

VILLAGE CHARTER OF THE VILLAGE OF STERLING ARENAC

COUNTY, MICHIGAN

Section 1. The corporate name of this village shall be, the village of Sterling.

Section 2. The corporate limits of said village shall be the east one-half of the east one-half of the north-west one-quarter and the east one-half of the east one-half of the south-east one-quarter of section nineteen; the west one-half of the north-east one-quarter of the north-east one-quarter of section twenty-nine; the south one-half of the south-west of the north-west one-quarter of section twenty one; the south-west one-quarter of the north-east one-quarter and the north-east one-quarter of the north-west one-quarter of section twenty, north of range four east, being the township of Deep River, Arenac County, Michigan.

Section 3. This village is incorporated under the provisions of Act No 278 of the Public Acts of The State of Michigan, for the year 1909, and acts amendatory thereto, and the following is adopted for the government thereof:

CHAPTER 1. --- OFFICERS

Section 1. The following village officers shall be elected, viz: a president, six trustees, one clerk, one treasurer, who shall be exofficio collector, and one assessor. The president and trustees shall constitute the village council.

Section 2. The president may, by and with the consent of the council appoint a village marshal and a street commissioner, and such other officers as shall be provided for by resolution or ordinance of the council and the council may, from time to time, provide by ordinance or resolution for the appointment of such other officers, whose election or appointment is not herein specially provided for, as

they shall deem necessary for the execution of the powers granted by this act, and the powers and duties of such officers shall be prescribed by the council; Provided, That the marshal may also be appointed as street commissioner.

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

Section 4. The president, clerk, treasurer and assessor shall hold their respective offices for the term of one year from the second Monday of March of the year when elected, and until their successors are elected and qualified and enter upon the duties of their offices; Provided, That no person shall be eligible to the office of treasurer for more than two successive terms. (Resolution Dec 8, 1992)

Section 5. The trustees shall hold their offices for the term of two years from the second Monday in March of the year 1918 and until their successors are qualified and enter upon the duties of their offices; except that at the first election held, six trustees shall be elected, three for the term of one year and three for the term of two years from the second Monday of March in the year 1918, and annually thereafter three trustees shall be elected for the term of two years.

Section 6. All appointive officers except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the second Monday of April next after such appointment, and until successors are qualified and enter upon the duties of their offices,

unless a different term of office shall be prescribed in this charter, or in the ordinance or resolution creating the office. Officers appointed to fill vacancies shall hold their office until the next annual election, and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filling the requisite security, if any is required of them.

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

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

Section 9. The council may, at any time, require any officer to execute and file with the clerk additional or new official bonds, with such new or further sureties as said council shall deem requisite for the interest of

the corporation. Any failure to comply with such requirement with fifteen days shall subject the officers to immediate removal from office by the council.

Section 10. Resignations off officers shall be made to the council.

Section 11. If any officers shall cease to be a resident of the village during his term of office, the office shall be thereby vacated. If any officers shall be a defaulter, the office shall thereby be vacated.

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

Section 13. Any vacancy occuring in the office of president, trustees or any other elective office, shall be filled by appointment by the council and such appointee shall hold his office until the next annual election thereafter. All vacancies in any office shall be filled by the president, by and with the consent of the council.

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

Section 15. When ever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office, all books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person wilfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded

against in the same manner as public officers generally for the like offense under the general laws of the state, nor or hereafter in force and applicable thereto; and every officer appointed or elected shall be deemed an officer, within the meaning and provisions of such general laws of the state.

CHAPTER 11 --- ELECTIONS.

Section 1. After the first election an annual election of officers shall be held on the second Monday in March in each year, at such place in the Village as the council shall designate.

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

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

Section 4. Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the clerk, at least eight days before such election, by posting such notices

in three public places in the village, if any is published therein, the same length of time before the election; and in case of a special election the notice shall set forth the proposed object of the election as fully as the same are required to be set forth in the resolution appointing such election.

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

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

Section 7. All elections in said village shall be conducted as nearly as may be in the manner provided by law for the holding of general election in the state, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience of their lawful commands during the time of holding the election and the canvass of the votes, as

are conferred by law upon inspectors of elections held in this state. If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.

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

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

elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk in which the village is located, and the other shall be filed in the office of the village clerk.

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

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

Section 12. Within one week after the expiration of the term in which any official bond or oath of office is required to be filed, the clerk shall report in writing to the council the names of all persons elected or appointed to any office, who shall have neglected to file such an oath or bond.

CHAPTER 111 --- DUTIES OF OFFICERS - PRESIDENT

Section 1. The president shall be the chief executive officer of the village. He shall preside at the meeting of the council. He shall be deemed a member of the council, but he shall have no right to vote upon any question except in case of a tie, in which case he shall give the deciding vote. He shall from time to time give the council information concerning the affairs of the corporation and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village and over the

public property belonging thereto, see that the laws relating to the village and the ordinance and regulations of the council are enforced. He shall receive no compensation for his office.

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

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

Section 4. In the absence or disability of the president, the president pro tempore of the council shall perform the duties of the president.

CLERK

Section 5. The clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the village, not by this charter or the ordinances of the village entrusted to some other officer; he shall be clerk of the council, and shall attend its meetings. In case of the absence of the clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him then the council may appoint one of their own number, or some other person, to perform the duties of the clerk for the time being. The clerk shall record all the proceedings and resolutions of the council, and shall record, or cause to be recorded, all the ordinances of the village. He shall countersign and register all

the licenses granted; he shall, when required, make and certify under seal of the village, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the village, except as to the filing of chattle mortgages; and he shall have authority to administer oaths and affirmations.

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

Section 7. The clerk shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the village, and of all its debts and liabilities, he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose

for which each fund is raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the village, and credit him with all warrants drawn thereon, keeping an account with each fund.

Section 8. The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial conditions of the village, of the debts to be paid the moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to the office as the council may require.

TREASURER

Section 9. The treasurer shall have the custody of all moneys, bonds, other than official, mortgages, notes, leases, and evidences of value belonging to the village; he shall receive all moneys belonging to, and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury, except in pursuance of, and by authority of law, and upon warrants signed by the clerk and president, which shall specify the purpose for which the amounts thereof are to be paid; he shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued; but no person shall be eligible to the office of village treasurer for more than two years in succession.

Section 10. The treasurer shall render to the clerk on the first Monday of every month, if required, a report

of the amounts received and credited by him to each fund, and on what account received, and the amounts apaid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report classifying them therein by funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund which account shall be filed in the office of the clerk, and shall be published in one of the newspaper of the village, if any be published therein.

Section 11. The treasurer shall take vouchers for all money paid from the treasury showing the amount and fund from which payment was made, which voucher upon settlement with the public officers of the village shall be surrendered and filed with the clerk.

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

MARSHAL

Section 13. The marshal shall be the chief of the police of the village. As police officer he shall be subject

to the direction of the president and council. It shall be his duty to see that all the ordinances of the council, made for the preservation of the quiet, good order, and for the safety and protection of the inhabitants of the village, are promptly enforced. As peace officer he shall, within said village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall have power to serve and execute all process directed or delivered to him, in all proceedings for violation of the ordinances of the village. Such process may be served anywhere within the county in which said village is located.

Section 14. The marshall shall keep a record of all arrests and the cause thereof, and shall enter therein, within twenty-four hours after any person shall be arrested, the cause of the arrest, the age and nationality of the person arrested, and if discharged without being taken before a court, the reason for such discharge, which record shall be the property of the village.

Section 15. The marshal shall report in writing and on oath to the council at the first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the village; the amount of all fines and fees collected by him, All moneys collected or received by the marshal, unless otherwise directed by this charter, shall be paid into the village treasury during the same week when received, and the treasurer's receipt therefor shall be filed with the clerk.

Section 16. The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services.

STREET COMMISSIONER

Section 17. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the village, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Section 18. He shall make a report to the council, in writing and on oath once in each month giving an exact statement of all labor performed by him or under his supervision and the charges therefor; the amount of material used and the expense thereof and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report.

ASSESSOR

Section 19. The assessor shall perform such duties in relation to assessing property and levying taxes in the village as are prescribed by this charter.

Section 20. The president and trustees shall serve without compensation. All other officers except where other provision is made herein or by law regulating the fee for services shall receive such compensation as the council shall prescribe.

CHAPTER 1V --- VILLAGE COUNCIL

Section 1. The legislative authority of the village shall be vested in a council consisting of the president and trustees.

Section 2. The president shall be president of the council, and preside at the meetings thereof.

Section 3. On the second Monday in April in each year, or

as soon thereafter as may be, the council shall appoint one of their number president pro tempore of the council, who in the absence of the president shall preside at the meetings thereof, and exercise the powers and duties of president. In the absence of the president and president pro tempore, the council shall appoint one of their number to preside.

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

Section 5. The council shall prescribe the rules of its own proceedings, and shall keep a record thereof. All meetings and sessions of the council shall be public. A majority of the trustees shall be a quorum for the transaction of business; a less number may adjourn from time to time and compel the attendance of the absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished nor any tax or assessment be imposed; street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold, or disposed of, or any public improvements ordered, unless by a concurring vote of two-thirds of all the trustees elect, which vote shall be taken by yeas and nays, and entered upon the journal; no money shall be appropriated except by ordinance or resolution of the council, nor shall any such ordinance be passed, nor

any resolution appropriating money be adopted; except by a concurring yea and may vote of two-thirds of all the trustees-elect.

Section 6. No member of the council, nor any officer of the corporation, shall be directly or indirectly interested in any contract or service made by, or to be performed for the corporation provided, that this shall not prevent officers receiving compensation authorized by this charter. Any violation of the provisions of this section shall work forfeiture of the office, and on proof thereof the council may declare the office vacant.

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

CHAPTER V - ORDINANCES

Section 1. The style of all ordinances shall be "The Village of Sterling ordains." All ordinances except as herein otherwise provided shall require, for their passage, the concurrence of a majority of the council. No ordinance imposing a penalty shall take effect in less than twenty days after its passage.

Section 2. Then by the provisions of this charter the council has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days or both, in the discretion of the court, together with the costs of the prosecution, for each violation of any of said ordinances, and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance, shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of the county in which the village is located, or in any other place of confinement provided by the village for such purpose in the discretion of the court.

Section 3. All ordinances, when regularly enacted, shall be recorded by the clerk of the council in a book to be called "the record of ordinances," and it shall be the duty of the president and clerk to authenticate the same by their official signatures upon each record.

Section 4. Within one week after the passage of any ordinance, the same shall be published in a newspaper printed in

the village, if any is published therein, otherwise copies of the ordinance shall, within the same time, be posted in three of the most public places in the Village and the clerk shall, immediately after the publication or posting, enter in the records or ordinances in a blank space to be left for that purpose under a record of the ordinance, a certificate under his hand, stating the time and places of such publication or position. Such certificate shall be prima facie evidence of the due publication and posting of the ordinance.

Section 5. Whenever it shall be necessary to prove any of the laws, regulations, or ordinances of the village, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings.

First--From a record thereof kept by the clerk.

Second--From a copy of the ordinance, or of the record there, certified by the clerk under the corporate seal of the village.

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

Section 6. Prosecutions for violations of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the village, or in the township in which the village or some part of it, is situated, shall have the authority to hear, try and determine all causes and suits arising under the ordinance of the village, and to inflict punishment for violations thereof as provided in the ordinance.

Section 7. Whenever a penalty shall be incurred for the violation of any ordinance and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty may be recovered in

an action of debt or in assumpsit. And when a corporation shall incur a penalty for the violation of any such ordinance, the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances of the village may, in all cases except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially in the form and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and testimony of the witnesses, and in the rendition of judgments and the execution thereof shall, except as otherwise provided by this charter, be governed by and conform as nearly as may be, to the provisions of laws regulating proceedings in criminal causes cognizable by justice of the peace.

Section 8. The village shall be allotted the use of the jail of the county in which it is located, for the confinement of all persons liable to imprisonment under the ordinance thereof, or under any of the provisions of this charter, and the sheriff or other keeper of such jail or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged in all cases of imprisonment for breaches of the penal laws of this state, such receiving and keeping in such jail shall be at the expense of the county in which the village is located; in all other cases it shall be at the expense of the village.

Section 9. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage, adoption or approval. And it shall be a sufficient statement of the cause of action in such complaint or warrant, to set forth substantially, and with reasonable certainty, as to the time and place, the act and the offense complained of, and to allege the same to be in violation of an ordinance of the village, referring thereto by its title, and the date of its passage, adoption or approval. In all prosecutions for violations of the ordinances of the village, either party may require a trial jury. Such jury, except when other provision is made, shall consist of six persons, and, in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and, in suits commenced by summons, as in civil cases triable before such magistrate. No inhabitant of the village shall be incompetent to serve as a juror in any cause in which the village is a party or interested, on account merely of such interests as he may have, in common with the inhabitants of the village, in the results of the suit.

Section 10. Any person convicted of a violation of any ordinance of the village in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the village is located, by appeal or writ of certiorari, and the time for such appeal or removal, and the proceedings therefor, and the bond or security to be given thereon and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and

certiorari in criminal cases cognizable by justice of the peace; and in suits in which the village may be a party, brought to reverse any penalty for such violation, either party may appeal from the judgment or remove the proceedings by certiorari into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and certiorari in civil cases tried before justices of the peace, except that the village shall not be required to give any bond or security thereon.

Section 11. The council shall have power to provide and maintain a village prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinance of the village, the employment of those imprisoned therein. All persons sentenced to confinement in such prison and all persons imprisoned therein on execution for the non-payment of fines for violation of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Section 12. In all prosecutions for violations of the ordinance of the village, commenced by any person other than an officer of the village, the court may require the prosecutor to file security for the payment of the costs of the proceedings in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

Section 13. All fines imposed for the violations of the ordinances of the village, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any

fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to said court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper or the jail or prison, who shall within thirty days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the village treasury except such fines as by the constitution are appropriated for library purposes on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt therefor, and file the same with the clerk.

Section 14. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately thereafter in the name of the village, and to prosecute the same to effect. Any person receiving such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

CHAPTER VI - POWERS OF COUNCIL

Section 1. This village, subject to the provisions of this charter, shall, in addition to such other powers as are (conferred) confirmed, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as it may deem proper namely:

First--To restrain and prevent vice and immorality.

Second--To punish vagrants, disorderly persons
and common prostitutes.

Third--To abate nuisances and preserve the
public health.

- Fourth--To prohibit and suppress disorderly and gambling houses.
- Fifth--To regulate, license, or suppress billiard tables and ball alleys.
- Sixth--To suppress gambling
- Seventh--To suppress saloons for the sale of spirituous and intoxicating liquors, and license taverns and eating houses.
- Eighth--To regulate and license public shows and exhibitions.
- Ninth--To license auctioneers, license and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law; and also require transient traders and dealers to take out licenses before engaging in business, and may regulate by ordinance the terms and conditions of issuing same.
- Tenth--To license and regulate hacks and other public vehicles.
- Eleventh--To provide for and regulate the inspection of provisions.
- Twelfth--To provide for the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures for venders.
- Thirteenth--To regulate or prohibit bathing in the rivers, ponds, streams and waters of the village.
- Fourteenth--To regulate or prohibit the selling, storing or transportation of combustible or explosive substances or materials with-in the village, and to regulate and restrain the

making of fires in the streets or other open spaces in the village.

Fifteenth--To make ordinances for the organization and regulation of the fire department and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits.

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

Seventeenth--To require horses, mules, or other animals attached to any vehicle or standing in any of the streets, lanes or alleys in the village, to be securely fastened, hitched, watched or held.

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

Nineteenth--To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large, in violation of any ordinance of the village.

Twentieth--To establish lines and grades upon which buildings may be erected, and beyond which such building shall not extend.

Twenty-first--To prevent the erection and provide for the removal of all buildings deemed unsafe.

Twenty-second--To regulate the placing and provide for the preservation of horse or hitching posts.

Twenty-third--To declare and define the powers and duties of the officers of the village, whose powers and duties are not specifically prescribed in this charter.

Twenty-fourth--To require the treasurer, marshal and other officers of the village as the council shall deem proper, to give bonds for the discharge of their official duties.

Twenty-fifth--To see that the several officers of the village perform their duties faithfully and that proper measures are taken to punish neglect or duty on the part of any of such officers.

Twenty-sixth--To provide for the care, custody, and preservation of the public property of the village.

Twenty-seventh--To adopt such good ordinances and make such other regulations for the safety and good government of the village and the general welfare of its inhabitants as are not inconsistent with the general laws of the state.

Section 2. The council is hereby empowered and it shall be their duty to have levied and collected each year the amount of taxes demand necessary by said council for the proper conduct of the affairs of said village which shall not exceed in any one year the amount provided by the general laws of the state of Michigan and the property subject to taxation shall be the same as for state, county and schools under the general

laws of the State of Michigan.

Section 3. They shall have the power and it hereby becomes their duty to make an annual appropriation for municipal purposes.

Section 4. The said village council shall constitute a local board of health with general supervision over the public peace and health within the limits of said village and will be charged with the safety of the persons and property being and living therein.

Section 5. They shall provide for an election district within said Village; said election district shall constitute the whole of said Village, and shall further provide the time, place and means of holding elections and the registration of electors residing within the village.

Section 6. They shall provide for keeping in the English language a written or printed journal of all the proceedings of said council.

Section 7. All sessions of the council shall be open to the public, as well as all records showing the financial condition of said village.

Section 8. They shall have the right to acquire by purchase real estate within or without the village to be used for public purposes.

Section 9. And the said council shall have the right to enact any local laws not provided for by this charter, which shall not be inconsistent with the general laws of the state.

CHAPTER VII

Chapters 7, 8, 9, 10, 11, 12, 13, and 14 of Act Number 3 of the Public Acts of the State of Michigan for the year 1895, and the acts amendatory thereto are hereby adopted as a part of this charter, not inconsistent with the provisions of Act Number 278 of the Public Acts of the

State of Michigan, for the year 1909, that being the
act under which this village is incorporated.

Approved Aug. 22nd, 1917

ALBERT E. SLEEPER

GOVERNOR.

Sterling, Michigan
June 28, 1917

We, the undersigned, members of the charter Commission of the Village of Sterling, Arenac County, Michigan, elected at a special election, hold on the 28th day of May, A.D. 1917, hereby certify that, in pursuance of Act 278, Public Acts 1909, we meet within ten days after said election to-wit, on June 6th, 1917, at said village, each of us having taken the oath of office as required by law; that at said meeting Jay Ames was elected chairman and H.A. Brundage was elected secretary of said charter commission met from time to time and framed the proposed charter, which is hereby respectfully submitted.

Jay Ames
Geo. Kerr
James Adams
Oscar P. Vogel
H. A. Brundage
Charter Commissioners

VILLAGE ORDINANCES

Ordinance No. 1.

An Ordinance relative to the Liquor Traffic in Village of Sterling. The Village of Sterling ordaines that no person shall sell, give or barter any intoxicating Liquors or Beer in glass or bottle or in any other way without conforming to and complying with State Law in regard to said Liquor traffic according to the provisions of Act No. 313 of the State Law of Michigan for the year 1887 and the amendments thereto:

No Bar or Saloon in the said Village shall be open except from the hours 7 o'clock A.M. until 9 o'clock P.M.

Any person violating any of the provisions of this Ordinance shall be punished by a fine not exceeding \$100.00 and in default of the payment there of by imprisonment in the County Jail or Arenac County for a term not exceeding 90 days or until said fine is paid. This Ordinance shall take effect December 24, 1817 adopted December 3, 1817.

Herbert E. Bacon
President

H.A. Brundage
Clerk

Ordinance No. 2

Village Ordinance relative to Medicine Shows.

The Village of Sterling ordaines that no Medicine shows be shown in the village of Sterling either under canvas or in hall or opera house unless they pay to the Village Clerk of said Village a License fee of \$10.00 for each performance.

This Ordaince is hereby ordered to take effect on and after December 24, 1817.

H.E. Bacon
President

H.A. Brundage
Clerk.

Ordinance No. 3.

An Ordinance relative to horses, cattle, hogs and sheep running at large.

The Village of Sterling ordains it shall not be lawful for owners of horses, cattle, hogs or sheep to allow same to run at large in the streets of said Village. Every violator of this Ordinance shall be punished by a fine not exceeding \$200.00 and cost and default of the payment thereof imprisonment in the County Jail for a period of time not exceeding 30 days or until said fine paid.

This Ordinance is hereby ordered to take effect on and after December 24, 1817, adopted December 3, 1817.

Herber E. Bacon
President

H.A. Brundage
Clerk

BOOK 1.

Amendment to Ordinance No. 2.

The present Ordinance licensing street vendors and peddlers be amended to read that no non-resident be allowed to sell in the Village of Sterling without paying a fee of not less than \$10.00 or not more than \$25.00. The president of the Village to be the judge of the amount to be collected.

Ordinance No. 4.

An ordinance providing for the regulation of motor vehicles operated on the Streets of the Village of Sterling. The Village of Sterling ordains no person shall operate an automobile or other motor vehicle within the Corporations Limits of the Village of Sterling at a rate of speed greater than 15 miles per hours and in all cases a person operating an automobile motor cycle or other motor vehicle shall have the same under control and operate it at such a rate of speed as reasonable and proper regard to the traffic thru in such highway and the safety of the public. Any person violating any of this Ordinance shall be punished by a fine of but not less than \$200.00 nor more than \$2500 to gather with the cost of prosecution or imprisonment in the County Jail of the County of Arenac for a period not exceeding 30 days or both such fine and imprisonment in the discretion of the court.

This Ordinance shall take effect on and after December 24, 1817 adopted December 3, 1817.

Hebert E. Bacon
President

H.A. Brundage
Clerk

Ordinance No. 5.

An Ordinance providing for the furnishing of a bond* by the Village Treasurer.

The Village of Sterling ordains that the Village Treasurer shall furnish a \$500 Bond in a good reliable Security Co. for the term of office to which he has been elected. The premium of said bond to be paid by the Village of Sterling upon presentation of bill to the Village Council and to be passed upon an order drawn by clerk for said Village Treasurer in the same form and manner that bills are paid and allowed by said Village of Sterling.

This Ordinance to take effect on and after December 24, 1917 adopted December 3, 1917.

Herbert E. Bacon
President

H.A. Brundage
Clerk

The above Ordinances I believe were copied over from something else that we do not have a record of. In the minutes of meeting held October 23, 1917, it was moved and supported that they obtain a record book for the Recording of Village Council Proceedings. These Ordinances were written in following the minutes of the Oct. 23, 1917 meeting. No mention as to anything of where they obtained them.

Ordinance No. 6.

The Village of Sterling ordains that any and all Pool Rooms operated in the Village must remain closed during the hours from 9:30 pm to 6 am Central Standard Time. Provided that on Saturday they shall remain closed from 10:30 p.m. to 6 a.m. Monday. Every violation of this ordinance may be subject to a fine of not less than \$5.00 nor more than \$100 and costs or may be imprisoned in the County Jail for a period of not exceeding 30 days or both such fine and imprisonment.

March 21, 1921.

Jay Ames
President

James R. Adams
Clerk

A fee of \$10.00 be charged for a Permit to operate a pool room effective from April 1, 1921. (pages 35 and 50 of Book I).

Ordinance No. 7.

The Village of Sterling ordaines that buildings being used for sale of Beer such as Taverns and Beer polors for consumption by the public, shall maintain toilets for the use of their patrons. Such toilets shall be on the inside of the building and the entrance shall be from the inside of the building. Toilets shall be of the flush water type. There shall be two separate toilets one for men and one for women and so marked as to be plainly designated from one another. Any person not complying with this Ordinance No. 7. shall be granted a license to sell Beer in the Village of Sterling. This Ordinance shall be strictly inforced by the Village Council, and shall be considered where granting any new licenses and any present licenses not qualifying under the terms hereof, shall be given days in which to comply therewith.

Effective April 3, 1936

J.O. Mutch
President

D.M. Scott
Clerk

Ordinance No. 8.

The Village of Sterling ordains that it shall be unlawful to use air guns or fire arms of any kind or description in the Village limits.

The penalty shall be \$3.00 fine for air guns and \$5.00 for fire arms or a jail term if fine is not paid.

J.O. Mutch
President

D.M. Scott
Clerk

Adopted August 7, 1936
Effective February 18, 1918

Ordinance No. 9.

The Village of Sterling ordains that it shall Exclude the use of Fire Arms in the Village Limits, except on Special Permit or in case of necessity, by an Authorized Person.

Effective February 18, 1918

Adopted March 18, 1918

Ordinance No. 10. (July 1935: page 119 of Book I)

The Village of Sterling ordains that the following named streets are stop streets at Junction of Pavement:

- Main at from East and West
- Washington from the West
- Quarter line running East and West
- Lincoln from East
- Grant from East
- Chestnut from North
- Saginaw at Main and Washington at Jct. of Pavement

Ordinance No. 11. (page 173 of Book I; Oct. 2, 1940)

The presence of known cases of rabies in the Village; the following Ordinance was adopted:

The Village of Sterling ordains that from Oct. 2, to Oct. 10, inclusive all dogs in the Village be shut up or restrained in a suitable safe enclosure and that the Village Marshall be directed to capture or destroy any dog running at large in the Village.

Book 11

ORDINANCE 12

The Village of Sterling ordains that it shall be unlawful to park from the corner of Main Street & M-76 along the East side of M-76 for a distance of 30 feet South from said corner, also that it shall be unlawful to park, other than single, at any place along the East side of M-76 from the corner of M-76 and Main street South for a distance of 200 feet, further that it shall be unlawful to park along the South side of Main Street for a distance of 15 feet from the corner of Main Street and M-76.

Adopted November 5, 1946

Effective

PUBLIC NUISANCE ORDINANCE
FOR

THE VILLAGE OF STERLING:

AN ORDINANCE DEFINING PUBLIC NUISANCE, prohibiting their creation or maintenance, and providing penalties and procedures for abatement.

THE VILLAGE OF STERLING ORDAINS:

Section I. Public nuisances defined:

A public nuisance is anything, act, failure to act, occupation, use of occupation, or use of property which:

1. Shall annoy, injure or endanger the safety, health, comfort or repose of the public or any number of people.
2. Shall be offensive to public decency.
3. Shall obstruct or tend to obstruct, or render dangerous for passage, or interfere with public use, or render unsanitary or unsightly any public thoroughfare, public park, square, street, alley, lane, sidewalk, highway, river, creek, lake, or pond.
4. Shall in anyway render any number of persons unsafe, insecure or uncomfortable in life or in the use of public or private property.

Section II. Specific Public Nuisance Affecting Health, Comfort, or Repose.

The following are specifically declared to be public nuisance affecting health, comfort or repose:

1. The creation or maintenance of any pond, pool of water, or vessel holding stagnant water.
2. The possession or maintenance of any carcass of any dead animal or the disposal of the carcass of any dead animal in an unsanitary manner.
3. The throwing, placing, depositing, burying, or leaving of any animal or vegetable substance,

Section II. continued:

- dean animals, fish, tin cans, bottles, glass, dirt, excrement, filth, rot, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, swill, animal bones, hides, or other waste matter or trash or any other offensive article or substance of whatever nature in any public place or any public property, street, alley, sidewalk or park at anytime; or the throwing, placing, depositing, burying or leaving of any such matter or thing on any private property when the presence of such matter shall be dangerous or detrimental to the public health or likely to cause dickness or attract flies, insects, rodents or vermin, or to create such an unsightly appearance as to disturb the comfort or repose of the public or any number of people, or to endanger the safety of the public.
4. The maintenance of any animal, or animals domestic or otherwise, in any public or private place or premise in such a manner as to create an unwholesome, unsightly, mal-odorous, obnoxious or offensive condition to a person of ordinary sensibilities.
 5. The placing or leaving of any organic waste, matter or fertilizer, other than manure, on the surface of any public or private grounds or premises where such matter or fertilizer shall produce or create any odor whatsoever.
 6. The burning of any trash or other matter, including leaves, in any public place or and on any public property, street, alley, sidewalk, or park at anytime; of the burning of any trash or other matter on any private

Section II... continued

property in such a manner that soot, ash, burning embers, or other residue shall carry or be carried unto the private property of any person.

7. The parking or storing of any unlicensed and inoperative automobile, truck or other motor vehicle on any public or private property for a period of more than 30 days. A vehicle shall be deemed to be "inoperative" if it cannot be started and driven under it's own power on the public highways or is in such mechanical condition to render it illegal to operate on the public highways under the provision of the Motor Vehicle Code of the State of Michigan.

Section III. Public Nuisance Affecting Peace and Safety:

The following are hereby declared to be specific Public Nuisances affecting peace and safety:

1. The keepin g or harboring of one or more dogs, or of any other domestic or undomestic animal, which has bitten, attacked or otherwise injured any person.
2. The maintenance or keeping of any building, wall, or other structure which has been damaged by fire, decay, or otherwise, or which is in such a condition or is so situated as to endanger the safety of the public.
3. Any loud or unusual noise or sound, or any annoying vibration which shall offend the peace and quiet of any person or persons of ordinary sensibility.
4. The setting of any grass or brush fires on any lot or parcel, at anytime, without first having obtained a permit

Section III: continued

to burn or set such fire, in writing, from the Fire Chief.

Section IV. Specific Public Nuisance Concerning Noise:

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

The following acts, among other are declared to be loud, disturbing and unnecessary noise in violation of this ordinance, but such enumeration shall not be deemed to be exclusive, namely:

1. The racing or other operation in a competitive manner, or the exhibition or demonstration, for profit or otherwise, of any automobile, motorcycle, snow-machine, or any other motorized vehicle in or on any public place within the Village of Sterling, or upon any private property within the Village of Sterling, at anytime.
2. The sounding of any horn or signalling device for an unnecessary or unreasonable period of time, EXCEPT as a danger warning.
3. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or engine of any motor vehicle, including motorcycles and snow-machines, EXCEPT, through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Section V. Penalty, Notice and Abatement

1. Any person, firm or corporation who shall cause or create or maintain any specific public nuisances set forth in this ordinance, or who shall cause or create or maintain any condition or thing which may be deemed a public nuisance under the general definition of public property or in any public place, street, alley, sidewalk, or park at anytime shall upon conviction thereof be guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 together with costs of prosecution, or by imprisonment in the Arenac County Jail for a period of thirty (30) days, or by both such fine and imprisonment in the discretion of the Court.
2. Any person, firm or corporation who shall cause or create any specific public nuisance set forth in this ordinance, or who shall cause or create any condition or thing which may be deemed a public nuisance under the general definition of public nuisance as set forth in this ordinance, or any private property, shall immediately abate such public nuisance when ordered to do so by the Village Council of the Village of Sterling or by the Fire Chief for the Village of Sterling, or by the Village Marshall of the Village of Sterling. Should any person, firm or corporation fail or neglect to obey or remove any public nuisance after receiving notice from the Village Council, Village Fire Chief, or the Village Marshall, then such person, firm or corporation shall be punished, by a fine not exceeding \$100 together with costs of

Section V. continued

prosecution, or by imprisonment in the Arenac County Jail for a period of thirty(30) days, or both such fine and imprisonment in the discretion of the Court. Upon conviction of any person, firm or corporation under this ordinance for a public nuisance maintained on private property the city shall have the right and duty to enter upon the property and proceed to remove and abate the cause of the public nuisance and any cost incurred by the Village in removing or abating such nuisance shall be charged and billed to the person, firm or corporation so convicted, and should such person, firm or corporation fail to pay the costs incurred by the Village in removing and abating such public nuisance, such expense may be recovered by the Village in an action of debt or assumpsit, or the Village Council may cause the costs of such abatement to be assessed upon such lot or premises and collected as a special assessment.

Section VI.

If any of the provisions of this Ordinance are declared invalid by a court of competent jurisdiction, such invalidity shall not effect the remaining provision of this ordinance.

Section VII.

The Specific Public Nuisances set forth in Section II and Section III and Section IV of this ordinance shall not be deemed to be exclusive and any thing, act, failure to act, occupation, or use of premises which shall

Section VII. continued

constitute a public nuisance under the definition contained in Section I of this ordinance shall be deemed a public nuisance to the same extent as if it were set forth specifically in Sections II, or III, or IV of this ordinance.

Section VIII.

Nothing contained in this ordinance shall ~~be deemed~~ be deemed lessen or impair any powers which the Village of Sterling may have under the Statutes of the State of Michigan.

Section IX.

The Village Clerk shall cause this ordinance to be published in the Arenac County Independent, and this ordinance shall become effective immediately after such publication.

WE HEREBY CERTIFY that the foregoing ordinance was duly enacted by the Village Council of the Village of Sterling, on May 8, 1973.

Bruce Ireland, President

Pearl Templin, Clerk

TRAFFIC CODE
ORDINANCE NO. 14

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

THE VILLAGE OF STERLING ORDAINS:

SECTION 1. CODE ADOPTED

The uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police on February 14, 1958 and published in Supplement No. 13, and as amended both on February 14, 1961 and published in Supplement No. 25, and on February 26, 1968 and published in Supplement No. 54, to the 1954 Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this ordinance modified.

SECTION 2. REFERENCE IN CODE

References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the Village of Sterling.

SECTION 3. NOTICE TO BE PUBLISHED

The Village Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that complete copies of the Code are available at the office of the clerk for inspection by and distribution to the public at all times.

SECTION 4. WHEN EFFECTIVE

The Uniform Traffic Code will be in effect in this governmental unit thirty (30) days after the passage of this adopting ordinance.

SECTION 5. SPEED LIMITS

Unless otherwise posted all Village Streets will be twenty-five (25) miles per hour.

Saginaw St. from M-70 to S. City Limits 40 miles per hour
State St. from E. City Limits to Locust St. 40 miles per hour
State St. from Locust St. to Saginaw St. 30 miles per hour
State St. from Saginaw St. to School St. 25 miles per hour
School St. from Saginaw St. to Jefferson St. 25 miles per hour
School St. from Jefferson St. S. City Limits 35 miles per hour

ADOPTED March 12, 1974.

Sterling Nuisance Ordinance Amended

Amendment to Public Nuisance Ordinance for the Village of Sterling, adopted May 16, 1973.

SECTION V - PENALTY, NOTICE AND ABATEMENT.

PARAGRAPH 2 to read as follows:

Any person, firm or corporation who shall cause or create any specific public nuisance set forth in this Ordinance, or who shall cause or create any condition or thing which may be deemed a public nuisance under the general definition of public nuisance as set forth in this Ordinance, or any private property, shall immediately abate such public nuisance when ordered to do so by the Village Council of the Village of Sterling, or by the Fire Chief for the Village of Sterling, or by the Village Marshall for the Village of Sterling and/ or by the Planning Commission Administrator for the Village of Sterling. Should any person, firm or corporation fail or neglect to obey or remove any public nuisance after receiving notice from the Village Council, Village Fire Chief, Village Marshall and/ or the Planning Commission Administrator for the Village of Sterling, then such person, firm or corporation shall be punished by a fine not exceeding \$100 together with cost of prosecution or by imprisonment in the Arenac County Jail for a period of thirty (30) days, or both, such fine and imprisonment in the discretion of the Court upon conviction of any person, firm or corporation under this Ordinance for a public nuisance maintained on private property, the Village shall have the right and duty to enter upon the property and proceed to remove and abate the cause of the public nuisance and any cost incurred by the Village in removing or abating such nuisance shall be charged and billed to the person, firm or corporation so convicted, and should such person, firm or corporation fail to pay the costs incurred by the Village in removing and abating such public nuisance, such expense may be recovered by the Village in an action of debt or assumpsit, or the Village Council may cause the cost of such abatement to be assessed upon such a lot or premises and collected as a special assessment.

WE HEREBY CERTIFY that this Amendment to the Public Nuisance Ordinance for the Village of Sterling was duly enacted by the Village Council and will take effect November 20, 1974.

Bruce Ireland. President; Pearl Templin, Clerk.

STERLING VILLAGE PROPOSES AMENDMENT

The Village of Sterling, State of Michigan, at a regular meeting of the Village Council, held on December 10, 1974, by a unanimous vote of said Council, hereby proposes to amend the present Charter of said Village to change from the present partisan ballot for its elections, to a non-partisan ballot method, as permitted by law. Said proposed Amendment reads as follows: Resolution:

"The Village of Sterling hereby adopts a non-partisan ballot for the election of officers and all other issues to be voted upon."

Said Proposed Amendment will not become effective unless passed by a majority vote of the electors of the Village of Sterling.

Pearl Templin, Clerk

The amended provision would read as follows:

Chapter LL, Section 1, Election. After the first election an annual election of officers shall be held on the second Monday in March in each year, at such place in the Village as the Council shall designate and said elections shall be by a non-partisan ballot.

Pearl Templin
Village Clerk

AMENDMENT TO THE STERLING MUNICIPAL
PLANNING COMMISSION ORDINANCE

UNDER SECTION 11 GENERAL PROVISIONS
ADDITION OF A PARAGRAPH
Under 2.1

a VIOLATION

Permit must be obtained for any building or structure which is erected, altered, maintained, used or changed or be in violation of our Ordinance; Any person, firm, corporation or other organization which neglects or refuses to comply with the ordinance will be charged with a misdemeanor.

NEW PARAGRAPH ADDED 2.5

PENALTIES

(a) Any building or structure which is erected, altered, maintained or used and any use of land which is begun, maintained or changed in violation of any provision, of this ordinance is hereby declared to be a nuisance per se. Any persons, firms, corporations or other organizations which violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision, shall be fined upon conviction not less than twenty-five (25) dollars nor more than one hundred (100) dollars together with the costs of prosecution or shall be punished by imprisonment in the county jail for not less than five (5) days nor more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein the discretion of the court.

Each and every day during which an illegal erection, alteration, maintenance or use continued shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

(b) The Village Council Board of Appeals, the Prosecuting Attorney of the County or any owner or owners of real estate within the Zoning District in which such building, structures or premises is situated may institute injunction mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abatem or remove the said unlawful erection, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Sterling Village
Planning Commission

ORDINANCE NO. 15

RATE AND MANDATORY CONNECTION ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE OPERATION OF THE ARENAC COUNTY SANITARY SEWER SYSTEM NO. 1 ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED AND TO PRESCRIBE THE RATES TO BE CHARGED FOR THE USE OF SAID SYSTEM; TO PROVIDE FOR THE MANDATORY CONNECTION TO SAID SYSTEM AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID SYSTEM.

THE VILLAGE OF STERLING HEREBY ORDAINS:

Section 1. It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Sterling, ("the Village") that the Arenac County Sanitary Sewer System No. 1 (Village of Sterling) be operated by the Village as lessee of Arenac County and its Department of Public Works pursuant to Act 185 of 1957, as amended, on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 2 Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete Arenac County Sanitary Sewer System No. 1 (Village of Sterling), including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section 3. The operation and maintenance of the System shall be under the supervision and control of the County Department of Public Works, subject to the terms of the contract dated April 11, 1978 between the County and the Village. Pursuant to the terms of such contract the Village has retained the exclusive right to establish, maintain and collect rates and charges for sewer collection and disposal service and in such capacity the Village Council may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges.

Section 4. Rates to be charged for service furnished by the System shall be as follows:

Sewer Use Charges

Sewer use charges to each single-family residential premise served by the System shall be in the flat amount of \$10.00 per month. Each premises other than a single-family residence shall pay a monthly charge of \$10.00 multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use. The Village Council shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios; provided, however, that the minimum monthly charge to any premises shall be \$10.00.

Connection Charge

- A. Each direct connection to the System made on or before March 1, 1980 shall be charged a fee of Five Hundred (\$500.00) Dollars per single-family residence. Connection

charges as set forth above shall be due and payable upon connection to the System. Said charges, however, may be payable on yearly installments not to exceed twenty-five (25) in number. Interest at the rate of seven per-cent (7%) per annum shall be charged on the unpaid balance of said connection charge from time to time remaining unpaid. If Paid in installments, the first installment of said connection charge shall be payable on connection and all subsequent installments plus interest shall be payable on February 1 of each succeeding year.

B. Equivalent User Factor: Each premises other than a single-family residence shall pay either a direct or indirect connection charge multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential use.

C. Connection Made After March 1, 1980: Connections made after March 1, 1980 shall be charged an amount to be determined by the Village Council at the beginning of the Village's fiscal year which amount shall be payable in full upon connection.

Special Rates

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Village Council.

Billing

Bills will be rendered quarterly on January 1, _____, April 1, July 1, _____, and October 1, _____ payable without penalty within thirty (30) days after the date thereon. Payments received after such period shall bear a penalty of five per cent (5%) of the amount of the bill.

Enforcement

The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annually, on March 1st of each year, to the tax assessing officer of the Village the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general Village taxes against such premises are collected and the lien thereof enforced: Provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in an amount equal to an estimate of the cost of six months service shall have been made as security for payment of such charges and service.

In addition to the foregoing, the Village shall have the right to shut off sewer service to any premises for which charges for sewer are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid. Further, such charges and penalties may be recovered by the Village by court Action.

Section 5. No free service shall be furnished by said System to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

Section 6. It is hereby determined and declared that public sanitary sewers are essential to the health, safety and welfare of the people of the Village; that all premises on which structures in which sanitary sewage originates are situated shall connect to the System at the earliest, reasonable date as a matter for the protection of the public health, safety and welfare of the people of the Village, and therefore, all premises on which structures in which sanitary sewage originates are situated or become situated and to which sewer services of the System shall be available shall connect to said System within ninety (90) days after the mailing or posting of notice of such premises by the appropriate Village official that such services are available. Said notification and enforcement of this Section shall be in conformity with Act 288 of the Public Acts of Michigan of 1972.

Section 7. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Village to the County pursuant to the aforesaid contract between said County and the Village as the same become due, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

Section 8. The System shall be operated on the basis of an operating year identical to the Village's.

Section 9. The revenues of the System shall be set aside, as collected, and deposited in a separate depository account in State Saving Bank of West Branch, Sterling, Michigan, a bank duly qualified to do business in Michigan, in an account to be designated SEWER SYSTEM NO. 1 RECEIVING FUND (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified.

(A) OPERATION AND MAINTENANCE FUND

Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(B) CONTRACT PAYMENT FUND

There shall next be established and maintained a depository account, to be designated CONTRACT PAYMENT FUND, which shall be used solely for the payment of the Village's obligations to the County pursuant to the aforesaid Contract. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Village legally available for such purpose.

(C)

REPLACEMENT FUND

There shall next be established and maintained a ,
depository account, designated REPLACEMENT FUND, which shall be used
solely for the purpose of making major and replacements to the System if
needed. There shall be set aside into said fund, after provision has been
made for the Operation and Maintenance Fund and the Contract Payment Fund,
such revenues as the Village Council shall deem necessary for this purpose.

(D)

IMPROVEMENT FUND

There shall next be established and maintained an
Improvement Fund for the purpose of making improvements, extensions and
enlargements to the System. There shall be deposited into said Fund, after
providing for the foregoing Fund, such revenues as the Village Council shall
determine.

(E)

SURPLUS MONEYS

Moneys remaining in the Receiving Fund at the end of
any operating year, after full satisfaction of the requirements of the
foregoing funds, may, at the option of the Village Council, be transferred
to the Improvement Fund or used in Connection with any other project of the
Village reasonably related to purposes of the System.

(F)

BANK ACCOUNTS

All moneys belonging to any of the foregoing funds or
accounts may be kept in one bank account, in which event the moneys shall
be allocated on the books and records of the Village within this single
bank account, in the manner above set forth.

Section 10. In the event the moneys in the Receiving
Fund are insufficient to provide for the Current requirements of the
Operation and Maintenance Fund, any moneys and/or securities in other funds
of the System, except sums in the Contract Payment Fund derived from tax
levies, shall be transferred to the Operation and Maintenance Fund, to the
extent of any deficit therein.

Section 11. Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Section 12. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 13. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 14. This ordinance shall be published once, in full, in the Arenac County Independent, a newspaper of general circulation within the boundaries of the Village and qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the President and Village Clerk.

Section 15. This ordinance shall become effective immediately upon its adoption.

ORDINANCE DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 15 duly adopted by the Village Council of the Village of Sterling, County of Arenac, Michigan, at a Special Meeting held on April 19th,, 1978, at which all Members were present except Raymond Templin and Edmund Scannell and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976.

I further certify that Member George Frampton moved adoption of said ordinance and that Member Ellis Chaffee supported said motion.

I further certify that the following Members voted for adoption of said ordinance George Frampton, Ellis Chaffee, Donald Williams and Neil Adams, and the the following Members voted against adoption of said ordinance None.

I further certify that said ordinance has been recorded in the Ordinance Book of the Village and that such recording has been authenticated by the signatures of the President and Village Clerk.

Pearl Templin
Pearl Templin, Clerk

ORDINANCE NO. 16

SEWER RULES AND REGULATIONS ORDINANCE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS OF SECTIONS THEREOF; IN THE VILLAGE OF STERLING, MICHIGAN.

THE VILLAGE OF STERLING ORDAINS:

SECTION 1 - DEFINITIONS

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

- A. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- B. "Superintendent" shall mean the Superintendent of the Municipal Sewage Works of the Village of Sterling, Michigan, or his authorized deputy, agent or representative.
- C. "Inspector" shall mean any person or persons duly authorized by the Council to inspect and approve the installation of building sewers and their connection to the public sewer system.
- D. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- E. "Sewer" shall mean a pipe or conduit for carrying sewage.
- F. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- G. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- H. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not admitted.
- I. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

J. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

K. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

L. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

M. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

N. "Building Sewer" shall mean the expansion from the building drain to the public sewer or other place of disposal.

O. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water

P. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Q. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

R. "Shall" is mandatory; "May" is permissive.

S. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five(5) days at 20°C, expressed in milligrams per liter.

T. "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, ph and fecal coliform bacteria plus additional pollutants as may be identified in the "NPDES Permit".

U. "Incompatible Pollutant" shall mean any pollutant which is not a compatible pollutant as defined in T above.

V. "Major Contributing Industry" shall mean an industrial user of the system that (1) is a non-governmental, non-residential user which discharges more than the equivalent of 25,000 gallons per day of sanitary waste and which is identified in the Standard Industrial Classification Manual under the following divisions:

- Division A - Agriculture, Forestry, and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas,
and Sanitary
- Division I - Services.

(2) A user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works. Toxic amounts shall be as defined in standards issued pursuant to applicable Federal Statutes and Regulations, including Sections of the Federal Water Pollution Control, as amended; or is found, in connection with the issuance of the NPDES Permits, to have significant impact either singly or in combination with other contributing industry on the system or upon the quality of effluent from the system.

W. "NPDES Permit" shall mean that under the National Pollutant Discharge Elimination System (NPDES) all point sources (including publicly owned treatment works) must obtain a permit for the discharge of wastewaters to the navigable waters of the United States. The permit will include effluent limitations and will be issued either by the U. S. Environmental Protection Agency or by an approved State Agency.

X "The Control Manhole" shall mean an approved structure constructed of brick or concrete on a concrete slab, of sufficient size (minimum 48" diameter) to allow observations, sampling and measurements of all waste discharged in the building sewer. The manhole shall be located on the building sewer near the property line in an open and accessible area.

The cost of the manholes and all equipment considered necessary by the Superintendent for sampling and metering and all installation and operation of the sampling and metering equipment shall be at the expense of the user.

Y "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Z "Normal Domestic Sewage" shall mean a combination of the water carried domestic wastes from residences, business buildings, institutions and industrial establishments, and normal amounts of infiltration. The normal domestic sewage shall be considered to have a loading of 200 mg/l BOD and 250 mg/l suspended solids per capita.

SECTION II - USE OF PUBLIC SEWERS REQUIRED

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any insanitary manner upon public or private property within the Village of Sterling, Michigan, or in any area under the jurisdiction of said Village of Sterling, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

B. It shall be unlawful to discharge to any natural outlet within said Village of Sterling, or in any area under the jurisdiction of said Village of Sterling, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village of Sterling, and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village of Sterling, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within three months (90 days) after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

SECTION III - PUBLIC SEWAGE DISPOSAL

A. Where a public sanitary sewer is not available under the provisions of Section II D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village of Sterling.

C. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section II D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.

SECTION IV - BUILDING SEWERS AND CONNECTIONS

A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village Council. Before a permit may be issued for excavating for plumbing in any public street, way, or alley, the person applying for such permit shall have executed unto the Village of Sterling, and deposited with the Treasurer a corporate surety in the sum of \$1,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any ordinances of the Village of Sterling, pertaining the plumbing. This bond shall state that the person will indemnify and save harmless the Village of Sterling and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

B. There shall be two (2) classes of building sewer permits: (1) for residential service, and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said Village of Sterling. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the inspector. A permit and inspection fee of Zero Dollars (\$0.00) for a residential or commercial building sewer permit and Zero Dollars (0.00) for an industrial building sewer permit shall be paid to the Village Treasurer at the time the application is filed.

C. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said Owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be construed to the rear through and adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the superintendent.

E. Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said inspector to meet all requirements of this Ordinance.

F. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and Fittings meeting the current A. S. T. M. Specifications for Standard or Extra Strength Clay Sewer Pipe, Extra Heavy Cast Iron Soil Pipe meeting the current A. S. T. M. Specifications or the Department of Commerce Commercial Standards for Extra Heavy Cast Iron Soil Pipe and Fittings or Polyvinyl Chloride (P. V. C.) plastic pipe Schedule 40 meeting the current requirements of A. S. T. M. D-1785 for Schedule 40 and D-1784. If installed in filled or unstable ground, the building sewer shall be of cast iron soil Pipe, except that one of the other three pipes may be accepted if laid on a suitable improved bed or cradle as approved by said inspector.

G. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made, Resilient Compression Joints meeting the current A. S. T. M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). P. V. C. plastic pipe joints shall be the coupled type with solvent cement equal to A. S. T. M. D2564. The joints and connections shall conform to the manufacturer's recommendations. All fittings shall be as manufactured by the pipe supplier with joints equal to that of the pipe.

H. The size and slope of the building sewers shall be subject to the approval of the said inspector, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-quarter ($1/4$) inch per foot, except as otherwise approved by the superintendent. All building sewers shall be laid on a sand cushion having a minimum thickness of three (3) inches. All irregularities and depression in the subgrade shall be fitted with sand so the pipe will be firmly supported for its entire length. To provide sewer embedment, the remainder of the trench to the top of the pipe shall be backfilled with compacted sand. The sand adjacent to the pipe shall be shovel sliced.

I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Inspector. Pipe laying and backfill shall be performed in accordance with current A. S. T. M. Specifications except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.

J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

K. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said Inspector.

L. The applicant for the building sewer shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representatives.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Village.

SECTION V - USE OF THE PUBLIC SEWERS

A. The Village Council shall prohibit any new connections from inflow sources to the system and shall refuse to accept inflow sources from existing connections which are not consistent with the system's design capacity including discharge of storm water, surface water, ground water, roof runoff, foundation drainage, cooling water or unpolluted industrial process waters to any sanitary sewer; and shall further prohibit new connections unless there is capacity in all downstream sewers, lift stations, force mains and treatment plant facilities including capacity for BOD and suspended solids.

B. No person shall discharge or cause to be discharged to any public sewers any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment, and personnel of the sewage works, or other interferences with the proper operation of the sewage works.

C. Grease, oil and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said Superintendent and of the Michigan State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

E. When required by the Superintendent, the Owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR 136, October 16, 1973) and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

F. A portion or all industrial waste from an industry may be excluded from the sanitary sewer system.

G. A surcharge may be imposed on the rate charged by industry for the treatment of industrial waste. The surcharge shall be based on the volume, strength and character of the industrial waste treated as compared to the volume, strength and character of the normal domestic sewage experienced in the Village of Sterling, Michigan.

H. Special assessments or contracts may be executed with industries which shall be coordinated with this ordinance for the derivation of the rate to be used for the receiving of industrial waste, where such industrial wastes are of unusual strength or volume and the treatment facility is capable of handling such industrial waste.

SECTION VI - PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION VII - POWERS AND AUTHORITY OF INSPECTORS

The superintendent, inspector, and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

SECTION VIII - PENALTIES

A. Any person found to be violating any provision of this ordinance except Section VI, shall be served by the Village Council with written notice the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Section VIII A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than Fifteen Dollars (\$15.00) and not more than One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this Ordinance shall become liable to the Village of Sterling, for any expense, loss, or damage occasioned the Village of Sterling by reason of such violation.

SECTION IX - CONDITIONS OF SERVICE

A. The Village of Sterling shall install and maintain at its expense that portion of the service from the main to near the lot or easement line, and the customer shall install and maintain at his expense that portion of the service from the end public service lead to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the Village of Sterling, but in no event shall the diameter be less than six (6) inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

B. Applications may be canceled and/or sewer service discontinued by the Village of Sterling for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

1. Mis-representation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

2. Non-payment of bills.

3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

C. Bills and notices relating to the conduct of the business of the Village of Sterling will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Village Council; and the Village of Sterling shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice.

D. Bills will be rendered quarterly on January 1, April 1, July 1, and October 1, payable without penalty within thirty (30) days after the date thereon. Payments received after such period shall bear a penalty of five per cent (5%) of the amount of the bill. Bills for sewer service are due and payable at the business office of the Clerk or to any designated agent, on their date of issue.

E. The Village of Sterling shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

F. The Village of Sterling shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains for service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

G. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village of Sterling.

H. Special terms and conditions may be made where sewer service is used by the Village of Sterling or community for public purposes such as public parks, etc. .

I. An annual audit shall be conducted to analyze the revenue results from the previous year and establish the cost of providing treatment to the various user classes. Based on the audit, rates should be adjusted based on actual operating data and experience to maintain equity during the service life of the facilities.

J. These rules may be changed or amended.

SECTION X - VALIDITY

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

SECTION XI - ORDINANCE IN FORCE

This ordinance to be in full force and effect from and after its passage, approval, and publication according to the law of the State of Michigan.

Passed by the Village of Sterling, Michigan, on the 15th
day of January, 1979, and approved by me this 15th.
day of January, 1979,

Bruce Ireland
Village President

Village of Sterling

SEAL

Attest:

Paul Temple
Clerk

Years Five (5)

NAYS None (0)

VILLAGE OF STERLING
ARENAC COUNTY, MICHIGAN

ORDINANCE NO. 17

AN ORDINANCE TO AMEND SECTION 4 OF ORDINANCE NO. 15 OF THE ORDINANCES OF THE VILLAGE OF STERLING, AND TO PROVIDE A SCHEDULE OF UNIT FACTORS FOR RATES FOR SEWER SERVICES FURNISHED BY THE ARENAC COUNTY SANITARY SEWER SYSTEM NO. 1 (VILLAGE OF STERLING).

THE VILLAGE OF STERLING ORDAINS:

SECTION 1. Section 4 of Ordinance No. 15 be and the same is hereby amended by adding to the existing said Section 4 a unit schedule for sewage use.

UNIT SCHEDULE FOR SEWAGE USE

Single Family Dwelling	1.0 Per Unit
Apartments	1.0 Per dwelling unit
Bars	2.0 per up to 25 seats
	3.0 per 26-50 seats
	4.0 per 51-100 seats
	5.0 per 101 and over seats
Beauty Shops	1.0 per first 2 chairs
	+0 .5 per additional chair
Churches	1.0
Commercial (other than specified)	1.0
Deep River Township Hall	3.0
Glee's Restaurant	2.0
Iva's Restaurant	5.0
Medical Clinic	1.25 per exam room
School	1.25 per thirty (30) persons
Service Stations (without car wash)	1.0
Village Hall and Fire Department	1.0

Any premise not categorized above shall be assigned a unit factor by the Village Council when such premises makes application for sewer connection.

The Village Council reserves the right to amend the above schedule should any premises change its sewer in volume or use.

SECTION 2. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect any of the other provisions of this ordinance.

SECTION 3. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed.

SECTION 4. This ordinance shall be published once, in full, in the Arenac County Independent, a newspaper of general circulation within the boundaries of the Village and qualified under State Law to publish legal notices, promptly after it's adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the Presendent and Village Clerk.

SECTION 5. This Ordinance shall become effective immediately upon its adoption.

ORDINANCE DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 17 duly adopted by the Village Council of the Village of Sterling, County of Arenac, Michigan, at a General meeting held on March 13, 1979, at which all members were present except _____

and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976.

I further certify that member James Balten moved adoption of said ordinance and that member Edmund Scannell supported said motion.

I further certify that the following members voted for adoption of said ordinance James Balten, Edmund Scannell, Ellis Chaffee, Neil Adams, George Frampton and Don Williams.

and that the following members voted against adoption of said ordinance _____.

I further certify that said ordinance has been recorded in the Ordinance Book of the Village and that such recording has been authenticated by the signatures of the President and Village Clerk.

Carol Tenopir
Village Clerk

Bruce Ireland
Village President

VILLAGE OF STERLING
ARENAC COUNTY, MICHIGAN
ORDINANCE NO. 18

An Ordinance to amend Sections I and V of Ordinance 16 of the Ordinances of the Village of Sterling, to provide additional definitions and amendments to the Sewer Rules and Regulations for the Arenac County Sanitary Sewer System No. 1 (Village of Sterling).

The Village of Sterling ordains:

SECTION 1. Section 1 of the Ordinance No. 16 be and the same is hereby amended by adding to the existing said Section 1 the following definitions:

Aa. User classes shall be defined as follows:

- 1) Residential - shall include all dwelling units used as domiciles such as detached, semi-detached and row houses, mobile homes, garden and standard apartments and permanent multi-family dwelling. (Transient lodging, considered commercial in nature, is not included).
- 2) Industrial - shall include establishments discharging a trade or process waste.
- 3) Commercial, Institutional and Governmental - all users not included as residential or industrial.

Bb. "Debt Service Charges" shall mean the costs of retiring sewage disposal bond issues, including reserve fund requirements which are assessed to users in accordance with the adopted rates.

Cc. "Operation and Maintenance Costs" shall mean the costs to operate and maintain the sewerage system excluding capital costs for new construction.

Dd. "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewerage system to maintain the capacity and performance for which the system is designed and constructed.

- Ee. "Preliminary Treatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant ~~Properties~~ in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means except as prohibited by Section 403.6 (d) of Public Law 92-500 as amended.

SECTION 2.8 Section V of Ordinance No. 16 be and the same is hereby amended as follows:

- A. The first sentence of Section V-D shall be amended to read "The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these water or waste in accordance with pertinent State and Federal regulations".
- B. Section V-H shall be amended to read; "No special assessments or contracts shall be coordinated with this Ordinance for the derivation of the rate to be used for the receiving of industrial waste, where such industrial wastes are of unusual strength or volume and the treatment facility is incapable of handling such industrial waste.
- C. Section V shall be amended by adding paragraph I as follows:
1. All industrial users applying for sewer service shall be required to list all substances to be discharged and the amounts in which these would be discharged in order that such discharges be in compliance with State and Federal Regulations.

SECTION 3. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause of provisions shall not affect any of the other provisions of this Ordinance.

SECTION 4. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 5. This Ordinance shall be published once, in full, in the Arenac County Independent, a newspaper of general circulation within the boundaries of the Village and qualified under State Law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the President and Village Clerk.

SECTION 6. This Ordinance shall become effective immediately upon its adoption.

ORDINANCE DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 18 duly adopted by the Village Council of the Village of Sterling, County of Arenac, Michigan, at a Special meeting held on October 30, 1979, at which all members were present except James Balten and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976.

I further certify that member Donald Williams moved adoption of said Ordinance and that member Edwin Scannell supported said motion.

I further certify that the following members voted for adoption of said Ordinance Donald Williams, Edwin Scannell, George Frampton, Neil Adams and Linda Hrobak and that the following members voted against adoption of said Ordinance None.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and that such recording has been authenticated by the signatures of the President and Village Clerk.

Earl Lemplin
Village Clerk

Bruce Ireland
Village President

ORDINANCE NO. 19

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

THE VILLAGE OF STERLING ORDAINS:

Section 1. Rules adopted

Pursuant to Public Act 514 of 1978 and Public Act 62 of 1956, the Emergency Rules to the Uniform Traffic Code promulgated by the Department of State Police pertaining to the decriminalization of certain traffic law violations are hereby adopted by reference as in this Ordinance modified.

Section 2. References In Code

References in the Uniform Traffic Code and Emergency Rules for Michigan Cities, Townships, and Villages to "governmental unit" shall mean the Village of Sterling.

Section 3. Notice To Be Published

The Village Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and Emergency Rules and of the fact that complete copies of the Code and Emergency Rules are available at the office of the Clerk for inspection by and distribution to the public at all times.

SECTION 4. Conflicting Ordinances Repealed

All other Ordinances inconsistent with the provisions of the Uniform Traffic Code and Emergency Rules are to the extent of such inconsistency, hereby repealed.

Section 5. When Effective

The Emergency Rules so adopted will be in effect in this

Section 5. When Effective

The Emergency Rules so adopted will be in effect in this governmental unit 30 days after the passage of this adopting Ordinance.

ADOPTED" December 11, 1979


Village Clerk

NOTICE OF ADOPTION OF
EMERGENCY RULES OF UNIFORM TRAFFIC CODE

Notice is hereby given that pursuant to the provisions of Public Act 514 of 1978 and Public Act 62 of 1956, State of Michigan, Emergency Rules to the Uniform Traffic Code for Cities, Townships, and Villages was adopted by reference by the Council of the Village of Sterling on the 11th day of December, 1979.

The purpose of such Code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways, and alleys and other public and semi-public places within the Village of Sterling and to provide penalties for the violation of said Code and the Emergency Rules adopted pertaining to the decriminalization of certain traffic law violations.

Complete copies of the Uniform Traffic Code and Emergency Rules are available at the office of the Village Clerk for inspection by and distribution to the public at all times.

No further or additional publication of the Uniform Traffic Code is required or contemplated.

Dated: December 11, 1979


Village Clerk

VILLAGE OF STERLING

ORDINANCE NUMBER 20

An ordinance to regulate the hours of use of Village Parks and other properties, and to provide penalties for violation thereof.

7 The Village of Sterling ordains:


1. That no person shall use, be at, or congregate at any Village Park between the hours of 10:30 P.M. and 6:00 A.M.

2. That the village of Sterling may designate other properties of the Village to be subject to this Ordinance in all respects by the posting of signs thereon limiting the use thereof to the hours of use above mentioned.

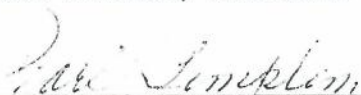
3. That the Village of Sterling, may grant special permission to organizations for reasonable use beyond the hours mentioned herein upon request.

4. That violation of this Ordinance shall be a misdemeanor and carry a penalty of ninety (90) days and / or \$100.00 fine.

Enacted this 14th. day of October, 1980,
at a regularly scheduled
Council meeting



Bruce Ireland, President



Pearl Templin, Village Clerk

VILLAGE OF STERLING

ORDINANCE NUMBER 21

An Ordinance to regulate dogs within the Village of Sterling, prohibiting the running at large of dogs, prohibiting the keeping of vicious dogs, prohibiting kennels, providing for the care and sanitary requirements of dogs, providing for the enforcement and penalties for the violation thereof.

ARTICLE I. DEFINITIONS

Definitions: For the purpose of this Ordinance the following terms shall have the following meanings respectively designated for each:

Dog: The term "dog" shall include the male and female of the dog family or genus canis, unless the context indicates or requires a different construction.

Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals.

Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more dogs. A dog shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Reasonable Control: A dog shall be deemed to be under reasonable control when such dog is on the premises of its owner or when such dog, not being on the premises of its owner, is with and under the control of its owner, his agent or some member of the owner's family.

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling of dogs, and whether such kennel is operated for profit, hobby, or otherwise.

Restraint: Any dog secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

ARTICLE II. GENERAL

Running at large -- Prohibited:

No person shall permit any dog, to run or be at large in the public streets, lanes, alleys, vacant lots or other

open or public places; or upon any private premises other than the premises of the owner or custodian of such dog, without the consent of the owner or occupant of such private premises; provided, that any such dog may be led about outside the premises of the owner thereof on a suitable leash, in the immediate control of a competent person.

Barking, Running at Large:

No person shall harbor or keep any dog which by loud and frequent or habitual barking, yelping, or howling shall cause serious annoyance to the neighborhood or to people passing to and fro upon the streets, or to the comfort and repose of a person of ordinary sensibility.

Requiring that Dogs be Licensed and Inoculated:

It shall be unlawful for any person to own any dog over the age of six(6) months, within the Village of Sterling that does not at all times wear a collar with a valid and current license tag attached thereto as provided for by the laws of the State of Michigan.

Animal Care :

- a. No owner shall fail to provide his dogs with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- b. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse a dog, or cause, instigate, or permit any dog fight.

Animal-Motor Vehicle Collision:

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

Sanitary Requirements:

Any person being the owner of, in possession of, or having control of any dog shall keep the yard, pen, shelter or building provided and maintained for the confinement of such dog, or used for the housing of such dog, clean, by removing from the premises all manure and waste matter from which odors may arise or may act as vermin harborage, at least once each day.

Animal Waste:

The owner of every dog shall be responsible for the removal of any excreta deposited by his dog(s) on public walks, recreation areas, or private property.

Abandonment:

No owner of a dog shall abandon such animal.

Number of Dogs:

It shall be unlawful for any owner, or family, or household, to possess, keep, or harbor more than 3 dogs within the Village of Sterling at any one time, except that when a female dog shall produce a litter of newborn dogs, said newborn dogs may remain with such owner, family, or household for a period of not exceeding 120 days, notwithstanding that the fact that the existence of said litter raises the dog population for such owner, family or household to more than three(3).

Kennel Prohibited:

It shall be unlawful for any owner, person, partnership or corporation to operate, own, lease, or otherwise allow a kennel within the Village of Sterling.

ARTICLE III. ENFORCEMENT AND PENALTIESDogs - Filing Complaint:

On sworn complaint to a District Judge of the 81st District Court that any of the following facts exist:

1. That any dog has attacked or bitten a person;
2. That any dog shows vicious habits and molests passersby when lawfully on the public highway or right-of-way.
3. That any dog molests persons on premises not owned or occupied by the owner of the said dog or causes a public nuisance thereon;

then such Judge shall issue a summons against the owner of said dog commanding him to appear before said Judge of the 81st District Court and show cause why said dog should not be killed or confined.

Order by District Judge:

The aforesaid summons shall be made returnable not less than two (2) nor more than ten (10) days from the date thereof, and shall be served at least two (2) days before the time of appearance mentioned therein. Upon the return day fixed in said summons, said District Judge shall

proceed to determine whether said dog has at any time , attacked or bitten a person, or whether it shows vicious habits and molests passers-by when lawfully on the public highway, or molests persons on premises not owned by or occupied by the owner of the dog or causes a public nuisance on such premises, and if he shall so find, he shall forthwith either order said dog confined to the premises of the owner or he shall order said animal to be killed and shall order payment of the costs of such proceedings against the owner of the said dog.

Civil Liability:

Nothing in this Article shall be construed as limiting the common law liability of the owner of dog for damages committed by it.

Penalty:

Any owner of a dog who shall thereafter violate an order to confine a dog owned by him to his premises pursuant to the provisions of this Article, or who shall secrete any dog owned by him to avoid the destruction thereof pursuant to an order made under this Article, shall be subject to a fine of not less than FIFTY and 00/100 (\$50.00) DOLLARS nor more than TWO HUNDRED and FIFTY and 00/100 (\$200.00) DOLLARS or imprisonment in the County Jail for not more than ninety (90) days, or both, at the discretion of the District Judge.

Dangerous and Potentially Dangerous Dogs:

It shall be unlawful for any person in the Village of Sterling to own a fierce or vicious dog, or a dog that has been bitten by any animal known to have been afflicted with rabies. It shall be the duty of any person owning a dog which has been attacked or bitten by another dog or animal showing symptoms of rabies, or which has bitten or injured any person or any other dog suspected of having rabies, to immediately notify the Village of Sterling or Arenac County Animal Control Officer, that such person has such a dog in his possession.

Enforcement:

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by the Village of Sterling and/or the Arenac County Animal Control Office. It shall be a violation of this ordinance to interfere with a Village officer in the performance of his duties.

Penalties:

Any person violating any provision of this ordinance,

not otherwise provided for by penalty above mentioned, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than TWENTY-FIVE and 00/100 (\$25.00) DOLLARS nor more than FIVE HUNDRED and 00/100 (\$500.00) DOLLARS, and/or by confinement in the County Jail for a term of not more than 90 days. If any violation be continuing, each day's violation shall be deemed a separate violation.

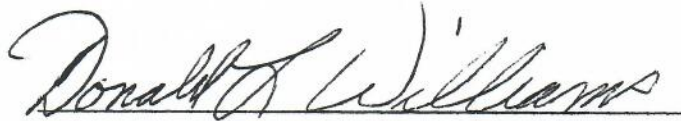
Conflicting Ordinances:

All other ordinances of the Village of Sterling that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

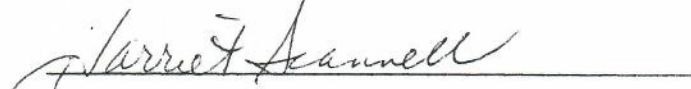
Severability Clause:

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Adopted this 13th,
day of December, 1983
at a regularly scheduled
Council meeting.



Donald L. Williams, President



Harriet Scannell, Village Clerk

VILLAGE OF STERLING

ORDINANCE NUMBER 22

An Ordinance to regulate the parking of motor vehicles within the Village of Sterling, Michigan from 2:00 a.m. to 7:00 a.m., and to prescribe penalty and enforcement for violation thereof.

THE VILLAGE OF STERLING ORDAINS:

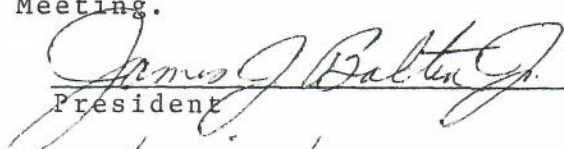
1. No person shall park, permit, cause, or otherwise allow a motor vehicle (whether operable or not) to be parked or stand upon any public street of the Village of Sterling between the hours of 2:00 a.m. to 7:00 a.m.

2. The penalty for violation of this ordinance shall result in a fine of FIFTY and 00/100 (\$50.00) DOLLARS to the owner of said vehicle.

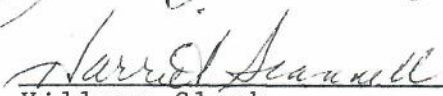
3. Any motor vehicle found in violation of this Ordinance is hereby authorized to be removed and towed away by commercial towing service at the direction of any Village Official, or at the direction of any Sheriff Deputy or Michigan State Police Officer. The cost of such towing or storage of said vehicle shall be the responsibility of the owner of the said vehicle.

4. This Ordinance is ordered to take immediate effect upon publication hereof.

Adopted this 12th day of February, 1985 at a regular Village Council Meeting.



President



Village Clerk

VILLAGE OF STERLING
ORDINANCE NUMBER 23

An ordinance to promote the health, safety and welfare of the people of the village of Sterling by providing for the regulation and removal or rehabilitation of dangerous dwellings within the village; to establish administrative requirements and to establish remedies and fix penalties for the violation thereof.

THE VILLAGE OF STERLING ORDAINS:

Section 1. It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in Section 2.

Section 2. As used in this Ordinance "dangerous building" means any building or structure which has any of the following defects or is in any of the following conditions:

(a) When ever any door, aisle, passageway, stairway or other means of exit does not conform to the approved fire code of the Village, it shall be considered that such dwelling does not meet the requirements of the Ordinance.

(b) Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of this Ordinance or any building code in forced in the Village for a new building or similar structure, purpose or location.

(c) Whenever any portion or member or appurtenance is likely to fall or to become detached or dislodged, or to collapse and thereby injure or damage property.

(d) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to winds than is required in the case of new construction by this Ordinance or the building code in force in the Village.

(e) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

(f) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose for which it is used.

(g) Whenever the building or structure has been so damaged by fire, wind or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful or immoral acts.

(h) Whenever a building or structure used or intended to be used for dwelling purposes, because of dilapidations, decay, damage or age, faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the District #06 Health Department, or its successors, or is likely to work injury to the health, safety or general welfare of those living within.

(i) Whenever any building becomes vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespasser.

Section 3. (1) Notwithstanding any other provision of this Ordinance, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to the owner, agent, or leasee or party in interest in the building in whose name the property appears on the last local tax assessment record.

(3) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4) The hearing officer shall be appointed by the Village Council to serve at its pleasure. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(5) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail -- return receipt requested, addressed to such owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the

hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

Section 4. (1) The hearing officer shall take testimony of the enforcing agency, the owner of the property and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(2) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(3) If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the Village Council of the Village and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed in Section 3.

(4) The Village Council shall fix a date for hearing reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section 3 of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe, and the Village Council shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.

(5) The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Village who shall assess the cost against the property on which the building or structure is located.

(6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within ninety (90) days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village.

Section 5. An owner aggrieved by any final decision or order of the Village Council under Section 4 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty (20) days from the day of the decision.

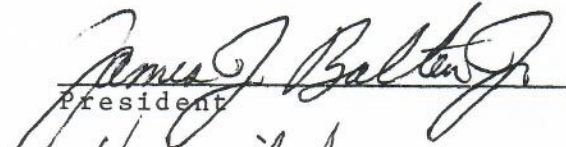
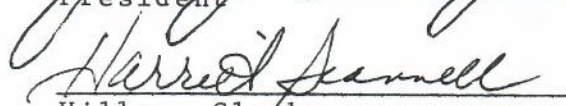
Section 6. The enforcing agency is the Michigan Department of Labor, Bureau of Construction Codes.

Section 7. This Ordinance shall take effect upon publication.

Section 8. The provisions of this Ordinance are hereby declared to be severable. If any clause, section, subsection, paragraph or sentence is declared to be void or inoperable for any reason, it shall not affect any portion thereof.

Section 9. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Adopted this 11th day of February, 1986 at a regular Village Council meeting.


President

Village Clerk

VILLAGE OF STERLING

ORDINANCE NUMBER 24

An Ordinance to regulate the gross weight of vehicles in the Village of Sterling on Village maintained streets and roads and to proscribe penalties for violation thereof.

THE VILLAGE OF STERLING ORDAINS:

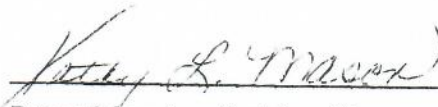
1. No vehicle, truck, trailer, bus or other such device shall be driven, operated, or towed within the Village of Sterling on a street or road owned or maintained by the Village of Sterling which exceeds the gross weight of 30,000 pounds.
2. For the purpose of this Ordinance, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads, shall be determined by weighing individual axles or groups of axles and the total weight on all the axles shall be the gross vehicle weight.
3. The Village of Sterling may suspend the restrictions imposed by this section when and where in its discretion conditions of the highways or the public health, safety, and welfare so warrant and may impose the restricted loading requirements of this section on designated highways at any other time that the conditions of the highway may require.
4. Any police agency, including the Arenac County Sheriff's Department or Michigan State Police, or an agent of the Department of State Highways having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by means of either portable or stationary scales approved and sealed by state department of agriculture as legal weighing device and may require that the vehicle be driven to the nearest weighing station of the department of state highways and transportation for the purpose of allowing an officer or agent of the department of state highways and transportation or county road commission to determine whether the conveyance or vehicle is in conformity with this ordinance.
5. Any owner or lessee of such above named vehicle who causes or allows a vehicle to be driven, or moved upon a street or road of the Village of Sterling in violation of the weight restrictions of this Ordinance

shall be responsible for a civil infraciton and shall be assessed a civil fine of .10 cents for each pound over the stated maximum allowed, in addition to court costs.

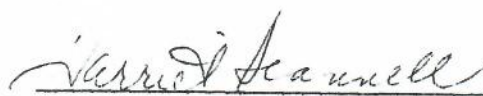
6. The Village of Sterling shall adequately post in appropriate entrance locations to the Village notice of the maximum weight allowed by this Ordinance.

7. This Ordinance was adopted July 14, 1987.

8. This Ordinance is effective October 1, 1987.



President Kathy Mason



Village Clerk Harriet Scannell

VILLAGE OF STERLING

ORDINANCE NUMBER 25

CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF STERLING, ARENAC COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF STERLING ORDAINS:

SECTION 1. GRANT, TERM. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Village of Sterling, Arenac County, Michigan, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when such work was commenced. All towers, masts, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the DPW of the Village.

SECTION 4. HOLD HARMLESS. The Grantee shall at all times keep and save the Village free and harmless from all loss, costs,

and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliannes, the erection, burial and maintenance of which are hereby authorized.

SECTION 5. RATES. The Grantee shall be entitled to charge the inhabitants of said Village for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by wither said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Village of Sterling, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty(60) days written notice by the party desiring such revocation.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

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

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of STerling, ARenac County, Michigan, on the 11th day of October, 1988.

Harry Joe Kocot, Jr.
President, Harry Joe Kocot, JR.

Harriet Scannell
Village Clerk, Harriet Scannell

VILLAGE OF STERLING

ORDINANCE NUMBER 26

An ordinance to amend SECTION 9 of ORDINANCE No. 15 of the ordinances of the Village of Sterling.

Section 9 The revenues of the System shall be set aside, as collected, and deposited in a separate depository account in State Bank of Standish, Standish, Michigan a bank duly qualified to do business in Michigan, in an account to be designated SEWER SYSTEM NO. 1 RECEIVING FUND(hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereafter specified.

(A) OPERATION AND MAINTENANCE FUND

Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(B) CONTRACT PAYMENT FUND

There shall next be established and maintained a depository account, to be designated CONTRACT PAYMENT FUND, which shall be used solely for the payment of the Village's obligations to the County pursuant to the aforesaid Contract. There shall be deposited in said fund, quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Village legally available for such purpose.

(C) REPLACEMENT FUND

There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Village Council shall deem necessary for this purpose.

(D) IMPROVEMENT FUND

There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions

and enlargements to the System. There shall be deposited into said Fund, after providing for the foregoing Fund, such revenues as the Village Council shall determine.


(E) SURPLUS MONEYS

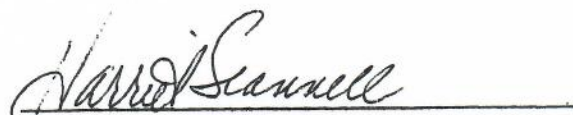
Moneys remaining in the Reveiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council, be transferred to the Improvement Fund or used in Connection with any other project of the Village reasonably related to purpose of the System.

(F) BANK ACCOUNTS

All moneys belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth.

This resolution was adopted at a regular meeting of the Village Council, held on December8, 1992.


George Frampton,
Village President


Harriet Scannell,
Village Clerk

STERLING VILLAGE CHARTER AMENDMENT

The Village of Sterling, State of Michigan, at a regular meeting of the Village Council, held on December 8, 1992 by a unanimous vote of said Council, hereby propose to amend the present Charter of said Village for term limit. Said proposed Amendment reads as follows:

Resolution:

The president, clerk, treasurer and assessor shall hold their respective offices for the term of one year from the second Monday of March of the year when elected and until their successors are elected and qualified and enter upon the duties of their office.

Said Proposed Amendment will not become effective unless passed by a majority vote of the electors of the Village of Sterling.

Harriet Scannell
Village Clerk

Proposed Amendment passed by a majority vote of the electors of the Village of Sterling on March 8, 1993.

The amended provision would read as follows:

Chapter 1, Section 4. Term Limit

The president, clerk, treasurer and assessor shall hold their respective offices for the term of one year from the second Monday of March of the year when elected and until their successors are elected and qualified and enter upon the duties of their offices. All provisions of the Village Charter of the Village of Sterling, County of Arenac, Michigan in conflict herewith are hereby repealed.

Harriet Scannell
Village Clerk

VILLAGE OF STERLING

ORDINANCE NUMBER 27

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

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

THE VILLAGE OF STERLING ORDAINS:

SECTION 1. GRANT TERM. The VILLAGE OF STERLING ARENAC COUNTY, MICHIGAN, hereby grants to the CONSUMERS POWER COMPANY, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways and other public places, and to do a local gas business in the VILLAGE OF STERLING, ARENAC COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same good order and condition as when such work was commenced.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Village, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights and authority herein granted are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Village for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village, acting by its Village Council, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION
Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Village.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the Village Council on February 18, 1964 entitled:

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

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

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the VILLAGE OF STERLING, ARENAC COUNTY, MICHIGAN, on the 8th day of March, 1994.

Attest:

Harriet Sannell
Village Clerk

George V. Thompson
Village President

VILLAGE OF STERLING**ORDINANCE NUMBER 28****ADULT ONLY BUSINESS**

An ordinance to create a framework of regulatory standards to be used for approving or disapproving an Adult Only Business.

THE VILLAGE OF STERLING ORDAINS:

SECTION I. PURPOSE The purpose and intent of this Ordinance is to regulate the location of, but not to exclude, adult business within the Village of Sterling, by preventing the concentration of such business in close proximity to each other and to minimize the potentially injurious impacts of their operation by separating such uses from residential, office/commercial, and other areas of public congregation.

SECTION II. DEFINITIONS For the purpose of this Ordinance, the following words and phrases shall be construed to have the meanings stated, unless it is apparent from the context that a different meaning is intended.

1.) *Adult book and /or video store* - An establishment which has a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material which exceeds twenty percent(20%) of the floor area of the establishment.

2.) *Adult business* - An establishment with one or a combination of more than one of the following types of businesses: adult book and/or video store, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business, adult cabaret, massage parlor.

3.) *Adult business, significant portion* - A business where a significant portion of the stock in trade or services provided meets at least one of the following criteria:

a.) Twenty percent (20%) or more of the stock, materials, novelties, or services provided are classified as adult materials and/or services as defined herein.

b.) Twenty percent (20%) or more of the usable floor area or the building is used for sale, display and/or provision of services classified as adult materials and/or services as defined herein.

c.) Twenty percent (20%) or more of the movie display time per month is used for display of adult materials as defined herein.

d.) The advertising associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas. Advertising includes, but is not limited to, on signs, on television or radio, in publications, on the internet/cyberspace network, or on or in other media forms.

4.) *Adult cabaret* - An establishment which may or may not include the service of food or beverages, having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas, as herein defined.

5.) *Adult motion picture theater* - An establishment, in a completely enclosed building or room, with a capacity of fifty (50) or more people, which offers, for an admission fee, membership fee, or other valuable consideration, the viewing of motion picture films, videotapes, pictures or photographs, cable television, satellite transmissions or other visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

6.) *Adult mini-motion picture theater* - An establishment, in a completely enclosed building or room, with a capacity of less than fifty (50) people, which offers, for an admission fee, membership fee, or other valuable consideration, the viewing of motion picture films, videotapes, pictures or photographs, cable television, satellite transmissions or other visual media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

7.) *Adult novelties* - Objects, items, and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.

8.) *Adult personal service business* - A business having as its principal activity a person while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

9.) *Buttock* - The area of a persons body which includes the perineum and anus.

10.) *Massage* - The use of physical, mechanical, or other devices, for the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body.

11.) *Massage parlor* - Any establishment wherein private massage is practiced, used or made available as a significant portion of the principal use of the business unless the establishment's principal use is medicinal or therapeutic massage.

12.) *Sodomy* - Sexual bestiality.

13.) *Specified anatomical areas* -

a.) Human male genitals in a discernible turgid state, even if complete and opaquely covered:

b.) Less than completely and opaquely covered

1.) Female breasts below a point immediately above the top of the areola;

2.) Human genitalia and the pubic region; and,

3.) A buttock and anus.

14.) *Sexual intercourse* - Genital coitus, Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body, or of any object into the genital or anal openings of any person's body.

15.) *Specified sexual activities* - Acts that include, but not limited to:

- a.) Acts of human masturbation, sexual intercourse or sodomy;
- b.) Fondling or other erotic touching of human genitalia, a pubic region, a buttock, an anus, or a female breast; and,
- c.) Human genitalia in state of sexual stimulation or arousal;

SECTION III. LICENSING No person, firm or corporation shall engage in the business within the Village of Sterling of offering a public amusement, entertainment, exhibition or performance by live performers involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display without first obtaining a license therefore from the Village of Sterling.

No person, firm or corporation shall knowingly allow or permit any building or land owned or possessed by him or it to be used for such purpose unless a village license therefore has been shown to such owner or possessor.

No license shall be granted or delivered until the applicant therefor has complied with all of the required conditions precedent to its issuance.

Applicant shall submit an application not less than 60 days prior to the proposed commencement of such business, under oath, on a form to be provided by the Village of Sterling Clerk, which application shall disclose such pertinent information about applicant, his proposed business location, facilities, maximum capacity to be admitted, business history and responsibility, as the clerk may require and shall be accompanied by the following:

1.) Evidence that applicant has obtained public liability insurance with a limit of not less than \$100,000.00/\$300,000.00 and property damage insurance with a limit of not less than \$25,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan which insurance shall insure applicant, his employees and agents, against liability for death or injury to persons or damages to property which may result from the conduct of such licensed business, which policy or policies shall remain in full force and effect in the specified amounts during the term of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Village Clerk, in writing, at least 10 days before the expiration or cancellation of said policy or policies.

2.) A corporate surety bond in the amount of \$10,000.00 in a form to be approved by the village attorney, conditioned upon applicant's faithful compliance with all the terms and provisions of this licensing ordinance, and all applicable provisions of other village ordinances, county ordinances and state ordinances.

3.) A license fee of \$100.00 for a business, the approved capacity of which does not exceed 500 persons and an additional license fee of \$100.00 for each additional 1,000 persons or fraction thereof to be admitted to licensee's place of business per day of operation.

The clerk may refer the application to the Village Zoning Administrator, the Arenac County Health Department, the State Fire Marshal and other public officials as he/she may deem appropriate.

The application, supporting data and reports of governmental officials shall then be presented to the village council of the Village of Sterling. In passing on the application, the village council shall determine whether or not the proposed business meets the requirements of this ordinance, the other applicable county ordinances, and applicable state statutes and shall

approve or deny the license accordingly within sixty (60) days of receipt of the application. If the license is denied, the basis or bases for denial shall be specified in the resolution of denial.

The "status quo" must be maintained during the licensing period. In the event that a license is denied, the applicant shall seek judicial relief within sixty (60) days of denial of the application.

Advertising of applicant's proposed business prior to the issuance of the license by the Village of Sterling shall constitute a violation of this ordinance by applicant and shall constitute a basis for denial of such license.

SECTION IV. LOCATION An adult business may be located in the Village of Sterling only in accordance with the following restrictions:

1.) Adult businesses shall be located only with district classification Commercial and Industrial as defined in the Zoning Code and as appear on the zoning map.

2.) No adult business, as defined herein, shall be permitted within one thousand (1000) foot radius of an existing adult business. Measurement of the 1,000 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

3.) No adult business, as defined herein, shall be permitted within a five hundred (500) foot radius of a school, library, park, playground, licensed group day care center, church or similar place of worship, or other place of public congregation. Measurement of the 500 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

4.) No adult business, as defined herein, shall be permitted within a five hundred (500) foot radius of any residentially zoned land as depicted on the official Zoning Map and defined in the Zoning Code. Measurement of the 500 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

5.) No adult business, as defined herein, shall be permitted within one hundred (100) foot radius of any residentially used land within the Village of Sterling. Measurement of the 100 foot radius shall be made from the outermost boundaries of the lot or parcel upon which the proposed adult use will be situated.

SECTION V. SITE DEVELOPMENT The site layout, setbacks, structures, function and overall appearance shall be compatible with adjacent uses.

Windows, displays, signs and decorative or structural element of buildings shall not include or convey examples of a sexual nature, and are limited to one (1) sign.

All building entries, windows and other such openings shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area, and wherever else it is requested by the Village of Sterling Planning Commission.

No loud speakers or sound equipment shall be used by an Adult Only Business that projects sound outside of the Adults Only Business so that the sound can be discerned by the public from public or semipublic areas.

The Adult Only Business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

SECTION VI. REGULATION No person shall reside in or permit any person to reside in the premises of any adult business.

No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all

services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.

No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.

No lessee or sublessee of any property shall convert that property for any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate; and establishment duly licensed in the State of Michigan, clergymen, members of a state certified massage therapy association. Members of a state certified massage therapy association must have a certificate of completion of a massage program from a community college, college, or university.

Building design, facade, or any painted images, murals, pictorials or characters that depict specific anatomical areas or specified sexual activities on a building are prohibited.

That any display of adult oriented materials be shielded from public view.

SECTION VII. SEVERABILITY The Village of Sterling that each and every provision of this ordinance be liberally construed to protect and preserve the peace, safety and welfare of the inhabitants of said village and should any provision, section or portion thereof be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provisions, it being the intent that the remainder of such ordinance shall stand notwithstanding the invalidity of any provision thereof.

SECTION VIII. ENFORCEMENT Any person convicted of violating this Ordinance is subject for imprisonment for not more than ninety (90) days or a fine of not more than \$500.00, or both, plus costs of prosecution.

SECTION IX. EFFECTIVE DATE This Ordinance shall become effective fourteen (14) days after publication.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Sterling, Arenac County, Michigan, on the 14th day of November, 2000.

Attest:

Garret Deannel
Village Clerk

Robert Maday
Village President

VILLAGE OF STERLING

ORDINANCE NO. 29

ADULT ONLY BUSINESS

An Ordinance to create a framework of regulatory standards to be used for approving or disapproving an Adult Only Business.

THE VILLAGE OF STERLING ORDAINS:

SECTION I. PURPOSE The purpose and intent of this Ordinance is to prohibit public nudity within the boundaries of the Village of Sterling so as to minimize the potentially injurious impact on the property values of the surrounding properties, the possibility of an increased crime rate, prevention of prostitution, pondering and to protect the public health and safety.

SECTION II. DEFINITIONS For the purpose of this Ordinance, the following words and phrases shall be construed to have the meanings stated, unless it is apparent from the context that a different meaning is intended.

1.) *Public place* - Any place which is generally accessible to the public, whether in or outside of a building, or any other place in which the interior is readily visible to the public.

2.) *Nudity* -

A.) A female is nude when she exposes

- 1.) breasts immediately below the top part of the areola;
- 2.) more than two-thirds of her buttocks;
- 3.) her anus;
- 4.) her genitalia and/or pubic region.

B.) A male is nude when he exposes

- 1.) his genitals and/or pubic region;
- 2.) more than two-thirds of his buttocks.

3.) *Public Nudity* - Knowingly or intentionally displaying a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individuals genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola but not including a woman's breast feeding of a baby.

SECTION III. REGULATION It shall be a violation for any person to appear in a public place while nude or to be involved, directly or indirectly, in public nudity within the Village of Sterling.

It shall be a violation of this Ordinance for a business owner to knowingly permit public nudity within his or her business.

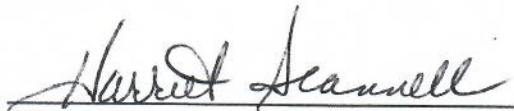
SECTION IV. SEVERABILITY The Village of Sterling that each and every provision of this ordinance be liberally construed to protect and preserve the peace, safety and welfare of the inhabitants of said village and should any provision, section or portion thereof be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provisions, it being the intent that the remainder of such ordinance shall stand notwithstanding the invalidity of any provision thereof.

SECTION V. ENFORCEMENT Any person convicted of violating this Ordinance is subject for imprisonment for not more than ninety (90) days or a fine of not more than \$500.00, or both, plus costs of prosecution.

SECTION VI. EFFECTIVE DATE This Ordinance shall become effective fourteen (14) days after publication.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Sterling, Arenac County, Michigan, on the 14th day of November, 2000.

Attest:


Village Clerk


Village President

STATE OF MICHIGAN
COUNTY OF ARENAC

VILLAGE OF STERLING

ORDINANCE NO. 30
Adopted: December 10, 2002
Effective: December 10, 2002

TELECOMMUNICATIONS ORDINANCE

Sec. 1 Purpose.

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

Sec. 2 Conflict.

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

Sec. 3 Terms Defined.

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

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

Village means the Village of STERLING.

Village Council means the Village Council of the Village of STERLING or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

Village Manager means the Village President or his or her designee.

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

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

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

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "commission" in the Act.

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

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

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

Telecommunications Provider, Provider and Telecommunications Services mean those terms defined in Section 120 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communication act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

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

Sec. 4 Permit Required.

- (a) Permit required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way

in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) **Application.** Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village President, and one copy with the Village Attorney. Upon receipt, the Village Clerk shall make ___ copies of the application and distribute a copy to [identify additional recipients]. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) **Confidential Information.** If a telecommunications provider claims that any portion of the route map is submitted by its part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

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

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

(f) **Previously Issued Permits.** Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.

(g) **Existing Providers.** Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications application

fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Sec 5. Issuance of Permit.

(a) **Approval or Denial.** The authority to approve or deny an application for a permit is hereby delegated to the Village President. Pursuant to section 15(3) of the Act, the Village President shall approve or deny an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village President shall notify the MPSC when the Village President has granted or denied. The Village President shall not unreasonably deny an application for a permit.

(b) **Form of Permit.** If an application for permit is approved, the Village President shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(c) **Conditions.** Pursuant to Section 15(4) of the Act, the Village President may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) **Bond requirement.** Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the Village President may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Sec. 6 Construction/Engineering Permit.

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

Sec. 7 Conduit or Utility Poles.

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

Sec. 8 Route Maps.

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

Sec. 9 Repair of Damage.

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

Sec. 10 Establishment and Payment of Maintenance Fee.

In addition to the non-refundable applications fee paid to the Village set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Sec. 11 Modification of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, any fees charges to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required Section 8 of the Act. The Village shall provide each telecommunication provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charges telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.

Sec. 12 Saving Clause.

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

Sec. 13 Use of Funds.

Pursuant Section 10(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

Sec. 14 Annual Report.

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

Sec. 15 Cable Television Operators.

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

Sec. 16 Existing Rights.

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

Sec. 17 Compliance.

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

- (a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 12.231 to 14.246, as provided in Section 4(c) of this ordinance;
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;
- (c) Allowing existing providers additional time in which to submit an application for a permit, an excusing such providers from the \$500 application fee, in accordance with Section 4(g) of this ordinance;
- (d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 5(a) of this ordinance;
- (e) Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 5(q) of this ordinance;
- (f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;
- (g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;
- (h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;
- (i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;
- (j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;
- (k) Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;
- (l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

Sec. 18 Reservation of Police Powers.

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

Sec 19. Severability.

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

Sec. 20 Authorized Village Officials.

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

Sec 21. Municipal Civil Infraction.

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to [specify local civil infraction fines or ordinance section references here]. [If the Village does not have a municipal civil infraction ordinance: A violation of this ordinance shall be a violation of the Village Code.] Nothing in this Section 21 shall be construed to limit the remedies available to the Village in the event of a violation by a person of this ordinance or a permit.

Sec 22. Repair

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

Sec. 23 Effective Date.

This ordinance shall take effect on December 10, 2002.

At a regular meeting of the VILLAGE Board, held at the VILLAGE OF STERLING Hall, whose address is: 123 E. Main Street, Sterling, Michigan 48659, held on the 10th day of December, 2002, adoption of the foregoing Ordinance was moved by Paul Golimbieski and supported by James Hazeltine.

Furthermore, the Attorney for the VILLAGE OF STERLING, is Robert J. Eppert, whose address is 1144 West Lake Street, P.O. Box 426, Tawas City, Michigan 48764.

Voting for: Janice Yenior, James Hazeltine, Donna Carrier, Edward Goodroe, Larry Snyder, and Paul Golimbieski.

Voting against: Nobody.

The President of the VILLAGE OF STERLING declared the Ordinance adopted.

Kenneth Yenior

By: Kenneth Yenior

Its: President

Tara Russell

By: Tara Russell

Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 30, which was enacted by the VILLAGE OF STERLING Board at a regular meeting in the 10th day of December, 2002.

Tara Russell

Tara Russell

Clerk

STATE OF MICHIGAN

COUNTY OF ARENAC

VILLAGE OF STERLING

ORDINANCE NO. 31

Adopted: April 22, 2003

Effective: April 22, 2003

CIVIL INFRACTIONS ORDINANCE

AN ORDINANCE THAT ESTABLISHES PROCEDURES FOR CITING CIVIL INFRACTIONS. THIS ORDINANCE PROVIDES AUTHORIZED VILLAGE OFFICIALS WITH THE AUTHORITY TO DETERMINE VIOLATIONS, ISSUE CITATIONS, AND ESTABLISHES PENALTIES THAT INCLUDE COLLECTION OF FINES AND/OR CRIMINAL PROSECUTION WHEN ENFORCING LAWS AND/OR ORDINANCES OF THE VILLAGE OF STERLING.

THE VILLAGE OF STERLING DOES HEREBY ORDAIN:

SECTION 1. VIOLATIONS: A violation of any VILLAGE ordinance, regardless of the Ordinance's cited penalty, may be cited as a civil infraction, when allowed by law. When a violation of a VILLAGE ordinance has been cited as a civil infraction the procedures herein shall be followed. Civil Infractions may include any act that is prohibited by way of ordinance, and/or omission and/or failure to act where action is required by any VILLAGE ordinance. The remedies as set forth within this ordinance shall be followed instead of the remedies as set forth in any other section of VILLAGE ordinance, or other laws, whether they be local, state, or federal when a violation of a VILLAGE ordinance is cited as a Civil Infraction. The VILLAGE is not required to cite

a violation herein, as a civil infraction, and may instead cite same as a misdemeanor, as allowed, or pursue any other remedy provided by any VILLAGE ordinance, or by any other law.

SECTION II. SANCTIONS: The Sanction for any Civil Infraction shall be a civil fine that does not exceed \$500.00. The progression of penalties to be followed for repeated violations are provided in Section III of this ordinance. In addition to ordering the Defendant, determined to be responsible for a municipal civil infraction, to pay a civil fine, plus additional costs incurred, whether administrative, legal, or otherwise incurred in the enforcement of this ordinance and for any damages, the judge or magistrate shall be authorized to enforce, or enjoin violation of, ordinances as allowed by law.

SECTION III. PROGRESSION OF PENALTIES:

1. A person, corporation or firm, who as a result of violating a provision of a VILLAGE ordinance, may be issued with a "Civil Infraction Notice of Violation" which directs the person alleged to be responsible to appear at the 81st District Court of Arenac County, State of Michigan. The following civil fines shall apply in the event of a determination of responsibility for a municipal Civil Infraction Notice of Violation:

A. First offense. A civil fine for a first offense violation shall be in the amount of \$50.00 for each day the violation continues, plus costs, including legal fees and administrative costs, and other sanctions as allowed by law.

B. Second occurrence of the same violation during one year (within 365 days from the first occurrence) shall be fined \$250.00 for each day the violation

continues, plus costs, including legal fees and administrative costs, and other sanctions as allowed by law.

C. Third occurrence of the same violation during one year (within 365 days of the first occurrence) shall be fined \$500.00 for each day the violation continues, plus costs, including legal fees and administrative costs, and other sanctions as allowed by law.

2. A person, corporation or firm who fails to comply with a "Civil Infraction Notice of Violation", or, at the discretion of a Civil Infraction Enforcement Officer, may be cited with a "Civil Infraction Citation" that directs the person alleged to be responsible to appear in court and he/she shall then be subject to the findings of a Judge or magistrate in a court of competent jurisdiction plus any other remedies allowed by law.

3. Further, the VILLAGE shall have the ability, as an alternative to proceeding by way of enforcing this Ordinance, by way of VILLAGE Civil Infraction, proceeding with any other remedy it may have at law, including, but not limited to, seeking Circuit Court enforcement of either any rights preserved to the VILLAGE, pursuant to Michigan Public Act 288 of 1967, as amended, being the Land Division Act of 1997, MCLA 560.101, et seq., or seeking other equitable relief available at law to the VILLAGE in Circuit Court.

SECTION IV. COMMENCEMENT OF MUNICIPAL CIVIL INFRACTION ACTION:

1. A municipal civil infraction action may be commenced upon the issuance by an

authorized official of either of the following:

A. Issuing a municipal Civil Infraction Notice of Violation.

B. Issuance of a municipal Civil Infraction Citation, directing the person alleged to be responsible, to appear in court.

2. The form of citations used to charge municipal civil infraction violations shall be in accordance with state law.

3. The basis for issuance of a municipal civil infraction citation shall be as set forth below:

A. An authorized official who witnesses a person violate an ordinance, the violation of which may be cited as a municipal civil infraction, shall prepare and subscribe, as soon as possible, and as completely as possible, an original and three copies of a Notice of Violation or a Civil Infraction Citation.

B. An authorized official may issue a Notice of Violation or a Civil Infraction Citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for an ordinance violation.

C. An authorized official may issue a Notice of Violation or a Civil Infraction Citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction.

4. Municipal civil infraction Notice of Violation or Civil Infraction Citation shall be served in the following manner:

A. Except as otherwise provided below, the authorized official shall serve a copy of the citation upon the alleged violator as allowed by law.

B. In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the Notice of Violation and Civil Infraction Citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching a copy to the building or structure. In addition, a copy of the Notice of Violation or Civil Infraction Citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

C. A Notice of Violation or Civil Infraction Citation served as provided in paragraph B, above, for a violation involving the use or occupancy of land where a building or other structure, shall be processed in the same manner as when served personally upon a Defendant.

D. Service may also be effected by any utilization of any other procedure as allowed by law.

SECTION V. CIVIL INFRACTION ENFORCEMENT OFFICER:

1. The VILLAGE Board is hereby authorized to appoint by way of resolution, a person or persons as Civil Infraction Enforcement Officer(s) for such term or terms as may be designated in said resolution for the purpose of carrying out the duties and

responsibilities specified by this ordinance as an "authorized official" that is charged with enforcement of the VILLAGE ordinances. The VILLAGE Board may further, by motion or resolution, remove any person from such office, at the discretion of the Board.

2. An appointed Civil Infraction Enforcement Officer is authorized to enforce all provisions of this ordinance, whether or not any particular provision of a VILLAGE ordinance specifies or designates a different enforcing official. Where a particular officer is designated in any ordinance provision, that officer's authority shall continue in full force and effect, and shall not be diminished or impaired by the terms of this section, and authority of the Civil Infraction Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer.

3. The Civil Infraction Enforcement officer's duties shall include the following: Investigation of ordinance violations; issuance and service of municipal ordinance violation warning notices; issuance and service of fineable municipal ordinance Notice of Violation and municipal Civil Infraction Citations; appearance in court or other judicial or quasi-judicial proceedings in the administration of the VILLAGE's ordinances.

SECTION VI. ELECTION OF PERSON CHARGED WITH VIOLATION: Any person receiving a municipal civil infraction Notice of Violation and/or a Citation, shall be permitted to dispose of the charge alleged in the Notice and/or Citation, by making a payment of the fine and/or cost as directed by the Notice and/or Citation, or as otherwise mandated by law.

SECTION VII. EFFECT: The provisions of this Ordinance are hereby ordered to take effect immediately upon publication in the manner prescribed by law.

SECTION VIII. SEVERABILITY: The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Moved by: James Hazeltine

Supported by: Paul Golimbieski

Yeas: 6

Nays: None

Absent:

Publication:

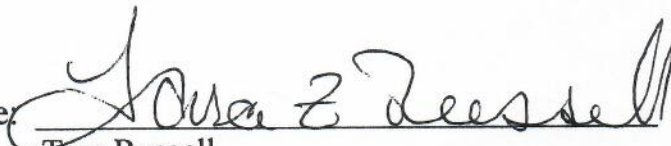
First Publication Date:

Second Publication Date:

I, Tara Russell, VILLAGE OF STERLING Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 31 as adopted by the Board of Trustees of the VILLAGE OF STERLING, County of Arenac, State of Michigan.

Date: April 22, 2003

Signature:




Tara Russell

Village of Sterling Clerk

Date: April 22, 2003

Signature:



Kenneth Yenior

Village of Sterling President