village.

1:41 – Use of Fund

Moneys accumulated in the Public Improvement Fund shall not be transferred, encumbered, or otherwise disposed of, except for the purpose of acquiring, constructing, extending, altering, repairing, or equipping public improvements or public buildings which the Village may by the provisions of its Charter or the general law be authorized to acquire, construct, extend, alter, repair or equip. Funds established and moneys on hand presently allocated to or appropriated for the making of capital improvements shall be transferred to and credited to such Fund herein created and when so transferred or credited shall be governed by the provisions of this Chapter.

1:42 – Revenues for Fund

The Board of Trustees may allocate to said Public Improvement Fund miscellaneous revenues received and credited to the general fund, including revenues received under the provisions of law and also revenues received from the sale of lands owned by the Village of Barton Hills Village and which are no longer needed for public purposes, if the said revenues are not otherwise pledged or encumbered for other purposes.

1:43 – Investment of Funds

The moneys available in the Public Improvement Fund shall from time to time be invested by the Village Treasurer in accordance with the authority given the Treasurer by the Village Board of Trustees for the investment of public funds.

1:44 – Restrictions

The assets of the Public Improvement Fund shall not be transferred or appropriated by the Board of Trustees to any other purpose except the purposes herein specified. Appropriations from said Fund shall specify the public improvement which is to be acquired, constructed, extended, altered, repaired or equipped with the fund so appropriated.

Chapter 5 – Special Assessments

1:50 – Village Expenses Attributable to Single Lot

When any expense is incurred by the Village regarding any single lot or tax parcel, which expense is chargeable against it and the owner of it under the provisions of the Village Charter, the Village Code, or law of the State of Michigan, an account of the labor, material or services for which the expense was incurred, verified by the Village Superintendent, with a description of the lot or tax parcel and the name of the owner shall be reported to the Village Treasurer who shall bill the owner. The bill shall be sent by first class mail to the owner of the lot or tax parcel regarding which the expense was incurred by the Village.

1:51 – Special Assessment

The Village Superintendent shall from time to time report to the Village Board of Trustees the unpaid charges for services furnished to or expense incurred for any premises which on the last day of the month preceding the date of the report to the Board of Trustees have remained unpaid for a period of not less than 120 days. Upon receipt of the report, the Board of Trustees shall adopt a special assessment resolution covering each lot or tax parcel for which charges have not been paid in full. After the adoption of the resolution, the Village Clerk shall give notice to the lot or tax parcel owners. The notice shall be sent by first class mail to the last known addresses of the persons as shown on the assessment roll, or by publication. The notice shall state the basis of the assessment, the amount, and shall give a reasonable time, not less than 30 days, within which payment shall be made to the Treasurer. The notice shall include notice that failure to pay within the time set will result in a penalty of 10% of the amounts due. In all cases where payment is not made within the time set, the Village Treasurer shall charge the amounts, together with a penalty of 10% of the amounts, against the lots or tax parcels on the next tax roll. Charges so assessed shall be collected in the same manner as general Village taxes.

1:52 – Power to Levy Special Assessments

The Village Board of Trustees shall have the power to determine that the whole or any part of the cost of the acquisition, construction, repair, maintenance, or replacement of any improvements, or the cost of the provision of any public service within the Village may be defrayed by a special assessment upon the property especially benefited.

1:53 – Initiation of Proceedings

Special assessment proceedings may be initiated by the Village Board of Trustees or by a petition of the owners of land within the Village for which the improvement petitioned will benefit. Such a petition shall be only advisory to the Board and shall be on a form approved by the Board. Any such petition shall be filed with the Village Clerk. Notwithstanding the above, the Board need not consider any such petitions unless they contain the signatures of 51% of the property owners proposed to be included within a special assessment district.

1:54 – Direction by Resolution to Prepare Plans

When the Board determines the advisability of considering the acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, and paying for such activities by a special assessment, the Board shall by resolution direct the preparation of a report to it, which report shall include plans and specifications of the proposed activity, an estimate of the cost of such activity, what portion of the cost shall be paid by special assessments and what, if any, portion shall be paid by the Village, the number of installments for such assessment, the interest to be charged on deferred installments, the land on which the assessment would be levied, and such other information as the Board shall direct.

1:55 – Filing of Report

The report shall contain the information requested, as well as a description of all properties, estimated by the person directed to prepare the report, to be benefited by the proposed activity. The report shall be filed with the Village Clerk.

1:56 – Public Hearing on Necessity of Activity

Either at the time of the resolution calling for the preparation of such report or thereafter, the Board shall, by resolution, establish a date for a public hearing and provide for the giving of at least ten days notice of such hearing in the manner provided below.

1:57 – Notice of Public Hearing

The Board shall approve the form of a notice of public hearing for a hearing under this Chapter, which notice shall describe the acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, and shall describe the proposed special assessment district. The notice of hearing shall be published at least once in a newspaper published or circulated in the Village, and the Board shall also give notice to each owner or party in interest in property to be assessed whose name appears upon the last local tax assessment records, by mailing by first class mail addressed to such owner or party in interest at the address shown on the tax records. The “last local tax assessment records” means the last assessment roll for ad valorem tax purposes which has been reviewed by the local Board of Review as supplemented by any subsequent changes in the names or the addresses of the owners or parties listed on it.

1:58 – Public Hearing

At the time and place specified in such resolution for public hearing, the Board shall meet and hear any objections to the proposed acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, or to the proposed special assessment district, by any person affected by such activity to be provided. The hearing may be adjourned from time to time by announcement and without the necessity for further notice by publication or mail, and the Board may make any changes in the proposed activity or assessment district which shall seem reasonable or proper and in the best interests of the Village; provided however that the activity or the area in which it is proposed to be provided shall not be enlarged or extended without

another public hearing held after giving notice of such hearing in the manner provided above.

1:59 – Board Determination of Necessity

After the public hearing, the Board may by resolution determine to proceed with the acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, and to defray the whole or any part of the cost of such activity by assessments upon property especially benefited. The resolution shall include the approval of the plans and specifications on file with the Clerk, either as filed or as modified by the Board; shall establish the district which is to be especially benefited and upon which special assessments shall be levied; shall provide for the manner in which the assessment is to be levied; and shall direct the Treasurer to spread the roll. The Board may also provide in such resolution that a portion of the cost of such activity shall be paid by the Village at large. Such resolution shall also provide for the number of installments in which each assessment may be paid.

1:60 – Preparation of Assessment Roll

The Village Treasurer shall thereupon prepare a special assessment roll, including all parcels of land within the special assessment district designated by the Board, and shall assess to each parcel of land such portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefit to all lands in the district, as determined by the Board. Upon completion of such roll, the Treasurer shall attach to it his or her certificate to the effect that the assessments have been made pursuant to the resolution of the Board and provisions of this Chapter 5, at which time the Treasurer shall file the proposed roll with the Village Clerk.

1:61 – Notice of Public Hearing on Assessment Roll

Upon filing of the proposed roll with the Clerk, the Board shall by resolution establish the time and place when it will meet and review such roll, which meeting shall be held not less than ten days after notice has been given of such hearing as provided above in Section 1:57.

1:62 – Board Determination on Assessment Roll

At the hearing provided for in Section 1:61 above, the Board shall review the roll and may confirm it as proposed or with such corrections as it may determine are appropriate; may refer the roll back to the Treasurer for revision; or may vote to abandon any further proceedings in connection with the activities. The roll shall not be confirmed unless by a majority of the Board. Furthermore, no original special assessment district roll shall be confirmed, if prior to such confirmation, written objections to the proposed improvement have been filed by owners of property which will be required to bear more than 50% of the amount of such special assessment, except by the affirmative vote of seven members of the Board. After confirmation, the roll and all assessments shall be final and conclusive unless A) contested in a court of competent jurisdiction within 30 days after the date of confirmation; or B) in the case of an individual assessment, unless a protest

was made by that owner or party in interest at the hearing to confirm the roll, and that owner has timely appealed the assessment to the Michigan Tax Tribunal.

1:63 – Combination of Hearings on Necessity and Assessment Roll

As provided in Section 9.2 of the Village Charter, the Board may determine that it shall hold a single hearing to determine the necessity of such an activity and the confirmation of the special assessment roll. If the Board determines to hold a single hearing, it shall direct that a report be prepared as required by Section 1:54 above; that a roll be prepared as required by Section 1:60 above; and that notice of the public hearing be given as required by Sections 1:56 and 1:57 above.

1:64 – Installment Payments

The first installment of any special assessment shall become due on September 14 of the year of the adoption of the resolution confirming the roll, and one installment shall be due every 12 months thereafter. Furthermore, the Board may determine that the installment may become due at such time as the Village ad valorem taxes are otherwise assessed and are due.

1:65 – Interest, Fees, and Penalties

The Board may determine that the unpaid part of any special assessment may bear interest at a rate of 4 % per annum from the due date of the first installment until said assessment shall have been paid in full. The same penalty and fee shall be collected on delinquent special assessments and upon delinquent installments of such special assessments as are provided for in the collection of delinquent taxes.

1:66 – Reassessments, and Refunds of Excess Collections

If, upon the completion of any such project it is determined that the amount assessed will not be sufficient to pay that portion of the cost which the Board has determined shall be assessed against private property, the Board may make an additional assessment of such deficiency upon the property in the assessment district in the same ratio as the original assessment. If the amount assessed in the original assessment is 5% or more greater than the actual cost of the project, the Board shall, by resolution, order such excess refunded proportionately to the then owners of the properties in the assessment district, provided however that there shall be no refund in any amount of \$10.00 or less; and provided further that the Board may determine that the excess may be placed in to the general fund of the Village. If any assessment is declared void or invalid by the Board or by a court of competent jurisdiction, the Board may undertake a reassessment pursuant to the procedures stated above.

1:67 – Lien of Special Assessment

Special assessments and all interest, penalties and charges of such assessments from the date of confirmation of the roll shall be and remain a lien upon the property assessed of the same character and effect as a lien created by general law for state and county taxes, or the Village Charter for Village taxes, until paid. The failure of an owner to receive any notice required to be sent under this Chapter shall not invalidate any special assessment or any special assessment roll if such notice was in fact published and mailed as provided

above. Any failure to give notice to an individual owner or owners as required in this Chapter shall not invalidate an entire assessment roll. In no case shall any special assessment be declared invalid as to any property if the owner or party in interest thereof has actually received notice, or has waived notice.

1:68 – Severability Clause

If any Section of Chapter 5 is found to be invalid or unconstitutional by any court of competent jurisdiction, that Section shall be deemed a separate, distinct and independent Section. Such a finding shall not affect the validity of the remaining sections, and the remainder of Chapter 5 shall remain in effect.

Chapter 6 – Civil Infractions

1:60 - Initiation of Civil Infraction Enforcement.

Enforcement action regarding violation of the Village Code or Zoning Ordinance designated as a civil infraction may be started in two ways:

1. A citation may be issued requiring an appearance in District Court,
2. A violation notice may be issued which will permit payment of a fine at the Village Violations Bureau.
3. The Superintendent and the County Sheriff's Department are authorized to issue and serve citations and violation notices for violations of the Village Code. The Zoning Administrator is authorized to issue and serve citations and violation notices for violations of the Village Zoning Ordinance.

1:61 – Content and Service of Citations and Notices

1. Civil infraction citations and notices shall be issued and served by persons authorized by this code or by resolution of the Board of Trustees
2. The content, service and processing of civil infraction citations and notices shall comply with MCL 600.8705, MCL 600.8707 and MCL 600.8709.

1:62 – Violations Bureau

The Violations Bureau is established in the Village Hall, 199 Barton Shore Drive. Persons or organizations served with civil infraction notices may admit responsibility and pay the civil fine specified on the violation notice at the Violations Bureau. If the alleged violator denies responsibility or the civil fine is not paid, the Village may issue a civil infraction citation in the manner specified in MCL 600.8707. Fine money paid at the Violations Bureau shall be retained by the Village.

1:63 – Civil Fines Payable at the Violations Bureau

Civil fines payable at the Village Violation Bureau shall be in accordance with the following schedule. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. A repeat offense is one occurring within six months of the previous offense.

Chapter number and subject	First Offense	First Repeat Offense	Second and subsequent repeat offenses
8. Septic Systems	\$100	\$200	\$500
14. Signs	\$50	\$100	\$200
15. Tree Maintenance	\$25	\$50	\$100
16. Geothermal Systems	\$500	\$1,000	\$2,000
17. Illicit Discharge	\$100	\$200	\$500
20. Disorderly Conduct	\$100	\$200	\$500
21. Noise	\$100	\$200	\$500
22. Animals	\$75	\$200	\$400
24. Road use	\$25	\$100	\$200
25. Auctions	\$25	\$50	\$100
26. Bicycles	\$25	\$50	\$100
27. Road Activities	\$25	\$50	\$100
Zoning Ordinance	\$100	\$200	\$500

Chapter 7 – Purchase of Development Rights

1:70 - Findings and Declaration of Purpose

1. Barton Hills Village is a desirable place to live, work and visit in large part because of the availability of farmland and open space and the relief that wetlands, woods and agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.
- 2 It is the policy of the State of Michigan and Barton Hills Village to protect, preserve and enhance agricultural and open space lands.
3. The permanent acquisition by the Village of voluntarily offered interests in Farmland and Open Space Lands within the Village, as provided in this chapter and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain as farmland and open space near developing urban areas and provide long-term protection for the public interests which are served by farmland and open space lands in the Village.
4. Michigan Public Act 262 of 2000 created an agricultural preservation fund within the State Treasury. Money in this fund may be used to provide grants to local units of government to assist in the acquisition of agricultural conservation easements provided that the local unit has adopted a code chapter for the purchase of development rights and that the local unit has a comprehensive land use plan that includes a plan for agricultural preservation.
5. Properties on which the Village has purchased the development rights should remain substantially undeveloped in order to promote their agricultural use or open space use.
6. The acquisition of interests in farmland and open space lands as provided in this chapter is a public purpose of Barton Hills Village as provided in this chapter.
7. The use of Village funds for the purpose of paying in whole or in part the cost of acquisition of interests in Eligible Lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of Conservation Easements, or participation with any party for such purposes will promote the public health, safety and general welfare of the people of Barton Hills Village.

1:71 - Definitions

1. “Agricultural Rights” means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural use or Open Space Character.
2. “Agricultural Use” means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, berries, herbs, flowers, seeds, nursery stock, grasses, Christmas trees, forages and sod

crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and poultry products and other similar uses and activities.

3. “Board of Trustees” means the Barton Hills Village Board of Trustees.
4. “Development” means an activity that materially alters or affects the existing conditions or use of any land in a manner that is inconsistent with Agricultural Use or Open Space Character.
5. “Development Rights” means an interest in and the right to use, divide or subdivide land for any and all residential, office, commercial, research, industrial or other use, purposes or activities not incidental to Agricultural Use or Open Space Character.
6. “Conservation Easement” means a grant by a written instrument pertaining to Development Rights whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to undertake development on the land, except as this right is expressly reserved in the instrument.
7. “Eligible Land” means Farmland and Open Space Land for which the purchase of a Conservation Easement with tax funds and other monetary sources are authorized pursuant to this chapter.
8. “Farmland and Open Space Land” means those lands shown in the then current Village General Master Plan as planned for Agricultural Use or Open Space
9. “Full Ownership” means fee simple ownership.
10. “Governmental Agency” means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.
11. “Open Space Character” or “Open Space Use” means “substantially undeveloped land” devoted to the maintenance or enhancement of natural processes (e.g., water quality, plant and wildlife habitat, groundwater recharge) and/or the scenic enjoyment of the public.
12. “Owner” means the party or parties having the fee simple interest in land.
13. “Parcel” means all property under a single ownership that is included in the application.
14. “Permitted Use” means any use contained within a Conservation Easement essential to the Agricultural Use or which does not alter the Open Space Character of the land.
15. “Residential Development Rights” means the right to sell portions of a parcel, or to construct a residence and related accessory buildings such as a garage or shed on a parcel, for residential uses not related to the Agricultural Use or Open Space Character of the property.

16. “Substantially Undeveloped Land” means land on which there is no more than one residential dwelling unit and related accessory buildings such as a garage or shed for each 40 acres of land. For parcels less than 40 acres in existence before February 18, 2010, and which cannot be joined to a larger contiguous parcel, Substantially Undeveloped Land means land on which there is no more than one residential dwelling unit and related accessory buildings for the parcel.

17. “Value of Development Rights” means the difference between the fair market value as determined by a qualified appraisal of full ownership of the land (excluding the buildings thereon) and the fair market value as determined by a qualified appraisal of the Agricultural Rights plus any Residential Development Rights to be retained by the Owner.

1:72 - Authorization

1. The Board of Trustees is hereby authorized to expend revenues to acquire Conservation Easements in the Farmland and Open Space Lands described and prioritized in Section 1.75 of this Chapter. The interest acquired may either be all of the Development Rights, or any lesser interest, easement, covenant or other contractual right pertaining to such Development Rights. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Chapter. The revenues shall be used to acquire such Development Rights only those authorized by law and only upon application of the Owner and in a strictly voluntary manner.

2. The Village is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of donations of easements and other Development Rights, consistent with applicable law and this Chapter. When installment purchases are made, the Village is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest equal to or below the prevailing market conditions at the time of execution of the installment contract for the purchase of such interest.

3. The Board of Trustees is further authorized to enter into contracts with municipal corporations or governmental agencies or with recognized and legally established and existing nonprofit land trusts (for example, American Farmland Trust and Washtenaw Land Trust) or other experienced and qualified nonprofit groups to participate jointly in the acquisition, holding or management of Conservation Easements in Eligible Lands.

4. The Village may contract with recognized municipal corporations or governmental agencies or with legally established nonprofit land trusts or other experienced and qualified nonprofit groups that would share in the process of negotiating Conservation Easements, and in establishing both the baseline studies and the procedures for monitoring of any conservation easements or Development Rights acquired under this chapter which would be done in accordance with “The Standards and Practices Guidebook” by the Land Trust Alliance.

5. Interest that the Village owns in property other than Eligible Lands may be exchanged for Development Rights in Eligible Lands on an equivalent appraised value basis. If the Development Rights exchanged are not exactly equal in appraised value, cash payments or other method of acquisition authorized by law and this chapter may be made to provide net equivalent value in the exchange.

1:73 -- Retained Residential Development Rights

1. Eligible Lands on which the Village has purchased the Development Rights, shall remain substantially Undeveloped Land in order to promote Agricultural Use or Open Space Character and the purposes of this chapter.
2. It may be in the best interest of an Owner, the Village, and the purposes of this chapter, that certain Owners retain some Residential Development Rights so long as the parcel remains Substantially Undeveloped Land. When an owner retains some Development Rights, the land value retained remains higher than if all Development Rights had been sold and the value of the Development Rights to be purchased is correspondingly reduced.
3. Applications for the sale of Development Rights may include a request to retain Residential Development Rights, provided that no retained Residential Development Rights result in adding more than a total of one dwelling unit for each 40 acres in the parcel, located in a manner to maximize Agricultural Use or Open Space Character, with the location and size subject to Village Board approval.
4. The building locations for retained Residential Development Rights may be restricted in the negotiated Development Rights Easement in order to protect other important features of the property. All building locations and lot sizes must also conform to existing zoning in the Village where the property is located.

1:74 --Retained Residential Development Rights

1. Eligible Lands on which the Village has purchased the Development Rights, shall remain Substantially Undeveloped Land in order to promote Agricultural Use or Open Space Character and the purposes of this chapter.
2. It may be in the best interest of an Owner, the Village, and the purposes of this chapter, that certain Owners retain some Residential Development Rights so long as the parcel remains Substantially Undeveloped Land. When an owner retains some Development Rights, the land value retained remains higher than if all Development Rights had been sold and the value of the Development Rights to be purchased is correspondingly reduced.
3. Applications for the sale of Development Rights may include a request to retain Residential Development Rights, provided that no retained Residential Development Rights result in adding more than a total of one dwelling unit for each 40 acres in the parcel, located in a manner to maximize Agricultural Use or Open Space Character, with the location and size subject to Village Board approval.

4. The building locations for retained Residential Development Rights may be restricted in the negotiated Development Rights Easement in order to protect other important features of the property. All building locations and lot sizes must also conform to existing zoning in the Village where the property is located.

1:75 - Eligible Lands and Priority of Acquisition

Revenues shall be used to purchase Conservation Easements in the order of the priority established in Section 1.77. Only Development Rights in Farmland and Open Space Land, as defined in this chapter are eligible for consideration for purchase under this chapter.

1:76 – Criteria for selection.

The following criteria shall be used in determining the order in which applications will be prioritized in any Selection Round (defined in Section 1.77) to purchase Development Rights on all Eligible Lands for which complete applications have been received by the Village:

This numerical ranking system has been developed to prioritize Farmland and Open Space Land for the purchase of Development Rights. After an initial screening (for hazardous waste and agricultural or rural residential zoning and other preliminary matters), sites shall be evaluated using this system. It is the intention of the users of this system to direct efforts toward high quality Farmland and Open Space Land in areas of the Village where preservation is most appropriate.

Appropriateness shall be determined by favorable natural conditions and location factors, including contiguity to farmland and the ability to support viable natural communities or scenic views. Areas eligible for consideration under this chapter are those lands shown in the Village General Development Plan as planned for Agricultural Preservation, as adopted and amended from time to time.

DESCRIPTION OF THE SYSTEM. The farmland ranking system consists of four sections with a maximum point value of 100. The parts are summarized below, with detailed explanations on the following pages.

PART	TOTAL POINTS
I – Characteristics of the Farmland	20
II – Stewardship of the Land	13
III – Likelihood of Conversion to Nonfarm Use	9

IV – Long-range Planning Considerations	35
V – Financial Considerations	23

PRIORITIES. The point value arrived at through the use of this system will be used to prioritize Farmland and Open Space Areas for purchase of Development Rights. Higher point values indicate higher priority for purchase.

An explanation of terms and parameters used in the system appears follows:

CHARACTERISTICS OF THE FARMLAND

MAXIMUM POINTS = 20

A. Type of Agricultural Land (See Appendix for explanation of terms)

Percentage of Prime Soils and Other Productive Soils
Score

Greater than 80%	8
50-80%	5
Less than 50%	2

B. Size of Parcel Offered for Development Rights Purchase

Acreage Score

80 acres or more	9
40 to 79.9 acres	5
20 to 39.9 acres	3
Less than 20 acres	2

C. Farm Buildings

Buildings	Score
Usable, functional farm buildings on site	3
Usable, functional farm buildings within one mile	1

STEWARDSHIP OF THE LAND

MAXIMUM POINTS = 13

A. Conservation Plans (See Appendix)

Extent of Conservation Plan	Score
NRCS conservation plan fully implemented or conservation practices used to the fullest extent necessary	4
Conservation plan partially implemented or some practices used	2

B. Owner Involvement

Involvement	Score
All gross farming revenue generated from the site is generated by the owner(s) and employees	6

C. Enrollment in P.A. 116 (see Appendix)

Enrollment	Score
Nominated property is enrolled in P.A. 116	3

LIKELIHOOD OF CONVERSION TO NONFARM USE

MAXIMUM POINTS = 9

A. Amount of Road Frontage

Frontage	Score
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2,000 feet or more	5
1,000 to 1,999 feet	3
500- to 999 feet	1

B. Amount of Wetlands and/or Floodplain

Wetlands/Floodplain	Score
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0 to 9.9%	4
10 to 39.9%	2

LONG-RANGE PLANNING CONSIDERATIONS

MAXIMUM POINTS = 35

A. Current General Development Plan Classification	Score
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In area planned for agricultural production	11
In area planned for open space preservation	6

B. Current Adjacent Zoning Classification

Percent of Perimeter in Agricultural Zoning (Zoned A-1 and A-R)	Score
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90% or more	6
75-89%	4
40-74%	3
15-39%	1

C. Scenic, Historical or Architectural Features (see Appendix)

Features	Score
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Farm site provides significant scenic value and has unique historical or architectural structures	7
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Farm site provides either a significant scenic vista or has unique or architectural structures	4
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D. Natural Features

Features	Score
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Stream corridors, woodlots or rare species present	4
--	---

E. Proximity to Protected Land (see Appendix)

Distance	Score
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Adjacent	4
----------	---

Within one-half mile	2
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Between one-half and one mile	1
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F. Groundwater Recharge and Protection

Percent of Property in a Groundwater Recharge Area	Score
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Greater than 75%	3
------------------	---

Between 50% and 75%	2
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FINANCIAL CONSIDERATIONS

Maximum Points = 23

A. Ability to Attract Matching Funds (see Appendix)

Funds Availability	Score
Matching funds equal to or exceeding 65% of the appraised value are available	8
Matching funds equal to or exceeding 50%, but less than 65%, of the appraised value are available	5
Matching funds equal to or exceeding 10%, but less than 50%, of the appraised value are available	3
Matching funds less than 10% of the appraised value are available	1

B. Landowner Contribution

Percent of appraised value donated	Score
50% or more	15
40-49%	12
30-39%	10
20-29%	8
10-19%	6
5-9%	4

1:77 – Selection

The Board of Trustees shall conduct a voluntary property selection process for the purchase of Development Rights (herein called the “Selection Round”) generally as follows:

1. In all Selection Rounds, properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

(a) The Board of Trustees may negotiate for a lower price and/or seek outside funding for the purchase of Development Rights on any parcel offered, subject to approval of the Village Board.

(b) In the interest of protecting a significant amount of Farmland and Open Space Land, the Board of Trustees may determine not to buy all or any of the Development Rights on a particular parcel if the Board of Trustees makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued Development Rights.

(c) The Board of Trustees may establish preferences among applicants of roughly equal ranking for applications judged to have the most favorable impact upon future land use in the Village.

(d) The Board of Trustees may receive and act on appeals of any factual nature by affected property Owners.

2. The Board of Trustees shall begin each Selection Round by publishing a notice 30 days prior to the Selection Round in one newspaper of general circulation in Barton Hills Village. The notice shall describe the properties eligible for purchase in the Selection Round in accordance with this chapter; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process); and shall invite the owners of such properties to make application for purchase of Development Rights by the Village and to describe the Development Rights which the Owner is willing to sell, including any Residential Development Rights to be retained by the Owner. Applications shall be submitted to a location within the Village to be specified by the Board of Trustees and stamped with the date of receipt.

3. Written applications by Owners who desire to have their Development Rights purchased by the Village shall be submitted on application forms provided by the Board of Trustees, and shall include a detailed description of the Development Rights, if any, the Owner desires to retain. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated one application.

4. Upon closing of the application period, the Board of Trustees shall review each application that has been received to determine the eligibility and priority classification of each Conservation Easement and to verify ownership by tax records and title searches.

5. For those Eligible Lands that meet the requirements of Section 1.75, the Board of Trustees shall order an appraisal of the applicant's Development Rights. A "before and after" appraisal shall be made to determine the value of Development Rights to be purchased. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any specifically retained Residential Development Rights.

6. Appraisals shall be made by State certified appraisers selected by the Board of Trustees. The selected appraiser shall not have an ownership interest, personal interest or financial interest in Eligible Lands. The same appraiser shall conduct both the before and after appraisals.

7. Appraisals shall be in writing and shall be furnished to the respective Owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Board of Trustees or by Owners of the property appraised, but corrections of the appraisal may be made only by the appraiser upon authorization by the Board of Trustees.

8. After review as provided above, the Board of Trustees shall, by majority vote of its members, approve or disapprove the proposed Development Rights purchase. If approved, the Developments Rights Easement shall be promptly executed and recorded and the Treasurer shall be provided with a copy of the recorded document.

1:78 - Duration of Acquired Interests

1. Development Rights acquired pursuant to this chapter shall be held in trust by the Village for the benefit of its citizens in perpetuity. Provided, if the Board of Trustees finds if existing, and on request of an Owner of property on which a Development Rights had been purchased by the Village more than 50 years prior, that the property can no longer reasonably sustain Agricultural Use or that the property has lost its Open Space Character, the Board of Trustees shall have the right, by majority vote of its members, to relinquish such Development Rights to the Owner, subject to conditions set forth in this Section 1.78. The Owner shall pay the fair market value of the relinquished Development Rights at the time of their return, as determined by a State certified appraiser. Proceeds of such disposition shall first be used for the acquisition of interests in Eligible Lands as provided in this chapter. If no Eligible Lands are available, the proceeds may be used to purchase or improve park land or open spaces. A “before and after” appraisal shall be made to determine the value of the Development Rights relinquished, and the Board of Trustees shall not relinquish the Development Rights for an amount less than the appraised value. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any retained Residential Development Rights. Appraisals of the fair market value of full ownership of a Development Rights shall be made by State certified appraisers selected by the Board of Trustees in its absence. The selected appraiser shall not have an ownership interest, personal interest or financial interest in Eligible Lands. In any event, the same appraiser shall conduct the before and after appraisals. Upon receiving the above information the Board of Trustees shall take final action on such recommendations.

2. If the Village Board approves a request that Farmland and Open Space Land described in this chapter can no longer reasonably be used for Agricultural Use or has lost its Open Space Character, the Village shall have a right of first refusal to purchase the remaining rights of the property at the fair market value of the Agricultural Use plus any retained Development Rights, as determined by a State certified appraiser, for the purposes of a Village park or other publicly-accessible property. Upon receiving the above information, the Board of Trustees shall take final action on such recommendations.

3. The Village may convey Development Rights acquired pursuant to this chapter to a legally existing and recognized conservation, open space preservation, historic

preservation or similar organization under terms ensuring that the public benefits for which the Village purchased the Development Rights will be maintained.

1:79 - Related Costs

The costs of appraisal, engineering, surveying, planning, financial, legal, and other services lawfully incurred incident to the acquisition of Development Rights in Eligible Lands by the Village in accordance with this chapter shall be paid by the Village. The Village shall not be responsible for expenses incurred by the Owner incident to any purchase of a Conservation Easement.

1:80 - Supplemental Funds

To the extent authorized by law, supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring Development Rights, or some lesser interest in Eligible Lands or to supplement or enlarge such acquisition. The Village Board, upon recommendation of the Farmland and Open Space Preservation Board is authorized to use such funds to purchase Development Rights in Eligible Lands or to otherwise supplement Village funds in the manner provided by this chapter and in accordance with the applicable laws or terms governing such grant.

1:81 - Development Rights Acquisition Fund

The revenues for purchasing Development Rights on Farmland and Open Space Land shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Barton Hills Village (“Acquisition Fund”). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Village money.

The revenues and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this chapter.

1:82 - Enforcement; Monitoring

1. The Village Building Official, at the direction of the Board of Trustees and in consultation with the Village attorney and the Preservation Board, shall administer and enforce this chapter and all Conservation Easements granted pursuant to this chapter in accordance with the terms of this chapter, the applicable Conservation Easement, and applicable state and federal law. In addition to the other rights and remedies available to the Village pursuant to a Conservation Easement and applicable state and federal law, a violation of this chapter shall be a civil infraction subject to the general provisions for municipal civil infraction violations of the Village Code.

2. Monitoring of conservation easements shall occur at least annually and shall be conducted by the Board of Trustees. Written monitoring reports of all Conservation Easements granted pursuant to this chapter, shall be filed with the Village and applicable state and federal authorities by January 31 of each year. Monitoring shall be conducted as follows: (a) written notice shall be sent to the landowner by certified mail 10 days prior to

a monitoring visit; (b) a monitoring visit should be at a time mutually agreeable to both the Village and landowner; (c) within 10 days of conducting the visit the Village should prepare a written report setting forth the following information: (i) identification of the property visited, (ii) name of owner when easement was acquired and the name of the current owner; (iii) a description of the modifications in the number, type, location or use of any structures on the property since the date of the recording of the Conservation Easement; and (iv) a statement of whether the provisions of the Conservation Easement have been observed; and (d) a copy of the report shall be sent by certified mail to the landowner.

1:83 - Severability

In the event any provision of this chapter shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Chapter 8—On-Site Sewage Disposal Systems

1:85 – Findings

The improper functioning of on-site sewage disposal systems can cause the pollution or impairment of ground and surface water quality, which can result in adverse effects on aquatic wildlife and affect the ability to use those ground and surface waters for public or private water supply. Periodic pumping and inspections of on-site sewage disposal systems can help prevent the improper functioning of such systems, thereby protecting and enhancing the public health, safety, and welfare.

1:86 – Periodic Pumping and Inspection of On-Site Disposal Systems

Every owner of property in the Barton Hills Village that has an on-site sewage disposal system (OSDS) shall comply with the following requirements:

1. At least once every four years, the septic tank(s) in the OSDS shall be emptied of accumulated waste. Written documentation of this work shall be filed with the Village Clerk within ten days of work completion, on forms prescribed by the Clerk.
2. This Chapter is intended to establish minimum standards, but compliance with the standards in this Chapter does not ensure that an OSDS will remain functional and in good working order. Rather, it establishes minimum standards which should be adequate in most cases, but may not be adequate in all cases.

1:87 – Enforcement

When a written report on an OSDS contains evidence or information that an OSDS has failed, is failing, or has the potential to fail before the next inspection of the OSDS required under this ordinance, the Village Clerk shall forward the written report to the Washtenaw County Environmental Health Division or other appropriate agency for enforcement action.

1:88 – Penalty for Violation

Except in an emergency where more immediate action is required, any owner who violates Section 1.86, shall first receive a letter by certified mail from the Village Clerk, notifying the owner that he or she is in violation and that the pumping or inspection shall be accomplished within six months after receipt of the letter. An owner who does not comply within said six month period may appeal to the Village Board for an additional six month period, if the owner can demonstrate to the satisfaction of the Village Board that the problem has been identified and plans for repair and/or restoration are in progress. At the end of the applicable period, an owner who is still in violation of Section 1.86 shall be responsible for a municipal civil infraction brought for a violation involving the use or occupation of land or a building or other structure and shall be subject to the order of the district court including a civil fine not to exceed \$500.00 and costs to which the Village has been put in an amount not less than \$9.00 nor more than \$500.00. If the civil fine and/or costs are not paid promptly, as provided by law, the Village may obtain a lien against the property, place the lien on the tax roll, and enforce it in the manner prescribed by the general property tax act. Each act of violation, and every separate day upon which any such violation occurs, shall constitute a separate offense.

Chapter 9 – Water Rates

1:90 -- Definitions

Unless the context indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. "Premises" shall mean each lot or parcel of land, building or premises having any connection to the Water Distribution System of Barton Hills Village.
2. "Person" shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.
3. "Superintendent" shall mean Superintendent of the Village.

1:91 – Fixing Rates

Water service provided by the Village shall be charged at the rates determined as set forth in this Chapter.

1:93 – Water Service to the Village

The Village shall not pay for water service.

1:94 – Rates and other Charges for Water Service

The rates to be charged for water service, the minimum annual charge for water service (if any), and other charges related to water service may be set and altered from time to time by resolution of the Village Board of Trustees and when so set or changed shall be published at least once in a newspaper of general circulation in the Village (which may include the Barton Bulletin published by the Village).

1:95 – Billing

Charges for water service shall be billed to premises at least annually during each fiscal year. These bills shall represent charges for the period immediately preceding the date of the bill. The bills shall be due and payable within 30 days from the date of the billing. All bills not paid when due shall be considered delinquent. Delinquent bills will be subject to a one time penalty of 7% plus 1% interest on the outstanding balance. The 1% interest shall accrue monthly until the balance is paid.

1:96 – Collection

The Village expects prompt payments from its residents. The Village is hereby authorized to enforce the payment of charges for water service to all premises according to the following collection policy.

1. After the initial billing, payments are expected 30 days after the billing date. If a payment is not received, a past due notice will be generated within 7 days of the initial due date.

2. The first past due notice will include in its balance a 7% penalty and 1% interest on balance outstanding. The first past due notice will have a due date of 30 days after past due billing date.

3. If an account remains delinquent, a second past due notice will be generated within 7 days of the first past due date. The second past due notice will also add 1% interest to the outstanding balance and will have a due date of 30 days past the second past due billing date.

4. If an account remains delinquent after the second past due notice due date, the amount shall become a lien against the premises. The Village Treasurer shall certify the fact of such a lien. The expense shall be entered by the Treasurer to the next tax roll as a charge against the premises and shall be collected. The lien shall be enforced in the same manner as general village taxes.

5. The Village reserves the right to discontinue service if deemed necessary. Where the water service to any premises is turned off to enforce the payment of water service charges, the water service shall not be recommenced until all delinquent charges have been paid. Additionally, a \$50 turn on fee will be assessed and payable at the time of service restoration.

TITLE II - LAND USE

Chapter 12 – Planning Commission

2:1 – Creation and Membership of Planning Commission

1. A seven member Planning Commission is created under the Michigan Planning Enabling Act, MCL 125.3801 et seq.
2. - The Village President shall appoint the members of the Planning Commission, subject to approval of the Village Board of Trustees.
3. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the municipality, in accordance with the major interests as they exist in the municipality, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Village to the extent practicable.
4. Members of the Planning Commission shall be qualified electors of the municipality, except that up to two Planning Commission members may be individuals who are not qualified electors of the Village.
5. Members of the Planning Commission, other than ex officio members, shall be appointed for three-year terms. However, initial appointments shall be made so that the terms of two Commission members expire each year.
6. One member of the Board of Trustees shall be appointed as an ex official member of the Planning Commission. That appointment shall expire at the end of that member's term of office as a trustee.
7. All appointed members of the Planning Commission may be compensated at a rate to be determined by the legislative body.
8. The ex officio member of the Planning Commission shall have full voting rights.

2:2 - Vacancy

If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

2:3 - Removal

The Board of Trustees may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest as defined in the Planning Commission bylaws, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the Planning Commission bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required

by this subsection constitutes malfeasance in office. A conflict of interest exists if a member has a direct financial interest in a matter before the Commission.

2:4 – Planning Commission Officers

At its first regular meeting each year, the Planning Commission shall elect a chairperson, vice-chairperson, and secretary from among its members. An ex officio member of the Planning Commission is not eligible to serve as chairperson or vice-chairperson.

2:5 - Meetings

1. The Planning Commission shall hold not less than four regular meetings each year.
2. The Planning Commission shall adopt bylaws for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.
3. Meetings of the Planning Commission are subject to the Open Meetings Act, as amended MCL 15.261 *et seq*, and the Freedom of Information Act, MCL 15.231 *et seq*.

2:6 - Funding

The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Trustees, which shall provide the funds, equipment, and accommodations necessary for the Planning Commission's work.

2:7 – Master Plan

The Planning Commission shall make and approve a master plan in accordance with the provisions of the Planning Enabling Act.

Chapter 13 – Enforcement of State Codes

2:10 – Agency Designated to Enforce State Building Code

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 (MCL 125.1501 *et seq.*), the Building Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

2:11 – Agency Designated to Enforce State Mechanical Code

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 (MCL 125.1501 *et seq.*), the Mechanical Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

2:12 – Agency Designated to Enforce State Plumbing Code

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 (MCL 125.1501 *et seq.*), the Plumbing Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

2:13 – Agency Designated to Enforce State Electrical Code

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 (MCL 125.1501 *et seq.*), the Electrical Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Chapter 14 – Sign Regulations

2:20 – Application of Chapter

Signs may be erected or maintained in the Village only as permitted by this chapter.

2:21 - Definition

A sign is a name, identification, description, display, light, balloon, banner, or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, park, or public property. Holiday decorations and mail boxes are not considered signs.

2:22 – Real Estate Signs

Each lot is permitted to have one sign advertising the sale or rental of the lot. The sign shall have a maximum height of 48 inches and a maximum width of 36 inches, including the support structure. The maximum area of the sign shall be 5 square feet. No part of the sign or support structure shall be less than 5 feet from the street pavement. The sign must be removed on the completion of the sale or rental transaction.

2:23 – Political Signs

A sign whose message relates to a candidate for political office, or to a political party, or to a political issue or an ideological opinion, is permitted, subject to the following conditions.

1. Each sign shall have a maximum height of 48 inches and a maximum width of 36 inches, including the support structure. The area of a sign shall be a maximum of 5 square feet.
2. No part of the sign or support structure shall be less than 5 feet from the street pavement.

2:24 – Permitted Signs

The following signs are permitted, but are subject to the restrictions of Section 2.25.

1. Address numbers and occupant names with a numeral and letter height not greater than 12 inches.
2. Names of building occupants painted on or attached to the building with a letter height not greater than 12 inches.
3. Authorized signs of the state or a political subdivision of the state.
4. Signs of a religious institution, school, recreational facility or library indicating the name and having an area not greater than 50 square feet.
5. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building.

6. Flags bearing the official design of a nation, state, municipality, educational institution or noncommercial organization, provided that the flag pole is set back from the property line a distance of 1 foot for every 1 foot of pole height.
7. Special event signs or banners approved by the Board of Trustees.
8. Private traffic control and parking signs not to exceed 6 square feet.
9. Security system notices not exceeding 2 square feet, with no more than one such notice per lot.

2:25 – Prohibited signs

The following signs are prohibited:

1. Signs which incorporate in any manner or are illuminated by any flashing or moving lights.
2. Any sign which has any visible motion other than permitted flags or banners.

2:26 - Illumination

Only signs permitted by Section 2:24 may be illuminated. Any illumination shall be by white light.

2:27 – Nonconforming signs

Signs installed before February 17, 2012 which do not conform to this chapter's standards may be maintained, but may not be enlarged or moved.

2:28 - Penalties

Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$500.00. Each day a sign is displayed shall be considered a separate offense.

Chapter 15 – Tree Regulations

2:30 – Permits for Tree Planting, Care or Removal

The Village Superintendent shall have the sole authority over the planting, maintenance and removal of trees in the street areas and Village property. No person without written permission of the Village Superintendent shall plant, remove, break, spray or take any action which will injure or destroy any tree or shrub, the base of which is located within a street boundary or Village land. Limbs of trees that project over streets may be removed or trimmed at the discretion of the Village Superintendent.

2:31 – Trees on Private Grounds

No tree which presents a hazard to persons or property in road areas or public property shall be maintained on private property. “Hazard” shall mean that a tree or part of a tree presents a danger of falling onto a road area or Village property because it is dead, unstable, diseased or damaged. Trees on private property shall be maintained so that no part intrudes upon a street in the space 13.5 feet above the surface of the right-of-way.

2:32 - Enforcement

If private property is not maintained as required by Section 2:31, the Village Superintendent shall notify the property owner of the violation. The notice shall request that the violation be corrected within a reasonable time. If the violation is not corrected within the time specified in the notice, the Superintendent shall notify the property owner that the Village will have the work done to bring the property into compliance. The notice shall be sent to the address of the owner as shown on assessment records at least 10 days before the commencement of the work. If the violation is not corrected following the notice, the Superintendent may have the work done to correct the violation. In the case of an immediate hazard to public safety no prior notice shall be necessary. The actual costs of the work needed to bring the property into compliance shall be billed to the owner. If this amount is not paid within 45 days, the Superintendent shall initiate the single lot special assessment process to collect the costs.

2:33 - Penalties

The owner of private property subject to this chapter is responsible for compliance. Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$1000.00, plus costs and all other remedies available by statute.

Chapter 16 – Geothermal Systems

2:40 – Findings and Purpose

An open loop geothermal system can deplete and pollute the Village’s groundwater. A closed loop geothermal system can pollute the Village’s ground water if not properly constructed or maintained. These regulations are for the purpose of protecting the quality and quantity of the Village’s groundwater from these potential dangers.

2:41 - Definitions

1. Geothermal System: A geothermal system pumps liquid from the ground to equipment which heats and cools buildings.
2. Closed Loop Geothermal System: A closed loop geothermal system uses pipes containing a heat transfer liquid. The closed loop is designed and constructed so that the liquid does not come in contact with groundwater.
3. Open Loop Geothermal System: An open loop geothermal system pumps groundwater to the heating and cooling equipment. The groundwater is then discharged into the ground, to the ground surface or to a body of water.

2:42 Open Loop Geothermal System Prohibited

No person shall install or maintain an open loop geothermal system in the Village.

2:43 - Closed Loop Geothermal System Permitted

A person may install and operate a closed loop geothermal system only in accordance with the requirements of this section.

1. Prior to the start of construction, a permit must be approved by the County of Washtenaw.
2. Prior to the start of construction, a permit must be approved by the Village Board of Trustees upon a finding that the system complies with this section.
3. The systems shall be tested hydrostatically at one and one half times the maximum system design pressure. The duration of each test shall be not less than 15 minutes. All geothermal systems must be pressure checked to the original standard by a licensed geothermal contractor, every three years from the certification system date. Results from the test shall be submitted to the Board of Trustees. No person shall operate a system if a test reveals that it is likely to leak the heat transfer liquid.

2:44 - Violations

Installing or operating a geothermal system not in compliance with this chapter is a civil infraction punishable by a civil fine of up to \$5000. Each day of operation in violation of this chapter is a separate offence.

Chapter 17 – Illicit Discharges

2:50 - Prohibition

No person shall directly or indirectly discharge any substance other than storm water into Village watercourses, including, but not limited to, any pollutants, illicit discharges, illicit connections and the direct dumping or disposal of materials. Indirect discharges include, but are not limited to, discharges into streets, walkways and sidewalks.

2:51 - Exemptions

The following discharges are exempt from the restrictions of Section 2.50 unless they are determined to be a significant source of pollution to the Village stormwater system or waters of the State.

1. A discharge or flow resulting from firefighting activities;
2. Agricultural stormwater runoff;
3. A discharge or flow from lawn watering, or landscape irrigation;
4. A discharge or flow from a diverted stream flow or natural spring;
5. A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
6. Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
7. A discharge or flow from air conditioning condensation;
8. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals.
9. A discharge from water line flushing or potable water sources.
10. Waters from noncommercial car washing.

2:52 - Enforcement

The Village Superintendent shall enforce this chapter and shall have enforcement powers including but not limited to:

1. Investigate suspected illicit discharges;
2. Monitor discharges into Village watercourses;
3. Coordinate with other agencies including Ann Arbor Township, Washtenaw County and the Washtenaw County Sheriff to contain illicit discharges;
4. Issue and serve civil infraction notices and citations and initiate further civil litigation through the Village Attorney.

2:53 - Violations

Violations of this chapter shall be civil infraction punishable by a civil fine of up to \$500. Each day of violations shall be a separate offense.

TITLE III – POLICE POWER REGULATIONS

Chapter 20 – Disorderly Conduct

3:1 – Public Place

The term "public place" as used in this chapter shall mean any area open to the residents of Barton Hills Village, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access, and which is within the limits of Barton Hills Village.

3:2 – Acts Prohibited

No person shall:

1. Commit an assault, or an assault and battery on any person.
2. Be drunk in any public place or under the influence of any narcotic drug in any public place.
3. Engage in indecent or obscene conduct in any public place.
4. Discharge any firearm, air rifle, air pistol or bow and arrow in the Village except when lawfully acting in the defense of persons or property or the enforcement of law or except pursuant to a permit for eliminating animals causing a nuisance.
5. Fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan (MCL 750.243a et seq.).
6. Engage in peeping in the windows of an inhabited place.
7. Beg in any public place.
8. Engage in conduct or communication which, by its very existence, inflicts injury or tends to incite an immediate breach of the peace or which prevents the peaceful and orderly conduct of a public meeting.
9. Make any indecent exposure of his or her person.
10. Willfully destroy, remove, damage, alter or in any manner deface any property not his own.
11. Engage in any fight in a public place.
12. Loiter on any street or sidewalk or in any park or public building or conduct oneself in any public place so as to obstruct the free and uninterrupted passage of the public.
13. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct.
14. Obstruct, resist, hinder, or oppose any member of the Sheriff's Department, or any peace officer in the discharge of the officer's duties as such.

15. Prowl about the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.

16. Summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, any peace officer, fire department, or any public or private ambulance to go to any address where the service called for is not needed.

17. Drive or operate any motor vehicle over or upon any private property without the consent of the owner of such private property except at a driveway when entry to such driveway has not been expressly prohibited under section 3.3 of this chapter

3:3 – Trespass

It shall be unlawful for any person to enter or otherwise trespass upon the lands or premises of another within the corporate limits of Barton Hills Village, after having been forbidden to do so by the owner or occupant of said lands or premises, or by the agent or servant of the owner or occupant. The posting of a conspicuous sign forbidding the entry or trespass on the posted property shall constitute sufficient notice requiring compliance with this section.

3:4 – Stopping for Questioning

When a police officer has reasonable cause to believe that the behavior of an individual warrants further investigation for criminal activity, the officer may stop and question such person.

3:5 – Searching for Arms

When a police officer has stopped a person for questioning pursuant to section 3.4 and has reasonable cause to believe there is danger to self or others, the officer may conduct a limited search of that person for dangerous weapons. The police officer may take and keep such weapon or any other thing, the possession of which may constitute a crime, until the officer has completed the questioning, at which time the officer shall either return such property so taken, if lawfully possessed, or arrest such person and dispose of such property according to law.

3:6 – Penalty

A violation of any provision of this chapter is a civil infraction punishable by a civil fine of not more than \$1,000.

Chapter 21-- Noise Regulations

3:10 – General Noise Prohibition

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of Barton Hills Village.

3:11 – Specific Noise Offenses

The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted:

1. The operation, between 6:00 p.m. and 8:00 a.m., of power tools or equipment.
2. Construction, repair, remodeling, demolition, drilling or excavation work at any time on a Saturday, Sunday or federal holiday and between 6:00 p.m. and 8:00 a.m. Monday to Friday.
3. The operation, between 10:00 p.m. and 8:00 a.m., of any device for killing, trapping, attracting, or repelling insects or other pests.
4. The sounding, between 10:00 p.m. and 8:00 a.m., of any bell, chime, siren, whistle or similar device, except to alert persons to the existence of an emergency, danger or attempted crime.
5. The operation or playing, between 10:00 p.m. and 8:00 a.m., of any radio, television, phonograph, drum or musical instrument.
6. The operation or use, between 10:00 p.m. and 8:00 a.m., of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds.
7. Installation or operation of a residential generator producing more than 73 dBA at 7 meters.

3:12 – Exception

Notwithstanding paragraph section 3:11, a homeowner may operate power tools and engage in construction, repair, remodeling, demolition, drilling or excavation work on the homeowner's property between 8:00 a.m. and 10:00 p.m. any day.

3:13 – Motor Vehicle Noise

A person shall not operate a motor vehicle unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual

noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway or street.

3:14 – Audible Warning

The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use the horn.

3:15 – Emergency Permit

A person needing to do emergency work outside the limits of section 3.11 may obtain a permit from the Village Superintendent upon providing written documentation demonstrating the need to do the work and that it will involve the least disturbance possible.

3:16 – Penalty

Violations of this chapter are civil infractions punishable by a civil fine up to \$1,000.

Chapter 22 – Animal Regulations

3:20 – Definition

The following definitions apply in this chapter:

1. "Own". To have possession or a right of property in an animal or to permit an animal to remain on one's premises five days or more.
2. "Noise Nuisance". Barking, howling, crowing, or making other sounds, frequently or for a continued duration, which annoy, endanger, injure or disturb a person of normal sensitivities on premises other than that occupied by the owner of the animal.
3. "Dangerous Animal". An animal which bites, chases, injures, menaces, or in any way threatens people, or which repeatedly damages property of persons other than the owner.
4. "Under Reasonable Control". An animal which is:
 - (a) Secured by a leash held by the owner or the owner's agent;
 - (b) Secured by a leash which is attached to a stationary object and attended by the owner or the owner's agent; or
 - (c) On the premises of the owner or confined in a vehicle.

3:21 – Violations

The owner of any animal shall be guilty of a violation of this chapter if:

1. The animal is at any time not under reasonable control;
2. The animal causes a noise or sanitation nuisance;
3. The animal is dangerous;
4. The animal is a dog over 6 months old and is not currently licensed or is not wearing a license tag issued pursuant to law;
5. The animal has symptoms of rabies or has bitten or been bitten by another animal showing symptoms of rabies and the owner fails to notify the Sheriff's Department of that fact;
6. The animal (except leader dogs for the blind) discharges its feces on property other than that of its owner and the walker does not immediately remove such feces.

3:22 – Authority of Police Officers

The Sheriff's Department shall have the authority to:

1. Impound any animal not under reasonable control;
2. Impound any animal which has bitten a person;
3. Impound any dangerous animal;
4. Humanely kill any domestic or wild animal when such action is needed to protect persons or property or to prevent suffering by the animal;
5. Impound any unlicensed dog;
6. Impound any animal causing a noise nuisance;
7. Impound any animal showing symptoms of rabies or which has bitten or been bitten by another animal showing symptoms of rabies.

3:23 – Impounding and Release Procedures

1. Animals impounded pursuant to this chapter shall be confined at such animal shelter or veterinary hospital which shall arrange with the Sheriff's Department to perform confinement and release procedures established by this chapter.
2. Animals impounded for biting a person or because they are suspected of having rabies shall be confined for ten days to determine whether or not they have rabies.
3. Animals impounded pursuant to this chapter may be released to the owners, after any required confinement period, upon the following conditions:
 - (a) Payment to the Village of a fee of \$25.00;
 - (b) Presentation of proof that the animal has been inoculated and licensed if such is required by law.
4. If the owner of an animal does not obtain its release within four days of the time it was impounded or at the end of a rabies confinement, it may be disposed of or sold. If such animal has a license or other indication of the name and address of the owner, the disposal or sale may occur only after 7 days from the time the owner is notified of the impoundment.

3:24 – Alternative Confinement

Where this chapter provides that an animal be impounded and confined for rabies control or rabies examination, the Sheriff's Department may issue a written confinement order on the following terms:

1. The owner shall securely confine the animal for ten days at the owner's premises or at a veterinary hospital as specified in the order;
2. If confined at the owner's premises the animal shall be kept within the dwelling, or, when outside, be securely chained;

3. The owner shall pay the Village a \$10.00 inspection fee;
4. If the animal dies, its remains shall be examined by a veterinarian and the report of said examination presented to the Sheriff's Department.

3:25 – Interference with Police Officer

No person shall willfully interfere with a Police Officer who is attempting to perform the functions specified by this Chapter.

3:26 – Penalty

A violation of any provision of this Chapter is a civil infraction punishable by a civil fine of not more than \$500.00.

Chapter 23 – Traffic Regulations

3:30 – Findings

It is unsafe to operate a vehicle on Village roads at a speed greater than 25 miles per hour.

3:31 – Adoption of Michigan Vehicle Code

The Michigan Vehicle Code is adopted by reference as follows:

1. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.
2. References in the Michigan Vehicle Code to “local authorities” shall mean Barton Hills Village.
3. The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

3:32 – Speed Limit

No person shall operate a vehicle on roads within the Village at a speed greater than 25 miles per hour. Signs designating the speed limit shall be maintained at all entrances to the road system and along the roads in accordance with the Michigan Manual of Traffic Control devices. A violation of the speed limit shall be a civil infraction punishable as determined by Michigan law.

3:33 – Violations

This ordinance may be enforced by the Washtenaw County Sheriff or a Washtenaw County Deputy Sheriff.

Chapter 24 – Road Usage Restrictions

3:40 – Findings and Purpose

The roads in the Village were developed privately, are owned by a private entity (the Barton Hills Maintenance Corporation), and are not designed to withstand general public traffic. The title to the roads restricts their use to the benefit of the property owners. This ordinance is for the purpose of limiting road usage regardless of the owner of the roads.

3:41 – Definitions

1. Road: Any paved surface in the interior of the Village providing access to two or more parcels.
2. Invitee: Any guest, or other person or firm authorized by an owner or resident to travel to property of the owner or resident. Invitees shall include emergency personnel sent to property in the Village. Invitees also include persons traveling to the Village offices provided that travel is on Barton Shore Drive between Whitmore Lake Road and the Village offices.

3:42 – Road Use Restricted

No person other than Village property owners, Village residents or invitees of Village property owners or Village residents shall operate a vehicle or otherwise use the roads in the Village.

3:43 – Violations

Violations of this chapter are civil infractions punishable by a civil fine of up to \$500.

Chapter 25 – Auction Regulations

3:50 – Findings

Because Barton Hills Village roads are not of sufficient width to accommodate parking of large numbers of automobiles, it is necessary to strictly regulate the auctioning of real and personal property within the Village.

3:51 – Definition

The term "auction" or "auction sale" as used in this chapter shall mean the offering for sale or selling of personal property to the highest bidder.

3:52 – General Prohibition

Auctions and auction sales within the Village of Barton Hills Village are prohibited on residential property.

3:53 – Permits for Estate Liquidations

Where an auction sale has been ordered in order to liquidate an estate by a court of competent jurisdiction, the representative of the estate or the officer of the court concerned may apply to the Village Superintendent for a waiver of the prohibition contained in this chapter, and obtain a permit to hold an auction of said estate under the terms of this section. No such permit shall be granted unless the applicant shall file evidence showing:

1. That it is impractical to hold said auction sale other than on residential property.
2. That satisfactory parking arrangements have been made to accommodate not less than twenty automobiles for the residential lot wherein the auction sale is to take place and that the services of at least two qualified security guards have been contracted for to serve during the hours of the auction and to assist with traffic control and to prevent any parking of automobiles within the right-of-way of any road.

3:54 – Insurance

The applicant shall file with the Village Superintendent evidence of public liability insurance naming the Village as an additional insured and insuring the estate during the hours of the auction with limits of \$250,000.00 for each person for personal injury including death, and \$500,000.00 for personal injury for each occurrence, and \$100,000.00 for property damage for each occurrence.

3:55 – Duration of Permit

Each permit for an estate auction sale shall be valid for one day only and only between the hours of 9:00 AM and 4:00 PM on such day. Should the applicant desire to continue the sale for an additional day, the application for such extension shall be treated as an original application.

3:56 – Penalty

A violation of any provision of this chapter is a civil infraction punishable by a civil fine of not more than \$100.

Chapter 26 – Bicycle Regulations

3:60 – Compliance with Vehicle Code

Every person riding a bicycle on the roads within the Village limits shall be subject to all of the rules applicable to the driver of a vehicle under the Michigan Vehicle Code, MCL 257.1 to 257.923, except as to those provisions which by their nature can have no application.

3:61 – Single File Operation

When two or more persons are riding bicycles in a group on a road, they shall ride single file and as far to the right as practicable.

3:62 – Bicycle Equipment

No person shall operate a bicycle during the period from sunset to sunrise unless the bicycle shall have a lighted headlight attached to the front of the bicycle and a red reflector or taillight clearly visible to the rear of the bicycle.

3:63 – Penalties

Each violation of this ordinance shall be a civil infraction punishable by a civil fine of up to \$100.00.

Chapter 27 – Regulation of Activities within the Village limits

3:70 – Definitions

1. “Pedestrian” means a person walking, running or otherwise traveling other than in a vehicle.
2. “Organized event” means a race, parade, march or other planned event within the Village limits.
3. “Road” means any paved surface in the interior of the Village providing access to two or more parcels.

3:71 – Pedestrians in Vehicle Travel Area

Every pedestrian on a road shall follow these regulations:

1. Travel to the far left of the road (facing traffic) when travel to the far left is possible and safe.
2. When traveling as a group, shall proceed not more than two abreast and shall proceed single file when vehicle traffic is present.

3:72 – Organized Events

No person shall arrange, publicize or participate in an organized event to be held on the roads or otherwise within the Village limits unless the event has been approved in advance by the Village Board of Trustees. The approval shall be based on a determination of whether the proposed event will be safe and whether or not it will cause inconvenience to Village residents. Approval may be conditioned upon providing proof of insurance that protects the Village regarding liability.

3:73 – Penalties

Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$500.00.

Chapter 28 – Regulation of Marihuana Establishments

3:80 - Findings.

The Michigan Regulation and Taxation of Marihuana Act was initiated by the voters of the State of Michigan pursuant to Proposal 1, the Marijuana Legalization Initiative, on November 6, 2018. The Act authorizes cities, villages, and townships to completely prohibit marihuana establishments within their boundaries.

3:81 – Prohibition.

Pursuant to that authority, marihuana establishments as defined in the Act are hereby prohibited within the Village of Barton Hills Village, Washtenaw County, Michigan.

3:82 – Penalties

Each violation of this ordinance shall be a civil infraction punishable by a civil fine of up to \$500.00. Each day of violations shall be a separate offense.

Code Amendments

Ord. 53	Amend Chapter 5	Special Assessments	02/13/17
Ord. 54	Amend Chapter 9	Water Rates	09/11/17
Ord. 55	Amend Chapter 5	Special Assessments	09/10/18
Ord. 56	Add Chapter 28	Prohibit Marihuana Establishments	05/13/19
Ord. 57	Amend Chapter 9	Water Rates	07/08/19
Ord. 58	Amend Chapter 15	Tree Regulations	09/13/21
Ord. 59	Amend Chapter 9	Water Rates	10/10/22
Ord. 60	Recodify		07/10/23