VILLAGE OF NEW ERA

CODE OF ORDINANCES

Revised 05/2014

ORDINANCE NO. 4

AN ORDINANCE TO ENCUMBRANCES, EXCAVATION, ENCROACHMENTS OR OBSTRUCTIONS BEING PLACED UPON ANY OF THE STREETS, SIDEWALKS, LANES, ALLEYS, PARKS OR GROVES IN THE VILLAGE OF NEW ERA, OCEANA COUNTY, MICHIGAN.

The Village of New Era Ordains:

Section 1. That it shall not be lawful for any person or persons to erect or place or cause to be erected or placed any encumbrances, encroachments, or obstructions upon any street, sidewalk, lane, alley, park, or public grounds; and it shall not be lawful for any person or persons to dig upon, or in any manner excavate any portion of any street, alley, lane or public grounds within said village, except by permission of the council and under the direction of the street commissioner.

Section 2. Any person or persons violating any of the provisions of this ordinance, upon conviction thereof, shall be punished by a fine of not less than five nor more than fifty dollars, together with costs of prosecution, and upon failure to pay such fine may be imprisoned for any time not exceeding thirty days, unless payment thereof be sooner made. And if imprisonment be adjudged in any case, it shall be in the village prison or in the county jail of Oceana County, as the court may direct.

Passed and approved by the Common Council of the Village of New Era, at a regular session thereof, held at the Council Rooms in said Village, on April 7, 1949.

/s/ Elmer Meyers
President

ATTEST:
/s/ W. A. Barnette
Clerk

I, Walter A. Barnette, Clerk of the Village of New Era, do hereby certify that notice was given of this ordinance as required by statute.

Given under my hand, this 12th day of April, 1949.

/s/ W. A. Barnette
Clerk

Seal

ORDINANCE NO. 5

AN ORDINANCE RELATING TO THE CLEANING AND CLEARING OF STREETS AND ALLEYS IN THE VILLAGE OF NEW ERA, OCEANA COUNTY, MICHIGAN.

The Village of New Era Ordains:

Section 1. It shall be the duty of the street commissioner of said village to keep the streets and alleys of said village free and clear of all obstructions, rubbish, ashes, and all matter, or things.

Section 2. Should any expense he incurred by said commissioner in removing any of the obstructions, rubbish, ashes, matter, or things, from any of the streets and alleys of said Village, it shall be his duty to keep an account thereof, and report the same to the council of said Village; and the same shall become a charge against the person placing or causing such obstruction, rubbish, ashes, matter, or things to be placed in the streets or allays in said village, and may be collected by said Village in an action of debt, or assumpsit, against such person, and in case the person placing or causing the obstruction, rubbish, ashes, matter, or things to be placed in any street or allay in said Village, is the owner of the premises, the street or alley in which such obstruction, rubbish, ashes, matter, or thing is placed, than the expense of the removal thereof may be levied and collected as a special assessment on said premises.

Section 3. All acts or parts of acts contravening any of the provisions of this ordinance are hereby repealed.

Passed and approved by the Common Council of the Village of New Era, at a regular session thereof, held at the Council Rooms in said Village, on April 7, 1949.

/s/ Elmer Jaegers
President

ATTEST:
/s/ Wallace A. Vanvelle
Clerk

I, Wallace A. Vanvelle, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given as required by statute.

Given under my hand, this 13th day of April, 1949, A.D.

/s/ Wallace A. Vanvelle
Clerk

Seal

ORDINANCE NO. 7

AN ORDINANCE RELATING TO TRAVELING SHOWS, STREET WALKERS, PEDDLERS, AUCTIONEERS, DANCING PLACES, AND THE LICENSING THEREOF IN THE VILLAGE OF NEW ERA, OCEANA COUNTY, MICHIGAN.

The Village of New Era Ordains:

Section 1. That it shall not be lawful for any circus, menagerie, or other traveling exhibitions or shows that demands or receives an admission fee, to exhibit in said village without first obtaining a license thereof from the village.

Section 2. It shall not be lawful for any street hawker or peddler to cause to be erected any stand or other table, and sell goods, thereupon, or to sell from any wagon or other vehicle in the village of New Era, without first obtaining a license therefor from said village.

Section 3. It shall not be lawful for any transient trader or dealer to expose or offer for sale any goods, wares or merchandise, without first obtaining a license therefor from said village.

Section 4. Nothing contained in the last two preceding sections of this ordinance shall be construed as prohibiting any farmer from selling in the usual manner the products of his farm or garden, nor shall any of the provisions of this ordinance be construed as in any way prohibiting tradesmen and storekeepers from selling their goods or wares from their windows or in front of their stores in the ordinary manner.

Section 5. It shall not be lawful for any person to sell any goods, wares, or merchandise at auction within the village of New Era without first obtaining a license therefor from said village, nor shall it be lawful for any person to sell any goods, wares, or merchandise, at auction, upon U.S. 31 in said village or within two rods of said US-31, unless such sale or auction be carried on within some store or building. This section shall not apply to any person selling property by virtue of a legal process or under mortgage.

Section 6. It shall not be lawful for any person to erect or cause to be erected any building, shed or tent for the purpose of conducting any dance therein, within the limits of said village, without first procuring n license therefor from said village. Any person may obtain a license for any of the purposes mentioned in this ordinance, by paying to the Marshall, or in case of his absence, to the President of said village, which officers shall have authority to grant such license, such sum of money, as may be fixed upon by this council of said village; and in case the amount of license in not so fixed, then such sum as the person granting the same may determine, which shall not be less than one dollar nor more than fifty dollars, and such license shall be signed by the person granting the same, and countersigned by the clerk of said village.

Section 7. Any person who shall violate or offend against any of the provisions of this ordinance, shall be punished by a fine of not less than five dollars, and not exceeding one hundred dollars, or by imprisonment not less than ten days nor more than ninety days or both such fine and imprisonment in the discretion of the court, together with the cost of prosecution, and upon failure to pay such fine and costs, may be imprisoned for any length of time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept

at labor during such imprisonment. And if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of Oceana County, as the court may direct.

Section 8. All acts or parts of acts contravening any provisions of this ordinance are hereby repealed.

Section 9. This ordinance shall take immediate effect.

Passed and approved by the Common council of the Village of New Era, at a regular session thereof, held at the Council Rooms in said village, on December 1st, 1949.

/s/ Elwes Meyers
President

ATTEST:

/s/ Walter A Barnette
Clerk

I, Walter A Barnette, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given as required by statute.

Given under my hand, this 29 day of Dec, 1949.

/s/ Walter A Barnette
Clerk

Seal

ORDINANCE NO. 8

AN ORDINANCE PROHIBITING ELECTRICAL INTERFERENCE WITH RADIO RECEPTION, AND PROVIDING FOR PUNISHMENT FOR THE VIOLATION THEREOF.

The Village of New Era Ordains:

Section 1. That it shall be unlawful far any person, firm, co-partnership, association, or corporation knowingly or wantonly to operate are cause to be operated, any machine, device, apparatus, or instrument of any kind whatsoever within the corporate limits of the Village of New Era between the hours of twelve noon and twelve o'clock midnight, the operation of which shall cause reasonably preventable electrical interference with radio reception, within said municipal limits: PROVIDING, HOWEVER, That x-ray pictures, examinations, or treatments may be made at anytime if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.

Section 2. That this ordinance shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus, or devise used or useful in interstate commerce or the operation of which instrument, apparatus, or device is licensed or authorized by or under the provisions of any act of the Congress of the United States

Section 3. That every person, co-partnership, association, firm or corporation violating any of the provisions of this ordinance, shal1, upon conviction, be punished by fine of not less than Ten (10) Dollars nor more than One Hundred (100) Dollars, or by imprisonment in the county Jail for not less then ten days nor more than ninety days, or by both such fine and imprisonment. Each day during which such violation continues shall constitute a separate offense.

Section 4. This ordinance shall take immediate affect.

Issued and approved by the Common Council of the Village of New Era, at a regular session thereof, held at the council Room in said village, on December 1, 1949.

/s/ Elmer Jensen
President

ATTEST:
/s/ Walter A. Wunsch
Clerk

I, Walter A. Wunsch, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given as required by statute.

Given under my hand, this 29 day of Dec., 1949.

/s/ Walter A. Wunsch
Clerk

ORDINANCE NO. 9

AN ORDINANCE RELATING TO THE FIRE DEPARTMENT AND PROTECTION OF THE FIRE APPARATUS IN THE VILLAGE OF NEW ERA, OCEANA COUNTY, MICHIGAN

The Village of New Era Ordains:

Section 1. That the fire department of the village of New Era shall consist of a chief engineer and an assistant engineer to be annually appointed on the second Thursday of April of each year, or as soon thereafter as may be, by the common council of said village.

Section 2. The firemen may nominate one chief engineer and one assistant engineer, who, if appointed by the common council of said village, shall hold their office until the second Thursday of April following their appointment, or until their successors are appointed and qualified, unless sooner discharged by said council for incompetency, or neglect of duty, or from resignation. In case the firemen shall fail or refuse to nominate a chief and assistant engineer who shall be appointed, the council may appoint such engineer without such nomination being made.

Section 3. The Chief Engineer shall report annually the condition of the apparatus of the said fire department, and, from time to time, as he shall think necessary, the names of those joining the department, and recommend such alterations and improvements in the fire department as ha may deem proper. And when the fire apparatus of said village shall need repairing, he shall report the same to the council. It shall be his duty, and he is hereby authorized to take charge and management of the fire department at all fires in said village, and to direct at such fires, and prescribe the duties of the members of the department, and all other persons present.

Section 4. It shall be the duty of the foreman, and in his absence, the next in rank, an the alarm of fire, to go to the place of fire with his company and apparatus, and there to direct the work under the direction of the chief engineer or assistant engineer, until the fire is extinguished, and the company discharged; and said company shall not be discharged from duty until the fire apparatus is placed in it's proper place in the engine house. He shall cause the fire apparatus to be kept in good order and cleaned as often as may be Necessary.

Section 5. The fire company shall elect it's own officers, to consist of a president, secretary, treasurer, foreman, and assistant foreman, and shall make by-1aws for its own regulations; provided, such by-1awas are not repugnant to the state statutes, the Village Charter, or the ordinances of said village, and may affix penalties for neglect of duty, or for violations of the by-laws of said company, and shall have exclusive care of the apparatus belonging to the company, under direction of the chief engineer unless the council shall direct otherwise.

Section 6. The chief or assistant engineer may command any person present at a fire, to aid in the extinguishment thereof, and to assist in the protection of property threat: and if any if any person shall willingly disobey any such requirement, or any other lawful order of said officer, the officer giving the order may arrest or direct any police officer or citizen to arrest such person and confine him temporarily, until the fire shall be extinguished.

Section 7. No person shall make or cause to be made, any false alarm of fire within the

limits of said village, or aid or assist in making any such false alarm, knowing the same to be false.

Section 8. When fire is discovered, a general alarm shall be sounded in accordance with the rules and regulations made and provided by the Council of tho Village of New Era.

Section 9. No person shall willfully injure in any manner, any hose, fire apparatus, or building containing the same, belonging to the Village. Nor shall any person, not a member of the fire department, enter any building containing said fire apparatus, except in company with some member of the fire department, nor shall any person carry away from the building containing said fire apparatus, any ladder, axe or other tool or apparatus belonging to said Village, except the same may be done by order of an officer of the fire department.

Section 10. Any person or persona refusing to enlist at any fire as required in Section 6 of this ordinance, or any person who shall violate any of the provisions of Sections 7, 8, or 9 of this ordinance, shall, upon conviction thereof, be punished by a fine of not lean than one nor more than fifty dollars, together with the costs of prosecution; and upon failure to pay such fine, nay be imprisoned for a time not exceeding thirty days, unless payment thereof be sooner made. And if imprisonment be adjudged in any case, it may be in the Village prison or in the county jail of Oceana County, in the discretion of the Court.

Section 11. All acts or parts of acts contravening any of the provisions of this ordinance are hereby repealed.

Section 12. This ordinance shall take immediate effect.

Passed and approved by the Common Council of the Village of New Era, at a regular session thereof, held at the Council Rooms in said Village, on December 1, 1949.

/s/ Elmer Meyers
President

ATTEST:

/s/ Walter A. Barnette
Clerk

I, Walter A. Barnette, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given as required by statute.

Given under my hand, this 29 day of Dec., 1949.

/s/ Walter A. Barnette
Clerk

Seal

ORDINANCE NO. 10

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE GOVERNMENT OF THE BOARD OF HEALTH AND THE PREVENTION OF DISEASE AND THE ISOLATION OF PERSONS HAVING COMMUNICABLE DISEASES AND FOR THE PREVENTION OF NUISANCES.

The Village of New Era ordains:

Section 1. It shall be the duty of the occupant of any dwelling house or other building in whose family there shall occur a case of diphtheria, scarlet fever, small pox, consumption, meningitis, measles, whooping-cough, typhoid fever, or any other communicable disease dangerous to the public health, to immediately give notice thereof to the health officer of this village. refusal or neglect to comply with this rule shall, upon conviction thereof, subject such owner to a fine of not lens than ten nor more than fifty do11arls

Section 2. Whenever any physician, whether living in this village or subside thereof, shall be called in this village to treat any patient who is sick with small pox, scarlet fever, diphtheria, or any other communicable disease dangerous to the public health, such physician shall immediately give notice thereof to the health officer of the village; and every physician who shall neglect or refuse to give such notice shall, upon conviction thereof, be subject to a fine of not less than ten nor more than fifty dollars.

Section 3. This Board of Health, or its health officer, will, upon receipt of such notice as provide for in sections 1 and 2, and whenever in their opinion, a disease dangerous to the public health exists, take steps for the prevention of the spread of such disease by placard and quarantine, and by such other measures as they may deem necessary or expedient. And it shall be the duty or every person connected with such a case of dangerous communicable disease to strictly abide by the order and advise which this Board or its health officer may issue.

Section 4. No person shall take down, remove, injure or deface any card or sign which may have bean placed by order of the Board of Health or health officer upon any building or premises. No occupant of said placarded building or premises shall leave the same, and no person except the attending physician or physicians, nurses and clergyman shall enter the same with out first obtaining the permission of said Board of Health or health Officer.

Section 5. It shall be the duty of the principal of any school, or the teacher in any school room or building, whenever any disease dangerous to the public health breaks out in his or her room or building to immediately notify tho health officer, whose duty it shall be, upon receiving such notice, to investigate the same at once and institute such restrictive measures as will control the spread of the disease.

Section,6. Whenever small pox, diphtheria, scarlet fever, or any other dangerous communicable disease breaks out in a household containing school children, it shall be the duty of the health officer to immediately notify the school board and the principal of these schools of the name and character of the disease.

Section 7. Whenever the principal or teacher of any public or private school in the village receives from the Board of Health or health officer notification that any disease dangerous to the public health exists in any household, such principal or responsible head shall exclude from his or her school all pupils from such household until receiving further notice that such disease no longer exist in said household and that the premises have been properly disinfected and renovated. Teachers in the public schools shall, during an epidemic of small pox and varioloid, exclude all pupils who have not been properly vaccinated, or have not had small pox or varioloid.

Section 8. Parents and guardians are directed not to send children sick with measles, whooping cough, chicken pox or any other communicable disease to any private or public school until such children shall have fully recovered from said disease.

Section 9. No privy vault, cesspool, or reservoir into which a privy, water closet, stable, or sink is drained, shall be established or permitted within such distance of any well, spring or other source of water used for drinking or culinary purposes as to contaminate such source of water supply. Said privy vaults, cesspools or reservoirs shall he cleaned out at least once a year; and from the first day of May to the first day of November following shall be thoroughly disinfected at least once in every month by adding one or two pounds of copperas dissolved in a in a pailful of water. Also, no property owner shall suffer or permit water to be drawn from any well or any other source of water supply owned by him, which is not perfectly clean and wholesome. He shall cause such contaminated source of water to be cleaned at once.

Section 10. No person or persons shell suffer or permit any stagnant or filthy water, dead animals, putrid meats, decayed fruits or vegetables, or any foul or offensive drain, sink, privy, cesspool, slope, garbage, manure, or any other offensive thing that may be detrimental to the health of any person, to remain on their premises; nor shall they deposit the same in any street, alley, open lot, or stream within the Village limits. All such offensive articles shall be buried at least 100 feet distant from any well, spring, or other source of water used for drinking or culinary purposes.

Section 11. No hogs shall be kept within 100 feet of any dwelling or source of drinking water, and than only in pens with floors, kept entirely free from standing water and regularly cleaned with disinfectant at least twice a week.

Section 12. All garbage, swill or house offal shall be kept in properly covered receptacles, and shall be removed at least twice a week, between the first day of May and the first of November succeeding, and once a week at all other seasons.

Section 13. No animal infected with an infectious or contagious disease, as glanders, etc., shall be brought or kept within the limits of jurisdiction of tbs Board, except by permission of the Board or its health officer. Likewise no diseased animal or its flesh, and no decayed, diseased, or unfit meat, fish, vegetables, fruit, av adulterated milk or other article shall be sold or offered for sale as food.

Section 14. When any dumb animal or fowl shall die within the limits of this jurisdiction, the same shall be removed by the owner or occupant of the premises within twenty-four hours, and buried at a reasonable depth below the surface of the ground, as to leave no stench; and if

said owner or occupant shall fail to perform the above duty within twenty-four hour; after notification by this Board or its health officer, he shall be liable to the penalty hereinafter provided.

Section 15. Whenever, in the judgment of the Board of health, it shall be deemed necessary for the public health, the said Board will at once take possession of any building, dwelling house, shed, outhouse, premises or ground upon which, in their judgment, there exists any nuisance prejudical to public health, and if the owner or occupant shall refuse or neglect to forthwith abate such nuisance in the manner directed by said Board, said board will cause the same to be abated fourth-with in such a manner as it may deem proper, and all expenses incurred thereby shall be a legal claim against the owner and a lien upon said property, to be collected in tho same way as other special assessments. Said Board will, also, when they deem it requisite for the public health, at once and by force, if necessary, close up such aforesaid buildings or premises, and exclude all occupants therefrom, until such nuisance shall have been fully abated. Any person who shall resist the action of the Board or its agents under this rule, shall be liable to the penalties hereinafter provided.

It shall be the duty of the health officer to enforce the above named rules and regulations, and notify the village council, or the prosecuting attorney of any violations of the same

Section 16. All acts or parts of acts contravening the provisions of this ordinance are hereby repealed.

Section 17. This ordinance shall take immediate effect.

Passed and approved by the Common Council of the Village of New Era, at a regular session thereof, held at the Council Rooms in said village, on December 1, 1949.

/s/ Elmer Meyers
President

ATTEST:

/s/ Walter A. Vanette
Clerk

seal

I, Walter A. Vanette, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given as required by statute.

Given under my hand, this 2nd day of Dec, 1949.

/s/ Walter A. Vanette

ORDINANCE NO. 12

AN ORDINANCE TO PROHIBIT THE RUNNING AT LARGE OF DOGS AND PROVIDING FOR THE IMPOUNDING OF' DOGS RUNNING AT LARGE AND CREATING NUISANCES IN THE VILLAGE OF NEW ERA, OCEANA COUNTY,MICHIGAN.

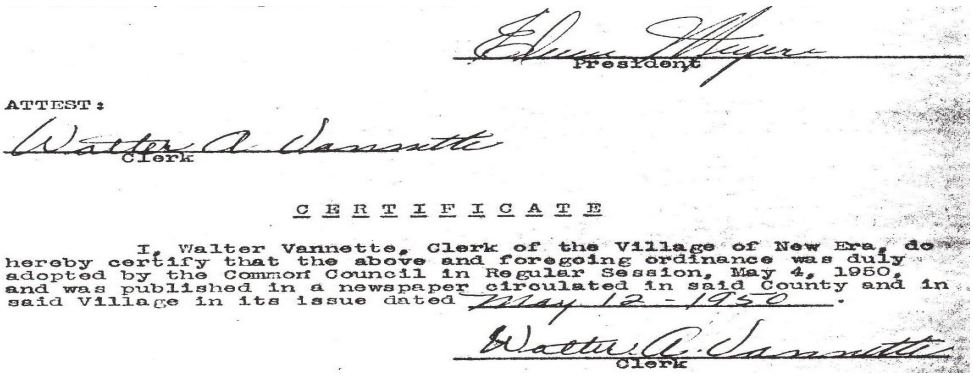
The Village of New Era Ordains:

Section 1. That it shall not be lawful for any person or persons to permit his dog to run at large in the Village of New Era, Michigan, or stray off the premises of such. owner or to create a public nuisance.

Section 2. Any dog running at large off from the premises of its owner, or creating a nuisance by running at large off the premises of its owner, may be' impounded by tho dog warden of said. Village, or such person designated by the Common Council of said Village to act as dog warden, in a shelter provided for such dogs.

Section 3. When any dogs are so impounded for any of the causes aforesaid, the dog warden, or such person as the Village Common Council shall designate to act as dog warden, shall, within six (6) hours after impounding said dogs, give notice thereof to the owner or person having the care or control of such dog, if known and living within said Village, that such dog is a public nuisance or is running at large, and thereupon to request said owner to obtain such dog. In the event the owner of such dog is not known after said dog warden, or said person acting as such dog warden shall make due diligent search to find such owner, than any such dog warden, after twenty-four (24) hours from the commencement of impounding such dog, may kill and dispose of such dog.

Section 4. After the owner of any dog has been warned that his dog is running at large and creating a public nuisance, contrary to the provisions of this ordinance,and such owner continues to let his dog run at large and continue to create a public nuisance, than it shall be the duty of the dog warden, or such person acting as dog warden, to dispose of such dog. If any person, after one warning, continues to allow his dog to run at large in said Village and create a public;nuisance contrary to the provisions of this ordinance, upon conviction thereof shall be punished. by a fine of not less than. Five Dollars ($5.00), nor more than Fifty Dollars($50.00), or by imprisonment not to exceed twenty (20) days, or both in the discretion of the court.


President

ATTEST:

Walter A. Vannette
Clerk

C E R T I F I C A T E

I, Walter Vannette, Clerk of the Village of New Era, do hereby certify that the above and foregoing ordinance was duly adopted by the Common Council in Regular Session, May 4, 1950, and was published in a newspaper circulated in said County and in said Village in its issue dated May 12 - 1950.

Walter A. Vannette
Clerk

PASSED AND APPROVED, by the Common Council of the Village of New Era, in regular session, Thursday evening, May 4, 1950.

ORDINANCE NO. 17

NATURAL GAS REGULATIONS

The Village of New Era Ordains:

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

Section 2. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then Michigan Consolidated Gas Company shall, subject to the receipt of such regulatory approval as may be necessary to convey natural gas to the Village of New Era, within a reasonable time thereafter commence the installation of a gas distribution system in such of the streets, roads, alleys and highways as are indicated upon the map heretofore filed by the Company in the office of the Village Clerk, and shall proceed to complete the same as soon thereafter as reasonably practicable; provided however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control; and provided further, that such initial installation and all extensions shall be subject to the Main Extension provisions contained in the Company's Rules and Regulations for Gas Service as approved by the Michigan Public Service Commission.

Section 3. Michigan Consolidated Gas Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said Village and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Village for all damages and costs which may be recovered against said Village arising from the default, carelessness or negligence of the Company or its officers, agents and servants.

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

Section 4. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute, and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as those now set forth in the Company's Schedule of Rules, Regulations and Rates, as applicable in the City of

Muskegon, or that shall hereafter be validly prescribed for the Village of New Era under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

Section 5. The words “Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

Section 6. This ordinance shall take effect immediately after the date of publication thereof, which shall be within one (1) week of the date of its passage, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Village at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Village Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law and that Michigan Consolidated Gas Company, shall within sixty (60) days after the date of the adoption of this ordinance, file with the Village Clerk its written acceptance of the conditions and provisions hereof; and further provided, that, if the Company shall for any reason cease to supply gas in the City of Muskegon, it shall be under no obligation to thereafter supply gas in the Village of New Era.

Adopted by Village Council of New Era, Michigan, May 2, 1963

L. J. Wybenga, Clerk

ORDINANCE NO. 19

AN ORDINANCE PROHIBITING THE USE AND CARRYING OF FIREARMS AND OTHER PROJECTILE FIRING DEVICES WITHIN THE VILLAGE OF NEW ERA.

The Village of New Era Ordains:

Section l. It shall be unlawful for any person to fire or discharge a pistol, rifle, shotgun, pellet gun, air gun, or slingshot within the limits of the Village of New Era.

Section 2. It shall be unlawful for any person to carry, draw, handle or flourish a pistol, rifle, shotgun, pellet gun or air gun unless such gun or firearm shall be unloaded in both barrel and magazine or clip within the limits of the Village of New Era.

Section 3. The provisions of this ordinance shall not apply to any peace officer of this state or any subdivision thereof while in the discharge of their duty.

Section 4. Any person violating any of the provisions of this ordinance shall, upon the first conviction thereof, be punished by confiscation of any such gun or other firearm so used in violation thereof for a period of thirty days, or by fine in the sum of not more than Fifty Dollars, or both by confiscation and fine. Any person violating any of the provisions of this ordinance shall upon the second or any subsequent conviction thereof be punished by the payment of a fine of not less than One Hundred Dollars, or by imprisonment in the County Jail for a period of not to exceed thirty days or by both fine and imprisonment.

Section 5. The provisions of Ordinance No. l3 of the Village of New Era are hereby repealed.

Section 6. This ordinance shall take effect twenty days from the passage hereof.

Passed and approved by the Common Council of the Village of New Era at a regular session thereof held at the Council Room in said Village on March 2, 1967.

ATTEST: _____ President

_____ Clerk

CERTIFICATE

I, Leroy Wybenga, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given by posting copies thereof in the United States Post Office, the New Era Fire Department Building, and Vander Ven's Super Market, all in the Village of New Era, Michigan.

Signed and sealed this 3rd day of March, 1967.

_____ Clerk

ORDINANCE NO. 23

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND STORAGE OF DISMANTLED, ABANDONED OR INOPERATIVE MOTOR VEHICLES WITHIN THE VILLAGE OF NEW ERA, T0 PROVIDE FOR THE ENFORCEMENT THEREOF AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

The Village of New Era ordains:

Section 1. DEFINITIONS.

The following words or terms when used herein shall be deemed to have the meaning set forth below:

A. "Dismantled" motor vehicles shall include dismantled and partially dismantled motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle have been removed or is missing.
B. “Abandoned”motor vehicles shall include any vehicle which has remained on public or private property for a period of forty-eight continuous hours or more, without the consent of the owner or occupant of the property, if private property, or for a period of forty-eight continuous hours or more after the consent of the owner or occupant of the private property has been revoked, or which has remained for a period of forty-eight continuous hours or more on public property.
C. "Inoperative" motor vehicles shall include motor vehicles which by reason of dismantling, disrepair or other cause, are incapable of being propelled under their own power, or any motor vehicle not licensed for use upon the highways of the State of Michigan, excepting unlicensed but operative vehicles which are kept as stock in trade of a regularly licensed and established new or used car dealer.
D. "Motor Vehicle" shall include any wheeled or tracked vehicle which is self propelled or intended to be self propelled.

Section 2. ABANDONED MOTOR VEHICLES.

No person shall abandon any motor vehicle within the highway, streets, alleys or rights of way of the Village of New Era nor upon any public or private property within the limits of the Village of New Era.

Section 3. DISMANTLED OR INOPERATIVE MOTOR VEHICLES PROHIBITED ON STREETS.

Dismantled or inoperative motor vehicles shall not be permitted in the streets, highways, alleys or rights of way within the Village of New Era; provided, however, that the towing or similar transportation of such vehicles shall not be prohibited; and provided further that a reasonable time (not to exceed forty-eight hours from the time of disability or becoming inoperable) shall be permitted for the removal or servicing of a disabled or inoperative vehicle in an emergency caused by accident or sudden breakdown of the vehicle.

Section 4. OUTDOOR STORAGE OF DISMANTLED OR INOPERATIVE MOTOR VEHICLES.

A. The outdoor storage of dismantled or inoperative motor vehicles shall not be permitted or allowed in any residential area of the Village of New Era as defined in the zoning ordinance of the Village of New Era or any amendment thereto, unless said motor vehicle shall be kept in a wholly enclosed garage or other wholly enclosed structure; provided, however, that any owner, co-owner, tenant or co-tenant, may allow to remain on the premises of which he is the owner, co-owner, tenant or co-tenant, any dismantled or inoperative motor vehicle for a period of not to exceed forty-eight hours, if such vehicle is registered in his, her or its name.

B. Disabled or inoperative motor vehicles may be permitted in commercial or industrial areas of the Village of New Era as defined in the zoning ordinance of the Village of New Era or any amendments thereto provided that the same are stored not less than fifty feet from all public rights of way and not less than fifty feet from any abutting residential zoned areas.

Section 5. NUISANCE.

The presence of a dismantled, abandoned or inoperative motor vehicle or parts of a motor vehicle in violation of the terms of this ordinance is hereby declared to be a public nuisance.

Section 6. PENALTIES.

Any person, firm or corporation who shall violate or assist in the violation of any provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment in the County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation of the provisions of this ordinance.

Section 7. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, paragraph section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

Passed and approved by the Common Council of the Village of New Era, Michigan, at a regular session thereof held at the Council Room in said village on

_____
President

ATTEST:

_____
Clerk

CERTIFICATE

I, Loren Plumhoff, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given by posting copies thereof in the United States Postoffice, the New Era Fire Department Building, and Vander Ven Super Market, all in the Village of New Era, Michigan.

Signed and sealed this day of , 1968.

_____
Clerk

ORDINANCE NO. 24

AN ORDINANCE ESTABLISHING A PARKING VIOLATIONS BUREAU FOR THE VILLAGE OF NEW ERA.

The Village of New Era Ordains:

Section l. Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, a parking violations bureau, for the purpose of handling alleged parking violations within the village, is hereby established. The parking violations bureau shall be under the supervision and control of the Village Treasurer.

Section 2. The Village Treasurer shall, subject to the approval of the Village Council, establish a convenient location for the parking violations bureau, and may appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof.

Section 3. No violation not scheduled in Section 6 of this ordinance shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

Section 4. No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of the person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.

Section 5. The issuance of a traffic ticket or notice of violation by a police officer of the village shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

Section 6. Attached hereto and marked Appendix A and Appendix B, are schedules of violations which may be settled at the parking violations bureau, and the fines applicable thereto.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

Section 8. This ordinance shall become effective upon proper posting thereof and on and after the expiration of 20 days from the passage hereof.

_____
President

ATTEST:

_____
Clerk

Adopted by the Common Council of the Village of New Era at a regular session thereof held at the Council Room in said Village on February 6, 1969.

CERTIFICATE

I, Loren Plumhoff, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given by posting copies thereof in the United States Post Office, the New Era Fire Department Building, and Vander Ven Super Market, all in the Village of New Era, Michigan.

Signed and sealed this day of , 1969.

_____
Clerk

ORDINANCE NO. 26

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT AND SIZE OF BUILDINGS, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS AND LAND FOR TRADE, INDUSTRY, AND OTHER USES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN REGULATIONS, RESTRICTIONS, AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR ADMINISTRATION ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF.

The Village of New Era Ordains:

Section 1. SHORT TITLE.

This ordinance shall be known as the "Zoning Ordinance of the Village of New Era," and will be referred to herein as "This Ordinance."

Section 2. DEFINITIONS.

Section 2.1. For the purpose of this ordinance certain terms and words are herewith defined as follows:

Words used in time present tense include the future; words in the singular include the plural number and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directive.

Any word not herein defined shall be construed as defined in the Building Code of the Village of New Era, and amendments thereto.

Section 2.2. Accessory Building: A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building.

Section 2.3. Accessory Use: A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

Section 2.4. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains. sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric sub-stations and auxiliary buildings, gas regulator buildings and equipment, and other similar facilities and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

Section 2.5. Family: A family is any number of persons living together on the premises comprising a single housekeeping unit and related by blood, marriage or adoption, including the domestic employees thereof. Any group of persons not so

related but inhabiting as a single housekeeping unit, shall be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in such group.

Section 2.6. Garage, Private: A garage used for storage purposes only, and having provision for not more than one car for each sixteen (16) ft. unit of street frontage.

Section 2.7. Gas Station; Service Station: A gas station or service station is a space, structure or building for the retail sale or supply of motor fuels, lubricants. air, water and other customary facilities for the installations of such commodities in or on such motor vehicles, but not including special facilities for bumping, painting, and major repairs.

Section 2.8. Home Occupation: An occupation for gain or support, commonly involving the performing of a process or the creating of a product, conducted only by members of a family residing on the premises, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises, provided that the product or process, is not injurious or obnoxious because of noise or odor to the surrounding neighborhood, and provided further that the home occupation is not contrary to the spirit and purpose of this ordinance. Specifically excluded from this classification of home occupation is a personal service business such as barbers and beauty shops.

Section 2.9. Horticulture: Is the cultivation of grain and other field crops, including fruits and vegetables, for man and beast, but does not include the raising of animals or fowl. The raising of more than two animals of any general species shall be deemed as engaging in an agricultural activity.

Section 2.l0. Kennel: The keeping of four or more dogs and/or cats, at least three (3) months old on a single premises.

Section 2.11. Livable Floor Space: The square feet of floor area providing living space in normal residence areas, including kitchen, dining room. living room. bathroom, bedroom, and similar living quarter rooms. but excluding any area contained within utility rooms, attached garages, breezeways and enclosed porches.

Section 2.12. Lot: Land occupied or to be occupied by a building and its accessory building and including such open spaces as are required under this ordinance, and having its frontage upon a public street.

Section 2.13. Lot, Corner: A lot fronting on two or more streets intersecting at an angle of not more than one hundred thirty-five (135) degrees.

Section 2.14. Lot, Interior: A lot other than a corner lot.

Section 2.15. Motel: A combination or group of two or more detached or semi-detached permanent dwellings occupying a building site integrally owned and used to furnish overnight transient living accommodations.

Section 2.16. Non-Conforming Use: A building or land occupied by a use that does not conform with the use regulations of the district in which it is situated.

Section 2.17. Nursing Home: A state licensed home for the care of the aged or infirm.

Section 2.18. Parking Space: An off-street parking space shall be an area of not less than 200 square feet, exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley. No parking space or portion thereof may extend into the front yard area required in residential zones.

Section 2.19. Professional Office: The office for the practice of his calling by a physician, veterinarian, dentist, oculist, lawyer, accountant, insurance or real estate agent, architect, engineer, musician, teacher, artist, or similar occupations, but not including the customary home occupations or the personal service businesses such as barber shops and beauty shops, and provided that the facilities of the offices for medical professions shall not include any facilities for the overnight care nor any more than such facilities used for the immediate treatment of patients, and provided that the facilities for a veterinarian shall not include any for the care or treatment of animals.

Section 2.20. Setback: The minimum horizontal distance between the front line of the building, excluding steps and uncovered porches, and the street line.

Section 2.21. Sign: Any structure or part thereof on which is lettered, pictured or displayed matter the chief purpose of which is for advertising. This shall include window or display cards and lettered window area, whether fixed or movable.

Section 2.22. Trailer Coach: Any house car, house trailer, trailer home, mobile home, travel trailer, camp car, automobile trailer, or similar vehicle having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be equipped with wheels or other devices to permit its being used as a conveyance upon the public streets or highways, whether self-propelled or otherwise, and duly licensable as such, provided it shall not exceed 28' in length or 8.5‘ in width.

Section 2.23. Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel and recreational uses with or without tents or tent trailers.

Section 2.24. Yard, front: An open space extending the full width of the lot between the front lot line and the nearest point of the main building, excluding steps and uncovered porches.

Section 2.25. Yard, rear: The depth of the rear yard shall be measured between the rear line of the lot, and the rear line of the building, excluding steps and uncovered porches.

Section 2.26. Yard, side: A side yard is an open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, excluding steps and uncovered porches. If there be no front yard the front boundary of the side yard shall be the front line of the lot, and if there be no rear yard, the rear boundary of the side yard shall be the rear line of the lot.

Section 2.27. Zone: A Section of the village for which the regulations governing the height, area, use, structure, or size of buildings and premises are the same.

Section 3. DISTRICTS.

Section 3.1. For the purposes of this ordinance, the Village of New Era is divided into four (4) areas or districts with subdivisions as follows:

Residence R-1
Residence R-2
Residence R-3
Business B-1
Agricultural A-1
Industry I-1

Section 3.2 The boundaries of each district are indicated upon the zoning map which is hereto attached and made a part of this ordinance. Said map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if fully described herein.

Section 3.3. Except as hereinafter provided:

a. No building shall be erected, reconstructed or structurally altered. nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

b. No building shall be erected, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

c. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance; no yard or open space provided about any building for the purpose of complying with the provision of this ordinance shall be considered as providing a yard or open space for any other building; and no yard or open space on adjoining premises shall he considered as providing a yard or open space on a lot whereon a building is to be erected.

Section 4. RESIDENCE DISTRICT "R-1" REGULATIONS.

Section 4.l. Residence District "R-1" shall comprise those residential areas of the Village of New Era as shown on the zoning map as "R-1".

Section 4.2. In Residence District "R-1" no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for the following uses:

a. One-family dwellings, but not mobile homes or travel trailers, containing not less than 850 square feet of floor space.

b. Churches.

c. Schools and institutions of an educational nature.

d. Museums, art galleries, libraries, public parks, and playgrounds.

e. Accessory buildings, provided that the total square footage of such buildings shall not exceed 50% of the square footage of the residence to which it is an accessory building and provided that the same shall he of substantially the same or similar exterior design to the residence to which it is accessory. The design requirement shall not apply to accessory buildings of less than 200 square feet. No accessory building shall be erected unless it is adjacent to and in common ownership with a residential structure.

f. Essential services.

g. Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business. This shall. be understood to include professional offices or rooms used for home occupations. including dressmaking, millinery, or similar handcrafts, provided the office. Studio or occupational rooms are located in the dwelling in which the practitioner resides. and provided further, no goods are publicly displayed on the premises and no sign or advertisement is shown thereon other than a sign not: to exceed two (2) square feet, bearing the name and occupation. in words only. of the practitioner, except a sign for the sale or lease may be displayed on one lot not to exceed six (6) square feet.

Section 4.3. Height Regulations: No building or structure or part thereof shall he erected or altered to a height exceeding two and one-half stories or thirty-five feet. except that permitted non-residential structures may exceed this limit by one foot for each foot in excess of twelve (l2) feet that the building sets back from all property lines.

Section 4.4. Area Regulations: The minimum dimensions of yard and the minimum lot area per family shall be as follows:

a. Lot Area Per Family: Every family dwelling hereafter erected or altered shall provide a lot area of not less than 12,000 square feet. This regulation shall. not apply to lots already platted and recorded at the effective date of this ordinance.

b. Setback: There shall be a building setback line of not less than 20 feet; provided, however, that when the majority of buildings capable of being built on one side of a street between two inter section streets at the time of the adoption of this ordinance have been built, no building hereafter erected or altered on that side of the street shall project beyond the minimum setback line thus established by the building already in existence; provided that no building shall be required by this ordinance to set back more than 40 feet in any case; and provided further that this regulation shall not be interpreted as to reduce the buildable width of a corner lot facing on an intersecting street and which is separated and distinct from adjacent lot and is included in a plat or deed of record at the time of the adoption of this ordinance.

c. Yard, rear: There shall be a rear yard having a depth of not less than twenty (20) feet for all dwellings and buildings in this district.

Section 4.5. All lots platted as residence lots shall be used and occupied solely for the uses permitted in this district. To accomplish this requirement where the width of any such lot is less than 66 feet. it shall be combined with an adjoining or such number of adjoining lots as shall be required to make the total frontage width thereof to be not less man 66 feet.

Section 5. RESIDENCE DISTRICT "R-2" REGULATIONS.

Section 5.1. Residence District "R-2" shall comprise those residential areas of the Village of New Era, as shown in the zoning map as "R-2".

Section 5.2. In Residence District "R-2"' no building or land shall be used and no building shall he hereafter erected or structurally altered unless otherwise provided in this ordinance, except for the following uses:

a. One-family dwellings, but not mobile homes or travel trailers, containing not .less than 850 square feet of floor space.

b. Two-family dwellings, but not mobile homes or travel trailers, containing not less than 700 square feet of floor space per dwelling unit.

c. Any use permitted in Residence District "R-1".

Section 5.3. Height Regulations: No building or structure or part thereof shall he erected or altered to a height exceeding two and one-half stories or thirty-five feet, except that permitted non-residential structures may exceed this limit by one foot for each foot in excess of twelve (12) feet that the building sets back from all property lines.

Section 5.4. Area Regulations: All area regulations shall be as provided in Section 4.4, above.

Section 6. RESIDENCE DISTRICT "R-3" REGULATIONS.

Section 6.1. Residence District "R-3" shall comprise those residential areas of the Village of New Era, as shown on the zoning map as "R-3".

Section 6.2. In Residence District "R-3" no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance. except for the following uses:

a. Any use permitted in Residence Districts "R-1" and "R-2".

b. Multi-family dwellings and apartment houses, but not mobile homes or travel trailers, containing not less than 700 square feet of floor space per dwelling unit, in structures containing not less than two (2) nor more than four (4) dwelling units, and containing not less than 600 square feet of floor space per dwelling unit, in structures containing more than four (4) dwelling units; provided, that in structures containing more than four (4) dwelling units, one (1) dwelling unit per six (6) dwelling units or major portion thereof can contain less than 600 square feet per dwelling unit, but in no event shall contain less than 400 square feet of floor space in such unit.

Section 6.3. Height regulations: No building or structure, or part thereof, shall be erected or altered to a height exceeding two and one-half stories or thirty-five feet, except that permitted non-residential structures may exceed this limit by one foot for each foot in excess of twelve (12) feet that the building sets back from all property lines, and except that multi-family dwellings and apartment houses may exceed this limit by one foot for each foot in excess of twelve feet that the building sets back from all property lines, provided that the same shall not exceed three stories or forty-five feet.

Section 6.4. Area Regulations: All area regulations shall be as provided in Section 4.4, above.

Section 7. BUSINESS DISTRICT "B-l“ REGULATIONS.

Section 7.1. In the business district herein established, no building or land shall be used, and no building shall be hereafter erected or structurally altered, except as otherwise provided in this ordinance, except for the following uses:

a. Apartment houses and multiple dwellings.

b. Banks.

c. Barber shops and beauty parlors.

d. Catering establishments.

e. Millinery and tailoring establishments.

f. Gasoline and service stations.

g. Office buildings.

h. Office and showroom of plumber, electrician, decorator or similar trades.

i. Photographic galleries.

j. Post office.

k. Public utility buildings without storage facilities or repair shops.

l. Restaurants and bakeries having retail sales rooms in connection with bakeries.

m. Auto show rooms or auto accessory sales having repair shops at the rear in connection with show room or sales room.

n. Mortuaries.

o. Stores and shops for conducting retail business, with covered storage.

p. Theaters.

q. All uses permitted in Districts "R-1", "R-2" and "R-3”.

r. Professional offices.

s. Motels.

t. Nursing homes, hospitals and clinics.

Section 7.2. Prohibited Uses in Business Districts: Any process or activity resulting in the emission of odor, fumes, smoke, dust, excess noise or vibration or of a character generally detrimental and disturbing to the district as a whole.

Section 7.3. Area and Bulk in Business Districts: No building shall he erected in "B-l" District containing less than 600 square feet of floor space for each story thereof.

Section 7.4. Uses not Specifically Mentioned: Uses not specifically permitted or prohibited in the various districts must be approved in writing by the Board of Appeals of the Common Council of the Village of New Era.

Section 7.5. Height Regulations:

a. Every building hereafter erected or structurally altered to exceed fifty (50) feet in height shall, above said height, be set back from the front line on the ratio of one (1) foot for each two (2) feet rise above said fifty (50) feet in height.

b. No building used in any part for dwelling purposes shall hereafter be erected or structurally altered to exceed three (3) stories in height.

c. Where lots comprising more than one-half (l/2) of the frontage on one (l) side of a block are zoned residence and the lots comprising the remainder of said frontage are zoned business, the height regulations for the residence district shall apply to the lots zoned for business.

Section 7.6. Area Regulation: All buildings in the business district may be built on the front property line; provided, however, that:

a. Property in this district used exclusively for residence purposes shall comply with the height and area regulations of the residence district.

b. Side yards: In the business district no side yard shall be required except as follows:

1. Where a building is erected for mixed use, namely, for both dwelling and business purposes; each story of such building used in any part for dwelling purposes shall', if more than two rooms in depth, be provided with one side yard on the side of the building, which shall be not less than eight (8) feet in width, provided, however, that this regulation shall not apply to the street side of a corner lot.

2. Where a lot abuts upon the side of a lot zoned residence there shall be a side yard of not less than five (5) feet in width.

3. Every side yard that is provided, where not required by these regulations, shall be not less than three feet in width.

c. Rear yards: On every lot in the business district there shall be a rear yard setback of not less than twenty (20) per cent of the depth of the lot; provided, however, that the depth of such rear yard need not exceed twenty-five (25) feet for an interior lot, or fifteen (l5) feet for a corner lot.

Section 8. AGRICULTURAL DISTRICT "A-1" REGULATIONS.

Section 8.1. Agricultural District "A-1" shall comprise those areas of the Village of New Era as shown on the zoning map as "A-1".

Section 8.2. In Agricultural District “A-l" no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance, except for the following uses:

a. Any use permitted in Residence Districts “R-1", "R-2", and "R-3".

b. Farming, but only for the raising of horticultural commodities, and farm structures, without limit as to size, provided that the use thereof is an accessory use.

c. A mobile home, but not a trailer coach or travel trailer, and mobile home parks, provided that mobile homes shall meet the area regulations of Section 4.4. , above.

Section 8.3. Height Regulations: In the Agricultural District no building shall be hereafter erected or structurally altered to exceed forty-five (45) feet in height, and provided further that no building or part thereof located within fifty (50) feet of a residence or business district shall exceed thirty-five (35) feet in height, and provided that any building erected as an "R-1", "R-2 " or "R-3" use shall conform to the height regulations of the respective use district.

Section 8.4. Area Regulations: In the Agricultural District any "R-1", ’R-2" or "R-3" use shall conform to the respective area regulations of such districts. Buildings erected or altered for agricultural purposes shall provide a lot area of not less than ten times the square footage of the structure itself, but in no event not less than 12,000 square feet, and no such building shall be constructed within fifty (50) feet of any residence district lot line.

Section 9. INDUSTRIAL DISTRICT "I-1." REGULATIONS.

Section 9.1. Use Regulations: In the industrial district buildings and land may be used for any purpose whatsoever not in conflict with any ordinance of the Village of New Era; Provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Village Council:

a. Abattoirs.

b. Acid manufacturing.

c. Blast furnace.

d. Crematory.

e. Distillation of bones, coal or wood.

f. Fireworks or explosives.

g. Fat rendering.

h. Incineration of garbage, dead animals, or refuse.

i. Junk yard, vehicle or machinery dissembling yard.

j. Paint, oil, shellac, turpentine, or varnish works.

k. Petroleum refining.

l. Smelters and foundries.

m. Stockyards and slaughter houses.

n. And in general those uses which have been declared a nuisance in any court of record or which may be noxious or offensive by reason of odor, dust, gas, smoke, or noise.

Section 9.2. Height Regulations: In the industrial district no buildings shall be hereinafter erected or structurally altered to exceed seventy-five (75) feet in height, and provided further that no building or part thereof located within fifty (50) feet of a residence district lot or a business district lot shall exceed fifty (50) feet in height and provided further that no building used in any part for dwelling purposes shall hereafter be erected or structurally altered to exceed three (3) stories in height.

Section 9.3. Area Regulations: In the industrial district neither rear yards nor side yards shall be required, except as follows:

a. Buildings erected for dwelling purposes exclusively shall comply with the rear yard and side yard regulations for the residence district.

b. Lot Area Regulations: Buildings erected or altered for dwelling purposes shall provide a lot area of not less than 12,000 square feet and said lot shall have not less than sixty-six (66) feet frontage along a public street. This regulation shall not apply where the owner of a lot already platted and recorded at the effective date of this ordinance does not own a sufficient amount of adjacent land to permit compliance with this Section.

c. Buildings erected for mixed use, namely for both dwelling and business purposes, shall comply with the rear and side yard regulations prescribed for such buildings in the business district.

d. No buildings or use which is excluded from the business district shall be permitted within ten (l0) feet of any residence district lot.

e. Every rear yard and every side yard that is provided where not required by these regulations shall be not less than six (6) feet in width.

Section 10. NON-CONFORMING USES.

Section 10.1. The lawful use of a building or premises existing at the time of the adoption of this ordinance may be continued although such use does not conform with the provisions of the ordinance and such building may be reconstructed or structurally altered and the non-conforming use therein changed subject to the following regulations:

a. The order of classification of uses from highest to lowest for the purpose of this Section shall be as follows: Residence district uses, business district uses, agricultural district uses, industrial district uses, as permitted under the preceding Sections of this ordinance.

b. A non-conforming use may be changed to a use of a higher classification but not to a use of a lower classification, nor shall a non-conforming use be changed to another use of the same classification unless the new use shall be deemed by the Common Council of the Village, after public notice and hearing, to be no more harmful to the surrounding neighborhood, from the standpoint of the purposes of this ordinance, than the existing non-conforming use.

c. A non-conforming use may not be extended, but the extension of a use to any portion of a building, which portion is at the time of the adoption of this ordinance primarily arranged or designed for such non-conforming use, shall not be deemed to be an extension of a non-conforming use.

d. The structural alterations made in a non-conforming building shall not during its life exceed one hundred (100) per cent of its assessed value, nor shall the building be enlarged, unless the use therein is changed to a conforming use; provided, however, that a nonconforming building, damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to an extent of not more than fifty (50) percent of its true value may be repaired or rebuilt within one year of the date of such damage, but not thereafter.

e. If a non-conforming use is discontinued, any further use of the building and premises shall be in conformity with the provisions of this ordinance. An interim, not exceeding ninety (90) days, however, between tenants or occupants, shall not be construed to mean discontinuance.

f. The foregoing provisions of this Section shall also apply to non-conforming uses in districts hereafter changed.

Section 11. GENERAL USE REGULATIONS.

Section 11.1. All new additions or enlargements of the village are hereby zoned in the Residence "R-1" District until zoned by the Village Council.

Section 11.2. Outdoor facilities for the storage of self-propelled passenger vehicles for the use of persons employed in any building in the industrial district or residing in any multi-family dwelling in a residence, business or industrial district, shall be provided and maintained by the owners of such buildings. Such storage facilities shall provide at least two hundred (200) square feet of accessible storage space for every three (3) persons employed or residing in the building.

Section 11.3. In any use district, any use not specifically included shall be deemed as prohibited. All words not specifically defined herein shall be accorded their usual meaning within the context in which they may be found, and shall not be construed or defined as to unreasonably expand the meaning thereof.

Section 12. HEIGHT AND AREA EXCEPTIONS.

Section 12.1. Height and area requirements shall be subject to the following exceptions and regulations:

a. Chimneys, towers, tanks, penthouses or necessary mechanical appurtenances may be erected to their required height.

b. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except that open porches, fire escapes, open stairways and chimneys may be permitted by the Village Inspector where same are so placed as not to obstruct light and ventilation.

c. In computing the depth of a rear yard of any building where such yard opens into an alley or street, one-half of such alley or street may be assumed to be a portion of the yard.

Section l3. BOARD OF APPEALS.

Section 13.1. The Board of Appeals shall be the Common Council.

Section l3.2. The Common Council shall appoint an Inspector, who may also be the building inspector or official, to serve one year.

Section 13.3. Appeal: Appeal from the inspector concerning the enforcement of the provisions of this ordinance may be made to the Common Council within such times as shall be prescribed by the Council, by general rule. The appellant shall file with the inspector and with the Council a notice of appeal specifying the grounds thereof. The inspector shall forthwith transmit to the Council all the papers constituting the record upon which the actions appealed from were taken.

Section 13.4. Stay: An appeal stays all proceedings in furtherance of the action, appealed from unless the inspector, from whom the appeal is taken, certifies to the Council, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court, on application, on notice to the inspector from whom the appeal is taken and on due cause shown.

Section 13.5. Jurisdiction: Hearing of a decision upon appeal. The Council shall hear the appeal within fifteen days and give due notice thereof to the parties, and decide the same within thirty days. At the hearing, any party may appear, in person, or by attorney. The Council may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and all shall make such order, requirement, decision, or determination as in their opinion ought to be made in the premises and to that end shall have powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the Board shall have power in passing upon appeals to vary or modify any of the rules, regulations or provisions so that the spirit of this ordinance shall be observed, public safety secured and substantial justice done. The decision of such Board shall be final so far as it involves discretion or the findings of facts.

Section 13.6. In addition to the general powers above given, the Board of Appeals shall have the authority, in specific cases after public notice and hearings to authorize by permit a variation of the application of the use, height, and area district regulations herein established in harmony with their general purpose and intent as follows:

a. A temporary building for commerce or industry, in a residence district which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year and which may be renewed for a period not to exceed one (1) year.

b. The erection and use of a building or an addition to an existing building of a public service corporation or for public or municipal utility purposes, in any location to a greater height or of larger area than the district requirements herein established which the Board shall find reasonably necessary for the public convenience.

c. A building or use in an industrial district otherwise excluded from such district, provided such building or use is distinctly incidental and essential to a use permitted in an industrial district, and provided that not more than twenty-five (25) percent of the employees of the entire plant are engaged therein.

Section 14. ADMINISTRATION.

Section 14.1. Administrative officer: The Village Inspector, or his designated representative, is hereby authorized and directed to enforce all the provisions of this ordinance, and shall for the purposes of this ordinance have the powers of a police officer.

Section 14.2. Building Permit: No building or structure within the limits of the Village of New Era shall hereinafter be erected, moved, repaired, altered, or razed, nor shall any work started on such building to be erected, moved, repaired or razed, until a building permit shall have been obtained as required by the Building Code of the Village of New Era.

Section 14.3. Certificate of Occupancy: No building hereinafter erected, altered, or moved shall be occupied until a certificate of occupancy has been issued therefor, nor shall the use or occupancy of any building be changed to a use or occupancy of a different classification until a certificate of occupancy permitting the new use or occupancy shall have been issued. No such certificate of occupancy shall be issued for any building unless all the provisions of this ordinance are fully complied with.

Upon written request there shall be issued a certificate of occupancy for any building or land for the use classification as existing on the effective date of this ordinance, stating whether such use is a conforming use or a non-conforming use; provided application for such certificate is made within one (1) year after the passage of this ordinance.

Section 14.4. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the

promotion of the public health, safety and general welfare.

Whenever any provision of this ordinance imposes requirements for lower heights of buildings, or a less percentage of lot than may he occupied, or requires wider or larger courts, or deeper yards than are imposed or required by existing provisions of law or ordinance, the provisions of this ordinance shall govern.

It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or land, the provisions of this ordinance shall control.

Section 15. BOUNDARIES OF DISTRICTS.

Section 15.l. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance. the following rules shall apply:

The district boundaries, unless otherwise shown, are lot .lines of record running approximately parallel with the nearest street.

Where the designation on the map accompanying and made a part of this ordinance indicates the various districts approximately bounded by a street or alley line, the center of said street or alley shall be construed to be the boundary of such district.

In unsubdivided property. or where the district boundaries are not shown as being with lot lines, streets, or alleys or the extension thereof, the district boundary lines shall be construed as projections of street or alley center lines or village boundary lines, where the same shall appear as such, or shall be placed as indicated by dimensions as indicated on said map.

Section 16. CHANGES AND AMENDMENTS.

Section 16.1. The Village Council may, by ordinance, amend. supplement, or change this ordinance.

Section 16.2. A public hearing shall be held by the Village Council before adoption of any proposed amendment, supplement or change, notice of which hearing shall. be given by publication at least once in a newspaper of general circulation in the Village of New Era, stating the time and place of such hearing, not less than fifteen (15) days from date of the hearing, and that not less than 15 days notice of the time and place of such public hearing shall first be given by registered United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad with the districts or zones affected. If a protest against any proposed amendment supplement or change be presented in writing to the Village Clerk duly signed by the owners of 20 per cent or more of the frontage proposed to be altered or by the owners of 20 percent or more of the frontage immediately in the rear thereof, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered. such amendment shall not be passed except by the three-fourths (3/4) vote of the Village Council.

Section 17. MOBILE HOME PARKS.

Section 17.1. No parcel of land or premises shall be used for a mobile home park without compliance with the following regulations:

a. The location and operation of such a park shall not tend to produce noise or annoyance or prove otherwise injurious to the surrounding neighborhood nor be inimical to the public health safety or general welfare of the community nor be contrary to the purposes of this ordinance.

b. Application for a permit to erect such a park. shall be made to the Village Council. The application shall show the location and extent of the proposed park, the number of mobile homes proposed to be included. the provisions to be made for water supply and sewage disposal, and such additional information as the Village Council may deem essential to take proper action on the application.

c. Such park shall be provided with not more than one safe entrance from and one safe exit to the public highway or street.

d. Before acting on such application, the Village Council shall hold a hearing thereon and shall give notice thereof as provided in Section 16.2 above.

Section 18. ENFORCEMENT.

Section 18.1. Buildings erected. altered. razed, or converted. or uses carried on in violation of any provisions of this ordinance are hereby declared to he a nuisance. The court shall order such nuisance abated and the owner and or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance.

Section 18.2. Any person. firm or corporation who violates any of the provisions of this ordinance shall, upon conviction, he fined not more than one hundred ($100.00) dollars for each offense. together with the costs of prosecution or civil suit as set by a court of competent jurisdiction and in default of payment of such fine and costs of prosecution, shall be imprisoned until said fine and forfeiture are paid, but not to exceed thirty (30) days. Each day that a violation continues to exist shall constitute a separate offense.

Section 19. SERVABILITY.

Section 19.1. It is the legislative intent that all provisions and Sections of this ordinance be liberally construed, and should any provision or Section of this ordinance be held unconstitutional or invalid. such holding shall not he construed as affecting the validity of any of the remaining provisions or Sections. it being the intent that this ordinance shall stand notwithstanding the validity of any provisions or Section.

Section 20. VESTED RIGHT.

Section 20 1. It is hereby expressly declared that nothing in this ordinance shall he held or construed to give or grant to any person. firm or corporation any vested interest. right, license, privilege or permit.

Section 21. CONFLICTING PROVISIONS REPEALED.

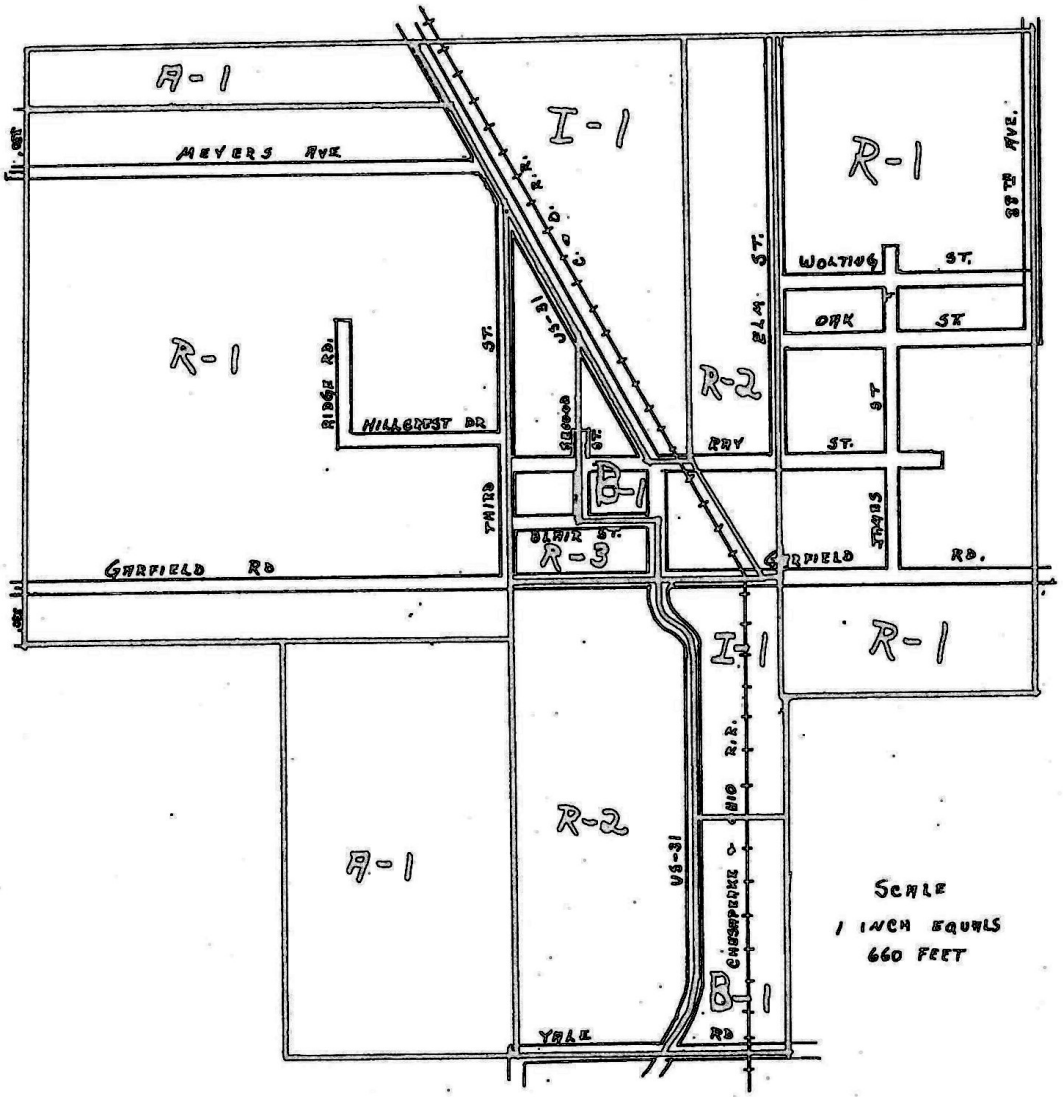
Section 21.1. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed, and Ordinances 14, 16, 18 and 22 are hereby specifically repealed.

Section 22. EFFECTIVE DATE.

Section 22.1. This ordinance shall become effective twenty days after its passage.

VILLAGE OF NEW ERA

ZONING MAP



VILLAGE OF NEW ERA, MICHIGAN
NOTICE OF PROPOSED AMENDMENT TO THE VILLAGE OF NEW ERA ZONING ORDINANCE
ORDINANCE NO. 26

A public hearing will be held pursuant to Village Ordinance Not 26, Section 16.2, on December 14th, 1995, at 7:10 PM, at the Village Hall for the Village of New Era, Michigan, for the proposed change in the zoning ordinance as follows:

PERMITTED USES IN RESIDENTIAL AREAS

1. Not to exceed 3 dogs and 3 cats without an appropriate kennel license.

2. Domestic farm animals and fowls penned and housed more than 300 feet from any dwelling house, other than the dwelling house occupied by the owner of the farm animals or fowls and located on a parcel of land containing 3 acres or more.

Judy Ernst

Judy Ernst, Clerk of the Village of New Era, Michigan.

Dated: November 10, 1995.

ORDINANCE N0. 27

AN ORDINANCE PROHIBITING THE DIVISION OF ANY LOT IN A RECORDED PLAT OF LANDS WITHIN THE CORPORATE LIMITS OP THE VILLAGE OF NEW ERA WITH OUT APPROVAL OF THE VILLAGE COUNCIL; DEFINING THE MINIMUM AREA OF THE RESULTING DIVISIONS; AND PROVIDING FOR AUTHORIZATION BY THE COUNCIL TO WAIVE SUCH REQUIREMENTS WHEN SUCH LAND IS SERVED BY A PUBLIC WATER AND PUBLIC SEWER SYSTEM.

The Village of New Era Ordains:

Section 1. The division of a lot in a recorded plat of lands within the Village of New Era, Michigan, is hereby prohibited unless first approved by a resolution passed by a majority of the members of the Village Council of said Village meeting in any regular or special meeting of said Council.

Section 2. The application for approval of a division of a lot within a recorded plat shall be in writing, shall set forth the reasons for the proposed division, shall accurately describe the proposed division, shall be signed by the owners of the lot or lots involved, and shall be filed with the Village Clerk of the Village of New Era.

Section 3. No lot in a recorded plat of the Village of New Era shall be divided into more than four parcels, and the resulting divisions of said lot shall not be less in width or area than permitted by the provisions of Act 288 of the Public Acts of 1967, as amended; provided, however, that in the event the lot proposed to be divided shall then be served by a public water and public sewer system, the minimum requirements as to width and area of the resulting divisions as provided in Act 288 above may, in the discretion of the Council, be waived, but in no event shall the width or area be less than that required under any other ordinances of the Village of New Era.

Section 4. This ordinance shall take effect immediately upon posting thereof as provided by statute. Adopted by the Common Council of the Village of New Era at a regular session thereof held at the Council Room in said Village on July 1, 1971.

_____
President

ATTEST:

_____
Clerk

I, Loren Plumhoff, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given by posting copies thereof in the United States Post Office, the New Era Fire Department Building, and Vander Ven Super Market, all in the Village of New Era, Michigan.

Signed and sealed this first day of July, 1971.

_____
Clerk

ORDINANCE NO. 28

AN ORDINANCE TO REGULATE THE HOURS THAT PERSONS UNDER THE AGE OF SEVENTEEN YEARS MAY BE IN OR ON THE PUBLIC STREETS, HIGHWAYS, ALLEYS AND PARKS, TO ESTABLISH RESPONSIBILITY OF PARENTS; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OP THE PROVISIONS OF THIS ORDINANCE.

The Village of New Era Ordains:

Section 1. It shall be unlawful for any minor under the age of seventeen years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 pm. and 6:00 am., of the following day, official village time, from Sunday through Thursday, and between the hours of 12:00 pm. and 6:00 am. of the following day, official village time, on Friday and Saturday and on days before National holidays; provided, however, that the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

Section 2. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of seventeen years to knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 pm. and 6:00 am. of the following day, official village time, from Sunday through Thursday, and between the hours of l2:0O pm. and 6:00 am. of the following day, official village time, on Friday and Saturday and on days before National holidays; provided, however, that the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

Section 3. Each violation of the provisions of Section l or of the provisions of Section 2 of this ordinance shall constitute a separate offense.

Section 4. Each member of the police force, including village marshal, sheriff, deputy sheriff, or Michigan State police, or other peace officer, while on duty, is hereby authorized to enforce the provisions of this ordinance.

Section 5. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be punishable by a fine of not more than Fifty Dollars ($50.00) or by imprisonment for a term of not to exceed thirty (30) days, or by both such fine and imprisonment at the discretion of the Court.

Section 6. This ordinance shall become effective thirty (30) days after its adoption and posting.

Passed and approved by the Common Council of the Village of New Era at a regular session thereof held at the Council Room in said Village on

_____

CERTIFICATE

I, Loren Plumhoff Clerk of the Village of New Era, do hereby certify that notice of this ordinance was given by posting copies thereof in the United States Postoffice, the New Era Fire Department Building, and Vander Ven Super Market, all public places in the Village of New Era, Michigan, on

Signed and sealed this

_____

Clerk

ORDINANCE NO. 31

AN ORDINANCE TO PROHIBIT THE DISTURBANCE OF THE PEACE BY DOGS OR OTHER ANIMALS AND TO PROVIDE THE PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

The Village of New Era Ordains:

Section l. It shall be unlawful for any person having a right of property in a dog or other animal or any person who keeps or harbors a dog or other animal or has it in his care and any person who permits a dog or other animal to remain on or about any premises occupied by him to suffer or permit a dog or other animal to disturb the peace and quiet of the neighborhood by barking or by making other loud or unusual noises.

Section 2. Any person violating or failing or refusing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall pay a fine of not more than $100.00 or shall be imprisoned in the County Jail for period not exceeding 90 days or both such fine and imprisonment.

Section 3. This Ordinance shall take effect 20 days after its passage. Passed and approved at a regular meeting of the Village Council of the said Village of New Era, Michigan, held in the Council Chambers, in the said Village, on the 7th day of September, l978, and ordered published in the Oceana Herald in its issue of September l4, 1978.

Countersigned: _____ **President**

_____
Clerk

Clerk's Certificate

I, Ethel Haga, Clerk of the Village of New Era, Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Village Council of the said Village of New Era, Michigan, in a regular session thereof held on the 7th day of September, 1978, and was published in the Oceana Herald, a newspaper circulated in said Village, in its issue dated September l4, 1978

Dated at New Era, Michigan, this September l5, l978.

Ethel Haga

Ethel Haga
New Era Village Clerk

ORDINANCE NO. 32

AN ORDINANCE TO PROHIBIT THE POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN THE VILLAGE PARK; AND PROVIDING PENALTY FOR VIOLATION OF THE ORDINANCE.

The Village of New Era Ordains:

Section 1. DEFINITIONS.

a. ALCOHOLIC LIQUOR shall mean any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever named,called, containing one-half of one per cent or more of alcohol by volume which are fit for use for beverage purposes.

b. PARK or VILLAGE PARK means Lots l through 5 inclusive of Block 5 of the Plescher Addition to New Era, according to the recorded plat thereof; and the unopened and vacated alley adjacent thereto and westerly thereof, all within the Village of New Era, Oceana County, Michigan.

Section 2. ALCOHOLIC LIQUOR PROHIBITED. It shall hereafter be unlawful to either consume or possess alcoholic liquor at any time within the Village Park.

Section 3. PENALTIES. Any person who violates the provision of this ordinance shall be subject to a fine not exceeding $100.00 or by imprisonment not exceeding 90 days or both such fine and imprisonment; and may be ordered to pay court costs.

Section 4. EFFECTIVE DATE. This ordinance shall take effect 20 days after its passage.

Passed and approved by the Village Council of the Village of New Era at a regular meeting thereof held in the Council Room in said Village on August 7, 1980, and ordered published in the Oceana Herald in its issue of August 14, l980.

Tom Ten Brink
President

Countersigned:
Lois Postema
Clerk

CLERK'S CERTIFICATE

I, Lois Postema, Clerk of the Village of New Era, Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Village Council of the said Village of New Era, Michigan, in a regular session thereof held August 7, 1980, and was published in the Oceana Herald, a newspaper circulated in said Village, in its issue dated August l4, 1980.

New Era Village Clerk

Dated: August 15, 1980

ORDINANCE NO. 33

AN ORDINANCE PROHIBITING DISORDERLY CONDUCT, INCLUDING VIOLENT AND TUMULTUOUS CONDUCT, FIGHTING, INTOXICATION, RESISTING POLICE OFFICERS, INCITING RIOT, USING ABUSIVE LANGUAGE, DAMAGING PUBLIC PROPERTY, DISTURBING THE PUBLIC PEACE, FAILING TO DISPERSE, USE OF OBSCENE LANGUAGE AND INDECENT EXPOSURE; PROVIDING EXEMPTIONS; AND PROVIDING PENALTIES FOR VIOLATION OF SUCH ORDINANCE.

The Village of New Era Ordains:

Section l. DEFINITIONS.

a. PUBLIC PLACE shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, or parks.

b. RIOT shall mean a public disturbance involving (l) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

c. INCITE A RIOT shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

Section 2. DISORDERLY CONDUCT PROHIBITED. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

a. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;

b. Commits an act in violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

c. Causes, provokes or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health or property of another;

d. Interferes with another's pursuit of a lawful occupation by acts of violence;

e. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the Village Police or other lawful authority known to be such;

f. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;

g. Resists or obstructs the performance of duties by Village Police, any other authorized official of the Village, when known to be such an official;

h. Incites, attempts to incite, or is involved in attempting to incite a riot;

i. Addresses abusive language or threats to any member of tho Village Police Department, any other authorized officer of the Village who is engaged in the lawful performance of his duties, or any other persons when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;

j. Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;

k. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;

l. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;

m. Uses abusive or obscene language or makes an obscene gesture.

n. Knowingly making any open or indecent exposure of his or her person.

Section 3. EXEMPTIONS. This ordinance shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

Section 4. PENALTIES. Any person who violates any of the provisions of this ordinance shall be subject to a fine not exceeding $100.00 or by imprisonment not exceeding 90 day

or both such fine and imprisonment; and may be ordered to pay court costs. Any violation shall constitute a separate offense on each successive day continued.

Section 5. REPEAL. Ordinance No. 6 of the Village of New Era is hereby repealed.

Section 6. EFFECTIVE DATE. This ordinance shall take effect 20 days after its passage.

Passed and approved by the Village Council of the Village of New Era at a regular meeting thereof held in the Council Room in said Village on August 7, 1980, and ordered published in the Oceana Herald in its issue of August 14, 1980.

Tom Ten Brink
President

Countersigned:
Lois Postema
Clerk

CLERK'S CERTIFICATE

I, Lois Postema, Clerk of the Village of New Era, Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Village Council of the said Village of New Era, Michigan, in a regular session thereof held August 7, 1980, and was published in the Oceana Herald, a newspaper circulated in said Village, in its issue dated August 14, 1980.

New Era Village Clerk

New Era Village Clerk Dated: August 15, 1980

ORDINANCE NO. 36

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

THE VILLAGE OF NEW ERA ORDAINS:

Section l. Code adopted.

The Uniform Traffic Code for cities, township and villages promulgated by the Director of State Police published in the l979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 of the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of l956, State of Michigan, is hereby adopted by reference as in this ordinance modified.

Section 2. References in code.

References in the Uniform Traffic Code for Michigan cities, townships and villages to governmental unit shall mean the Village of New Era.

Section 3. Notice to be published.

The Village of New Era Clerk shall publish this ordinance in the manner required by law and shall at the time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public at all times.

Section 4. Conflicting ordinances repealed.

Ordinance N0. 2l adopted October 3, l968, and Ordinance No. 2lA adopted August 2, l979, relating to traffic are hereby specifically repealed. All other Ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

Section 5. When effective.

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

Adopted: ,1981.

_____
President

Attest:

_____
Clerk

CERTIFICATE

I, Judith K. Ernst, Clerk of the Village of New Era, Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Village Council of the said Village of New Era, Michigan, in a regular session thereof held 1981, and was published in the Oceana's Herald Journal on 1981; said date being within 15 days of the passage of this ordinance

Signed and sealed this day of , 1981.

_____
Judith K. Ernst, Clerk

NOTICE OF ADOPTION OF UNIFORM TRAFFIC CODE

Notice is hereby given that pursuant to the provisions of Act 62 of the Public Acts of 1956, State of Michigan, the Uniform Traffic Code for cities, townships and villages was adopted by reference by the Village Council of the Village of New Era, on the day of , 1981.

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 New Era and to provide penalties for the violation of said Code.

A complete copy of the Uniform Traffic Code is available at the office of the Village Clerk for inspection by the public at all times.

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

_____
Village of New Era Clerk

Dated:

ORDINANCE NO. 38

AN ORDINANCE RELATING TO COMPENSATION OF THE PRESIDENT AND TRUSTEES.

The Village of New Era Ordains:

Section l. The President and Trustees of the Village of New Era shall each be paid the sum of $25.00 for each and every meeting of the Common Council of the Village of New Era actually attended by such President and Trustee.

Section 2. That the Common Council shall quarterly audit and allow the sums payable under this Ordinance.

Section 3. That Ordinance No. 37 of the Village of New Era is hereby repealed.

Section 4. This Ordinance shall take effect on July l, 1984.

Passed and approved by the Common Council of the Village of New Era at a regular session thereof held at the Council Room in said Village on 14th day of June, 1984.

_____
President

Attest:

_____
Clerk

CERTIFICATION

I, Judith K. Ernst, Clerk of the Village of New Era, do hereby certify that notice of this ordinance was published in the Oceana's Herald Journal on June 21, 1984; said date being within 15 days of the passage of this ordinance.

Signed and sealed this day of June, 1984.

_____
Judith K. Ernst, Clerk

ORDINANCE NO. 39

AN ORDINANCE RELATING TO BURNING OF MATERIAL, INSTALLATION OF TRASH INCINERATORS AND ISSUANCE OF BURNING PERMITS AND PROVIDING PENALTIES FOR VIOLATION.

The Village of New Era Ordains:

Section 1. No person shall dispose of any leaves, rubbish, trash, wood, garbage, food containers or any other combustible material whatever in any street, alley, private place or any public place by burning within the Village of New Era, except in an approved incinerator.

Section 2. No incinerator shall be installed within or on any premises in the Village of New Era without a permit to be obtained from and subject to the approval of the Fire Chief of the Village of New Era and the Fire Department Committee of the New Era Village Council.

Section 3. This Ordinance is not intended to prohibit fires used for the preparation of food, the use of indoor fireplaces or out-door campfires in designated areas in public parks.

Section 4. Outside burning may be permitted after the issuance of a permit to burn to be obtained from and subject to the approval of the Fire Chief of the Village of New Era and the Fire Department Committee of the New Era Village Council. No permit shall be issued for the burning of material that endangers surrounding property or creates a nuisance or is a hazard to health.

Section 5. Any person found guilty of violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100.00. Each day during which such violation continues shall constitute a separate offense.

Section 6. This Ordinance shall take effect thirty days after final passage.

Passed and approved by the Common Council of the Village of New Era at a regular session thereof held at the Council Room in said Village on the 10th day of January, 1985.

_____
Village President

Attest:

_____
Clerk

CLERK'S CERTIFICATE

I Judith K. Ernst, Clerk of the Village of New Era, do hereby certify that notice of this Ordinance was published in the Oceana's Herald-Journal on January 17, 1985, said date being within 15 days after the passage of this Ordinance.

Signed and sealed this day of January, 1985.

_____
Judith K. Ernst, Clerk

ORDINANCE NO. 40

AN ORDINANCE GRANTING A FRANCHISE TO CASS CABLE TV, INC. A STATE OF ILLINOIS CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO BUILD, CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE VILLAGE OF NEW ERA AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANTING OF THIS FRANCHISE:

The Village of New Era Ordains:

Section 1. TITLE

This Ordinance shall be known and may be cited as Cable TV Franchise Ordinance.

Section 2. DEFINITIONS

For the purpose of this Ordinance, and when not inconsistent with the context, words used herein in the present tense include the future; words in plural include the singular, and vice-verse. The word "shall" is always mandatory. The captions supplied herein for each Section are for convenience only. Said captions have no force of law, are not part of the Section, and are not to be used in construing the language of the Section, The following terms and phrases, as used herein, shall be given the meaning set forth below:

a. "Basic Cable Service" is any service tier which includes the retransmission of local television signals.
b. "Cable television system" or "CATV System" or "cable system" is a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment designed to provide video and other programming and information to subscribing members of the public.
c. "Village is the Village of New Era, a municipal corporation under the laws of the State of Michigan.
d. "Grantee" is Cass Cable TV, Inc. a corporation organized and existing under the laws of the State of Illinois, and it is the grantee of rights under this franchise.
e. "Village Board" is the Village Board of the Village of New Era or its designated representative.
f. "Federal Communications Commission" or "FCC" is the present Federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.
g. "Person" is any individual, firm,,partnership, association, corporation, company or organization of any kind.
h. "Gross subscriber revenues" shall include any and all compensation or receipts derived by Grantee from charges for regular subscriber with the carriage of broadcast any refunds or credits made to upon the services furnished by revenues from leased channels, services offered in connection signals. It shall not include subscribers or any taxes imposed Grantee. Nor shall it include revenues from leased channels, and programming offered as options to the regular service either on a per program or per channel charge basis, if any.
i.

Section 3. GRANT OF AUTHORITY

There is hereby granted by the Village to Grantee the right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over, or under the streets, alleys, public utility easements, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto in the Village, all poles, wires, cables, underground conduits, manholes and other conductors and fixtures necessary for the maintenance and operation in the Village of a cable television system for the transmission of television signals and all other signals, including those permitted by the FCC, either separately or upon or in conjunction with any public utility maintaining the same in the Village, with all of the necessary and desirable appliances and appurtenances pertaining thereto. Without limiting the generality of the foregoing, this franchise and grant shall and does hereby include the right in, over, under and upon the streets, sidewalks, alleys, public utility easements and public grounds and places in the Village to install, erect, operate or in any way acquire the use of, as by leasing or licensing, all lines and equipment necessary to a cable television system and the right to make connections to subscribers and the right to repair, replace, enlarge and extend said lines, equipment and connections. The rights herein granted for the purposes set forth shall not be exclusive, and the Village reserves the right to grant a similar use of said streets, alleys, public utility easements, public ways and places to any person at any time during the period of this franchise.

Section 4. POLICE POWERS

Grantee shall at all times during the term or this franchise be subject to all lawful exercise of the police power of the Village. The right is hereby reserved to the Village to adopt, in addition to the provisions heroin contained and any other existing applicable ordinances, such additional applicable ordinances as it shall find necessary in the exercise or its police power; provided, however, that such additional ordinances shall be reasonable, shall not conflict with or alter in any manner the rights granted herein, and shall not conflict with the laws of the State of Michigan, the laws of the United States of America, or the rules, regulations and policies of the FCC.

Section 5. INDEMNIFICATION

Grantee shall save the Village, its officers, agents and employees harmless from all loss sustained by the Village on account of any suit, judgment, execution, claim or demand what soever against the Village resulting from negligence on the part of Grantee in the construction, operation or maintenance of its cable television system in the Village; and for this purpose Grantee shell carry property damage and personal injury insurance with some responsible insurance company or companies qualified to do business in the State of Michigan. The amounts of such insurance to be carried for liability due to property damage shall be $300,000.00 (Three Hundred Thousand Dollars) as to any one occurrence; and against liability due to injury to or death of person, $100,000.00 (One Hundred Thousand Dollars) as to any one person and $300.000.00 (Three Hundred Thousand Dollars) as to any one occurrence. The Village shall notify Grantee, in writing, within ten (10) days after the presentation of any claim or demand, either by suit or otherwise, made against the Village on account of any negligence as aforesaid on the part

of Grantee. Where any such claim or demand against the Village is mane by suit or other legal action, written notice thereof shall he given by the Village to Grantee not less than five (5) days prior to the date upon which an answer to such legal action is due or within ten (10) days after the claim or demand is made upon the Village, whichever notice period yields Grantee the larger amount or time within which to prepare an answer. Failure by the Village to notify Grantee properly in accordance with the foregoing of any such claim, suit, or demand against the Village shall release Grantee from its obligation to indemnify the Village as provided herein.

Section 6. CONSTRUCTION AND MAINTENANCE

a. All structures, lines and equipment erected by Grantee within the Village shall be so located as to cause minimum interference with the proper use of streets, alleys, public utility easements and other public ways and places and to cause minimum interference with the rights of reasonable convenience of property owners, and Grantee shall comply with all reasonable, proper and lawful ordinances of the Village now or hereafter in force. Existing poles, posts, conduits, and other such structures of electric power system, telephone company, or other public utility located in the Village shall be made available to Grantee for leasing or licensing upon reasonable terms and rates and shall be used to the extent practicable in order to minimize interference with travel and avoid unnecessary duplication of facilities. The Village shall actively assist Grantee to the fullest extent necessary in obtaining reasonable joint pole or conduit use agreements from the owners of existing poles or conduits. To the extent that existing poles, posts, conduits, and other such structures are not available, or are not available under reasonable terms and conditions, including excessive cost or unreasonable limitation upon the use of Grantee's cable television system, Grantee shall have the right to purchase, lease, or in any other manner acquire land, rights-of-way, or public utility easements upon or under which to erect and maintain its own poles, conduits, and other such structures as may be necessary for the construction and maintenance of its cable television system.
b. In case of any disturbance by Grantee of pavement, sidewalk, driveway or other surfacing, Grantee shall, at its own cost and expense and in a manner approved by the Village, replace and restore all paving, sidewalk, driveway or surface so disturbed in as good condition as before said work was commenced.
c. In the event that at any time during the period of this franchise the Village shall lawfully elect to alter or change any street, alley, public utility easement, or other public way requiring the relocation of Grantee's facilities, then in such event Grantee, upon reasonable notice by tho Village shall remove, relay and relocate the same at its own expense; provided, however, that where public funds are available for such relocation pursuant to law, Grantee shall not be required to pay the cost.
d. Grantee shall, on the request of any person holding a building moving permit issued by the Village, temporarily raise or lower its lines to permit the moving of the building. The expense of such temporary removal shall be paid by the person requesting the same, and Grantee shall have the authority to require such payment in advance.
e. Grantee shall have the authority to trim trees and/or shrubs upon and/or overhanging all streets, alleys, public utility easements, sidewalks and public places of the Village

so as to prevent the branches of such from coming into contact with Grantee's facilities.

f. All poles, lines, structures and other facilities of Grantee in, on, over and under the streets, sidewalks, alleys, public utility easements and public grounds or places of the Village shall be kept by Grantee at all times in a safe and substantial condition. All equipment, lines, poles, structures, cables and other facilities installed in the Village as being a part of Grantee's distribution system, up to and including that part of the system installed within the individual residences or commercial buildings of the Village, shall remain the sole property of Grantee, unless so otherwise stated.

g. Grantee shall extend its distribution system so as to service the people within the Franchise area. However, Grantee shall not be required to extend such distribution system to any potential subscriber who is located in an isolated area, or less than 35 (Thirty-five) homes per mile, from the main trunk system, unless Grantee can be guaranteed a fair rate of return as per industry standards by those subscribers who request the extension or the distribution system into such areas.

Section 7. APPLICABLE LAW

This franchise is governed by and subject to all applicable rules, regulations and policies of the Federal Communications Commission and by the laws of the State of Michigan.

Section 8. FRANCHISE TERM

This franchise shall take effect and be in full force from and after acceptance by Grantee as provided in Section 15, and the same shall continue in full force and affect for a term of Twenty (20) years.

Section 9. RENEWAL PROCEDURE

Grantee shall have the unlimited option to renew this franchise for an additional period not to exceed fifteen (15) years. Should Grantee desire to exercise this option, it shall so notify the Village in writing, not less than three (3) months prior to expiration of this franchise.

Section 10. FORFEITURE

If Grantee should violate any of the terms, conditions, or provisions of this franchise or if Grantee should fail to comply with any reasonable provisions of any ordinance of the Village regulating the use by Grantee of the streets, alleys, public utility easements or public ways of the Village, and should Grantee further continue to violate or fail to comply with the same for a period of thirty (30) days or such longer period specified by the Village as is reasonable under the circumstances, after Grantee shall have been notified in writing by the Village to cease and desist from any such violation or failure to comply so specified, then Grantee may be deemed to have forfeited and annulled and shall thereby forfeit and annul all the rights and privileges granted by this franchise; provided, however, that such forfeiture shall be declared only by written decision of the Village Board after an appropriate public proceeding before the Village Boards affording Grantee duo process and full opportunity to assess the evidence used in rendering said declaration and to be hears in response to any such notice of violation or failure to

comply; and provided further that the Village Board may, in the discretion and upon a finding of violation or failure to comply, impose a lesser penalty than forfeiture of this franchise or excuse the violation or failure to comply upon a showing by Grantee of mitigating circumstances. Grantee shell have the right to appeal any finding of violation or failure to comply and any resultant penalty to any court of competent jurisdiction. In event that forfeiture is imposed upon Grantee, it shall be afforded a period of six (6) months within which to sell, transfer, or convey this cable television system to a qualified purchaser at an equitable price based on the fair market value of the franchise itself and the cable system as a going concern. Reasonable extensions of time in which to effect said sale, transfer or conveyance shall be granted by resolution of the Village Board. During this six month period, which shall run from the effective date of the final order or decision imposing forfeiture, including any appeal, Grantee shall have the right to operate this cable television system pursuant to the provisions of this franchise.

Section 11. SURRENDER RIGHT

Grantee may surrender this franchise at any time upon filing with the Village Board of the Village a written notice of its intention to do so at least three (3) months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges and all of the obligations, duties and liabilities of Grantee in connection with this franchise shall terminate.

Section 12. TRANSFERS

All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the Village and the successors and assigns of Grantee; and the same shall not be assigned or transferred without the written approval of the Village Board, which approval shall not be unreasonably withheld; provided, however, that this Section shall not prevent the assignment or hypothecation or the franchise by Grantee as security for debt without such approval; and provided further that transfers or assignments of this franchise between any parent and subsidiary corporation or between entities of which at lease fifty percent (50) of the beneficial ownership is held by the same person, persons, or entities shall be permitted without the prior approval of the Village Board.

Section 13. FRANCHISE FEE

In consideration of the terms of this franchise, Grantee agrees to pay the Village a sum of money equal to three (3) percent of Grantee's gross subscriber revenue per year derived from the regular basic subscriber services in the Vi1lage. Such annual sum shall be payable one-half (1/2) thereof at the end of each semi-annual period, The semi-annual anniversary shall be the last day of June and last day of December of each year and each semi-annual payment shall be paid within sixty (60) days thereafter. All other license fees or taxes levied upon Grantee by the Village shall be credited against the payment required herein.

Section 14. RECEIVER SALES PROHIBITED

As a condition of this franchise, Grantee agrees that it shall not engage in the business of

sales or repair of television receivers owned by its subscribers; nor shall it be responsible for the operating condition of said receivers: provided, however,that this paragraph shall not apply to converters, decoders, home interactive terminals and other such devices as may be used in furnishing any programming or service via Grantee cable television system.

Section 15. EFFECTIVE DATE

This ordinance shall become effective when all terms and conditions are accepted by both Grantee and Village and shall then be and become a valid and binding contract between the the Village and Grantee.

Section 16. UNLAWFUL ACTS

a. It shall be unlawful for any person to intercept or assist in intercepting or receiving, whether physically. electrically, acoustically, inductively or otherwise any television signals, radio signals, pictures, programs, sounds or any other information, impulses or intelligence transmitted over Grantee's cable system without full payment to Grantee or its lessee by all parties receiving service. For purposes of this provision "assist in intercepting or receiving" shall include the manufacture of distribution of equipment intended by the manufacturer or distributor for unauthorized reception or any communications service offered over a cable system.
b. It shall be unlawful for any person, without the consent of the Grantee, to willfully tamper with, remove, or injure any cable, wires, or other equipment used for the distribution of television signals, radio signals, pictures, programs sounds, or any other information, impulses, or intelligence transmitted over Grantee‘s cable system.
c. It shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment for term not to exceed six (6) months, or both, for any person to violate any of the provisions of this Section.

Section 17. SEVERABILITY

If any Section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Federal or State court or administrative or governmental agency of competent Jurisdiction, specifically including the FCC, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 18. RATES

Tho rates for basic cable and for installation of the first set or minimum equipment necessary for receipt of basic cable service shall be nondiscriminatory and shall be as set forth below; provided, however, that nothing contained herein shall be deemed to prohibit reasonable promotional rates which may, from time to time, be less than the rates set forth below:

(A) Subscribers:

Basic ----------$11.95 per month
Home Box Office --$10.00 per month
Cinemax ----------$10.00 per month
Installation ----------$25.00

(B) Prior approval of tho Village Board need not be obtained for any increase in rates charged for installation of equipment and regular subscriber service that does not exceed 10 percent (10%) in any one twelve-month period; provided, however, that any increase in rates pursuant to this provision shall not be in excess of the increase, if any, in the Consumer Price Index applicable to the same twelve-month period. Any such increase shall become effective ten (10) days after notice of such increase is given to the Village Board together with a certification that such increase is limited to 10 percent (10%) or less of Grantee's existing rate schedule for installation of equipment and regular subscriber services, or that such increase is limited to the increase in the Consumer Price Index for the applicable twelve-month period, whichever is the lesser.

Donald Richards
Village President, New Era

Attest:

Judy Ernst
Village Clerk

Dated this 8th day of August, 1985.

Clerk's Certificate

I, Judith Ernst, Clerk: of the Village of New Era, Michigan do hereby certify that the foregoing Ordinance was duly passed and adopted by the Village Council of the said Village of New Era, at a regular session thereof held at the Council Chambers in the Village Hall, in said Village on the 8th day of August, 1985, and was published in the Oceana's Herald Journal, a newspaper printed and circulated in said Village, in its issue of August 22, 1985.

Dated at New Era, Michigan this August 23, 1985.

Judith Ernst

Judith Ernst

Donald Richards

Donald Richards
Village President

8/20/18

Cindy -

This is a copy of the Cable TV Ord. passed at our Aug. 8 meeting.

Judy E.

ORDINANCE NO. 41

VILLAGE OF NEW ERA

SEWER RATE AND CONNECTION ORDINANCE

AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE COLLECTION OF RATES AND CHARGES FOR SEWAGE DISPOSAL SERVICE AND PROVIDING PENALTIES FOR VIOLATION OF SECTIONS THEREOF, IN THE VILLAGE OF NEW ERA, OCEANA COUNTY, MICHIGAN.

The Village of New Era Ordains:

ARTICLE 1

DEFINITION OF TERMS

Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean all facilities of the Village of New Era and all subsequent additions, including all sewers, pumps, lift stations, 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 "Single Family Residential Equivalent“ are used in this Ordinance, they shall mean the ratio of normal single-family residential sewer use, to the establishment in question's sewer use, as set forth in Appendix A "USER CHARGE UNITS".

When 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.

Whenever the word "Village" is used in this ordinance, it shall mean the Village of New Era, Michigan, as represented by the Village Council.

The definition of terms contained in Article I of the Sewer Use Ordinance shall be applicable to this ordinance also.

ARTICLE II

OPERATION

The operation, maintenance alteration, repair and management of the System shall be under the supervision and control of the Village of New Era. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

ARTICLE III

SEWER USE CHARGE SYSTEM

Section 1: All premises connected directly or indirectly to the sanitary sewers of the Village, except as hereinafter provided, shall be charged and shall make payments to the Village in amounts computed on the basis of a residential user equivalent. The Village shall have the right to adjust the rates in Section 3 of this Article and in Section l of Article IV by

Council resolution.

Section 2: The sewer user charges shall consist of a “User Operation and Maintenance (O&M) Charge", and a "User Debt Retirement Charge" both as defined in the Sewer Use Ordinance. The User O&M Charge shall be billable quarterly for residential users and monthly for commercial and industrial users that are so designated by the Village. Operation and maintenance rates will be based on proportionality for all users whether inside the Village limits or outside the Village limits.

Section 3: Rates to be charged for service furnished by the system and definitions used in connection with the rate charges shall be as follows:

Quarterly Service Charge - O&M charges to each user served by the system shall be in the flat amount of eighteen dollars and 00/100 ($18.00) per quarter per single-fami1y residence equivalent as reflected in Appendix A. At the present time, this charge is levied for operation and maintenance cost.

Connection Charge - For each connection to lines of the system there shall be charged a fee of eight hundred dollars ($800.00) per single-family residence equivalent as reflected in Appendix A, except for premises outside the Village limits whose connection charges shall be sixteen hundred dollars ($1600) per single-family residence equivalent. This charge is levied for debt retirement.

Payment of Connection Charge - Connection charges, as set forth above, shall be due and payable in cash upon application for connection to the system, provided however, that any user may elect to pay one-tenth (0.10) of said hook-up charge on said due date and one-tenth (0.10) on each anniversary of the due date thereafter plus interest on the unpaid balance at the rate of ten percent (10%) per annum until said hook-up charge and interest are paid in full.

Equivalent User Factor - Each premises, shall pay a connection charge multiplied by a factor that is rounded to the nearest one tenth, representing a ratio of sewage use by such class of premises to normal single-family residential use as reflected in Appendix A.

Tax Revenues - If net revenues from the Project are insufficient to cover bond retirement, the Village will make up the difference through municipal tax revenues.

Section 4: 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, and 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 shall certify annually, on August 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 the amount of $49.50 shall have been made as security for payment of such charges and service.

Section 5: The Village shall have the right to adjust the "User Charge" based on an annual

audit review of the Sewage Works Operation and Maintenance costs. The annual audit shall assure that sufficient revenue is generated to provide adequate treatment on a continuing basis and that revenue generated by each user class is in proportion to the user class costs. Such an audit review shall be conducted annually by the Village.

Section 6: All customers of the Sewage Works will be included in a user class and each user class will pay for its proportionate use of the Sewage Works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation and maintenance (including replacement). The classes of users of the Sewage Works, for the purpose of determining the user charges, shall be as follows:

Class I Residential - shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as "Residential Users" in the Sewer Use Ordinance.

Class II - Commercial - shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as "Commercial Users" in the Sewer Use Ordinance.

Class III - Institutional - shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as "Institutional Users“ in the Sewer Use Ordinance.

Class IV - Government - shall include those customers which discharge only segregated domestic wastes or wastes from sanitary conveniences and are defined as "Governmental Users" in the Sewer Use Ordinance.

Class V - Industrial - shall include those customers which discharge "industrial sewage" and are defined as "Industrial Users" in the Sewer Use Ordinance.

Section 7: Each user class, as defined above, shall pay their share of the operation, maintenance, replacement and depreciation costs for treatment of their sewage, plus an amount that may be paid by industrial users for the recovery of the portion of Federal grants allocable to the treatment of industrial sewage as defined in Article IV of this ordinance.

Section 8: There will be no free sewer service to any customer of the Sewerage Works.

Section 9: Customers will be notified on an annual basis of their separate operation and maintenance and debt service charges.

ARTICLE IV

INDUSTRIAL COST RECOVERY SYSTEM

Section l: The Village of New Era does not contain any Industries, as defined in the Sewer Use Ordinance, who will be discharging industrial wastes into the sewerage system. If in the future the Village of New Era allows an industrial user to utilize the sewerage system, the following surcharge methodology will be used.

The total cost of operation and maintenance at the sewage treatment plant will be assumed to be 40 percent assessable to flow, 30 percent assessable to BOD and 30 Percent assessable to suspended solids. The Village will take total cost for the preceding

year from the annual audit and estimate the total cost of the system for the current year. The cost will then be pro-rated between flow, BOD and suspended solids on the basis of the percentages above. Industrial users would then pay their share of the yearly O&M costs based on these values, subject to an annual audit.

At the present time the monthly surcharge costs to an Industry with an unusual and/or high strength waste would be:

BOD - $0.l3/Pound
Suspended Solids - $0.11/pound

ARTICLE V

SEWER CONNECTION CHARGES

Section l: All premises connected directly or indirectly to the sanitary sewers of the Village, and being located on land included within the boundaries of a sanitary sewer special assessment district, shall be charged an assessment fee in accordance with the provisions of said special assessment district. In addition, where no lateral stub exists, the actual cost of the installation " of said stub, along with the service lateral, will be borne entirely by the property owners.

Section 2: Where a sewer already exists, each person desiring to tap a single-family residential premises into the system shall pay in cash at the time of application for a tap permit a charge for the privilege of using the facilities and receiving the service of the system. The amount of such charge for premises other than single-family residential shall be as determined in Article III.

ARTICLE VI

PAYMENTS AND COLLECTIONS

Section l: Bills for sewage disposal service are due and payable at the office of the Village or to any designated agent on their date of issue and, if not paid by the 30th day thereafter, shall be deemed delinquent and shall be subject to a penalty of 5% thereof. Bills shall be dated and mailed quarterly and shall cover one quarter's (3 months) service in advance. If a bill is not paid within 30 days after its date of issuance, the Village shall serve upon the customer a written notice of delinquency; and if it is not paid within sixty days (60) after date of issuance, the Village may discontinue sewer service to the premises and take such other measures as are permitted by state law.

Section 2: All bills and notices relating to the conduct of the business of the Village and of the Sewage Works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the Village; it shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

Section 3: Applications for connection permits may be canceled and/or sewer service disconnected by the Village for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

a. Misrepresentation in the permit application as to the property or residential

equivalents to be serviced by the Sewage Works.

b. Nonpayment of bills.

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

Section 4: Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Village reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-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: The Village shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions of service occur, will endeavor to reestablish service with the shortest possible delay. whenever service is interrupted for the purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

ARTICLE VII

VALIDITY

Section 1: All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

ARTICLE VIII

ORDINANCE IN FORCE

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

Section 2: This ordinance shall be published once, in full, in the Oceana Herald a newspaper of general circulation within the boundaries of the Village under State law to publish legal notices, within two (2) weeks 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 Officers so required.

Section 3: This ordinance shall become effective immediately upon its adoption.

Section 4: These rules may be changed or amended by action of the Village Council.

Passed and approved by the Village Council of the Village of New Era at a regular session thereof held in the council room in said Village on November 10, 1988.

Donald Richard
President

Attest:
Judith Ervant
Clerk

I further certify that Member Wybenga moved adoption of said ordinance and that the motion was supported by Member Fessenden.

I further certify that the following Members voted for adoption of said ordinance: Anderson, Gentel, Fessenden, Pranger, Richards, Van Sickle and Wybenga, 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 of New Era and that such recording has been authenticated by the signatures of the President and Cl

Donald Richards
Village President

APPENDIX A

USER CHARGE UNITS

Occupation Use	Units	Unit Factor
Single Family Residence	1.0	Per residence
Auto Dealers New and/or Used	1.0	Per premise plus 0.10 per 1,000 sq. ft. of building including service area
Auto Repair/Collision	1.0	Same as above
Auto Wash (Coin operated do-it-yourself l0 gal. or less/car)	1.0	Per stall
Auto Wash (Mechanical over 10 gal. per car -not recycled)	10.0	Per stall or production line including approach and drying area
Auto Wash (Mechanical over 10 gal. per car recycled)	5.0	Per stall or production line including approach and drying area
Banks, Savings & Loans & other Financial Institutions	0.75	Per 1,000 sq. ft. minimum 1 unit
Barber Shop	1.0	Per shop plus 0.1 per chair after 2
Bar	4.0	Per 1,000 sq. ft. minimum 2 units
Beauty Shops	1.0	Per shop plus 0.1 per booth
Bowling Alleys (no bar)	1.0	Per premise plus 0.2 per alley
Churches	0.25	Per 1,000 sq. ft. - minimum 1 unit
Cleaners (pick up only)	1.0	Per shop
Cleaners (cleaning & pressing facilities)	1.0	Per premise plus 0.5 per 500 sq. ft.
Clinics (Medical or Dental)	1.0	Per premise plus 0.5 per exam
Convalescent or Boarding Homes	1.0	Per premise plus 0.25 per bedroom
Convents	1.0	Per premise plus 0.25 per bedroom
Country Clubs and Athletic Clubs	1.5	Per 1,000 sq. ft. of club house plus restaurant and bar minimum l unit
Drug Stores	1.0	Per premise plus snack bar
Factories (office and production not wet process)	0.40	Per 1,000 sq. ft. — minimum l unit
Funeral Home	1.5	Per 1,000 sq. ft. minimum 1 unit, plus residence to be computed separately
Grocery Stores and Supermarkets	1.0	Per premise plus 0.4 per 1,000 sq. ft.
Hospitals	1.1	Per bed
Hotels and Motels	0.40	Per bedroom plus restaurant and bar

Laundry (self serve)	1.0	Per premise plus 0.5 per washer
Occupation Use	**Units**	**Unit Factor**
Two Family Residential	1.0	Per unit
Mobile Homes (freestanding)	1.0	Per unit
Mobile Homes (parks or subdivisions)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule
Multiple Family Residence		
Duplex or Row Houses	1.0	Per dwelling unit
Apartments	1.0	Per dwelling unit
Apartments over three units per structure	0.50	Per dwelling unit
Fraternity or Sorority Houses	0.50	Per dwelling unit
Professional Office	0.25	Per 500 sq. ft. - minimum 1 unit
Public Institutions	0.75	Per 1,000 sq. ft. - minimum l unit
Restaurants (meals only)	1.5	Per 1,000 sq. ft. - minimum 1 unit
Restaurants (meals and drinks)	6.5	Per 1,000 sq. ft. - minimum 3 units
Restaurants Auxiliary Dining Rooms when used less than 20 hrs./wk.	1.0	Per 1,000 sq. ft. - minimum 1 unit
Schools		
W/O Cafeterias, gymnasiums or showers	1.2	Per classroom
W/ cafeterias, and W/O gyms or showers	1.2	Per classroom plus 1.0 per 1,000 sq. ft. cafeteria & kitchen area
W/cafeterias, gyms, & showers		Same as above plus 1.5 per 1,000 sq. ft. for gym & locker room area
Service Stations	0.6	Per 1,000 sq. ft. of bldg. Area - minimum 1 unit
Snack bars, Drive-Ins, etc.	2.5	Per 1,000 sq. ft. - minimum 1 unit
Retail Store (Other than listed)	1.0	Per premise plus 0.1 per 1,000 sq. ft.
Theaters (drive-in)	0.04	Per car space - minimum 1 unit
Theaters	0.04	Per seat - minimum 1 unit
Post Office	1.0	Per 1,000 sq. ft. minimum 1 unit
Warehouse and Storage	0.1	Per 1,000 sq. ft. minimum l unit
Veterinary Facility	1.5	Per Facility
Veterinary Facility with Kennel	1.5	Per facility plus 0.5 per 5 kennels

CERTIFICATE

I, Judith K. Ernst, Clerk of the Village of New Era do hereby certify that a copy of this Ordinance was published in Oceana's Herald-Journal in its issue of November 17, 1988, said date being within 15 days of the passage of this Ordinance. I further certify that the above Ordinance was adopted by the Common Council of the Village of New Era at a regular meeting thereof held November 10, 1988, that Council Member Wybenga moved the adoption of said Ordinance and that said motion was supported by Council Member Fessenden.

I further certify that the vote for the adoption of said Ordinance was as follows:
Ayes: Council Members Anderson, Gentel, Fessenden, Pranger, Richards, Van Sickle and Wybenga.
Nayes: None

IN WITNESS WHEREOF, I have signed this Certificate this November 18, 1988.

_____
Judith K. Ernst, Village Clerk

ORDINANCE NO. 42

VILLAGE OF NEW ERA
SEWER USE ORDINANCE

An Ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violation of sections thereof, in the Village of New Era, Oceana County, Michigan.

The Village of New Era Ordains:

ARTICLE I

DEFINITIONS

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

Section l: "Abbreviations" - The following abbreviations refer to the following:

A.S.T.M. - American Society for Testing Materials
W.P.C.F. — Water Pollution Control Federation

Section 2: "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C., expressed in milligrams per liter.

Section 3: "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 5 feet outside the inner face of the building wall.

Section 4: "Building Sewer" shall mean the extension from the Building drain to the public sewer or other place of disposal.

Section 5: "Classes of Users" shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows:

Residential User - shall mean an individual home or dwelling unit, including mobile homes, apartments, condominiums or multifamily dwellings, that discharges only segregated domes- tic wastes or wastes from sanitary conveniences.

Commercial User - shall mean any retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user that discharges only segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any federal, state or local government office or government service facility that dis- charges only segregated domestic wastes or wastes from sanitary conveniences.

Industrial User - shall mean any manufacturing establishment which produces a product from raw or purchased material. This category shall also refer to any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E, or I excluding those users already identified in one of the other user classes. Industrial users subject to the "Industrial Cost Recovery System" shall include the following: (a) Any nongovernmental user of publicly owned treatment works which discharges more than 25,000 gallons per day of sanitary waste, or a volume of process waste, or combined process and sanitary waste, equivalent to 25,000 gallons per day of sanitary waste; (b) Any nongovernmental user of a publicly owned treatment works which discharges waste water to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in, or have an adverse effect on, the waters receiving any discharge from the treatment works; (c) All commercial users of an individual system constructed with grant assistance under Section 201 (h) of the Act and this sub-part.

Section 6: "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree. The term substantial degree generally means removals in the order of 80 percent or greater.

Section 7: "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 8: "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 9: "Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant, as defined in Section 6 above.

Section 10: "Industrial Cost Recovery" shall mean the recovery from each industrial user, as defined, that portion of the U.S. Environmental Protection Agency grant which is allocable to the treatment of industrial wastes from said industries. The Industrial Cost Recovery charge is defined in the Sewer Rate and Connection Ordinance.

Section ll: "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences.

Section 12: "Infiltration" shall mean any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Section 13: "Inflow" shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, seepage lines from springs and swampy areas, and storm drain cross connections.

Section 14: "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow.

Section 15: "Inspector" shall mean any person or persons authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.

Section 16: "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Section 17: "Normal Strength Sewage" shall mean a sanitary waste water flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

Section 18: "NPDES Permit" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the State.

Section 19: "Operation and Maintenance Costs" shall mean all costs, direct and indirect (other than debt service), necessary to insure adequate wastewater treatment on a continuing basis, to conform with all related federal, state and local requirements, and to assure optimal long-term facility management (O & M costs include replacement costs).

Section 20: "Replacement" shall mean necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works.

Section 21: "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 22: "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Section 23: "Pretreatment" shall mean the treatment of extra strength wastewater flows in privately owned pretreatment facilities prior to discharge into publicly owned sewage works.

Section 24: "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a 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 dimension.

Section 25: "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Section 26: "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Section 27: "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground surface and storm waters as may be present.

The three most common types of sewage are:

Sanitary Sewage - shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial Sewage - shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined Sewage - Shall mean wastes including sanitary sewage, industrial sewage, storm water, and infiltration and inflow carried to the waste-water treatment facilities by a combined sewer.

Section 28: "Sewage Treatment Facility" shall mean any arrangement of devices and structures used for treating sewage.

Section 29: "Sewage Works" shall mean all facilities for collecting pumping, treating and disposing of sewage.

Section 30: "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 31: "Shall" is mandatory; "may" is permissive.

Section 32: "Slug" shall mean any discharge of sewage or industrial waste which, in concentration" of any given constituent, exceeds for any period of duration longer than l5 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

Section 33: "Storm Drain“ (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial-wastes, other than unpolluted cooling water.

Section 34: "Superintendent" shall mean the Superintendent of Sewerage Works and/or of Water Pollution Control of the Village, or his authorized deputy, agent, or representative.

Section 35: "Suspended Solids" shall mean solids that either float on the surface of, or in suspension in, water, sewage or other liquids and which can be removed by laboratory filtering.

Section 36: "User 0 & M Charge" shall mean the charge levied on all users of the sewage works for the cost of operation and maintenance, including replacement of such treatment works.

Section 37: "User Debt Retirement Charge" shall mean the charge levied on all users of the sewage works for the cost of any bond debt of which debt repayment is to be met from the revenues of such works.

Section 38: "Village" shall mean the Village of New Era, Oceana County, Michigan, as represented by the New Era Village Council.

Section 39: "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 40: (Others to be added later as Village deems necessary)

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

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

Section 2: It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the ordinance.

Section 3: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage.

Section 4: The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Village, and abutting on any street, alley or right-of-way, in which there is located, or may in the future be located, a public sewer or combined sewer of the Village, within one hundred feet from the property line containing the structure in which sewage originates, and 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 provision of this ordinance, when given official notice to do so, provided that such connection shall not be required to be made less than six (6) months after the sewer is made available for connection thereto.

Section 5: Any industry or structure discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Superintendent. The Village may require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem to file the material listed below:

(a). File a written statement setting forth the nature of the enterprise, the source and amount of water used, and the amount of water to be discharged, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.

(b). Provide a plan map of the building, works or complex, with each outfall to the surface waters, sanitary sewer, storm sewer, natural watercourse, or groundwater noted, described and the waste stream identified.

(c). Sample, test and file reports with the Superintendent and the appropriate State agencies on appropriate characteristics of wastes on a schedule, at locations, and according to methods approved by the Superintendent and the appropriate State agency.

(d). An Affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.

(e). Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products as those factors may affect waste

control.

(f). Maintain records and file reports on the final disposal of specific liquid, solids, sludge, oil, radioactive material, solvent or other waste. If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given to the Superintendent, subject to approval.

ARTICLE III

PRIVATE SEWAGE DISPOSAL

Section 1: Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the Oceana County Health Department, if the option of connection to the Village sewer is not elected when the sewer is available outside the one hundred foot proximity requirement of Article II, Section 4.

Section 2: At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article II, Section 4, 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.

Section 3: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

Section 4: No statement contained in this Article shall be constructed to interfere with any additional requirements that may be imposed by the Michigan Department of Public Health, the Michigan Department of Natural Resources and/or the Oceana County Health Department.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

Section 1: No one, except a drain layer licensed by the Village of New Era, shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof, without first obtaining a written permit from the Superintendent, except that the property owner may make a connection from a properly constructed lateral to his residence. Before a general license or particular permit may be issued for excavating for plumbing or drain, laying in any public street way or alley, the person applying for such permit shall execute unto the Village and deposit with the Treasurer, a bond with , corporate surety in the sum of $1,000, conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of the Village pertaining to sewers and plumbing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistake or negligence on his part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in

force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide public liability insurance for the protection of the Village, the property owner, and all persons, to indemnify them for all damages caused by accidents attributable to the work, with limits of $100,000 for one person, $300,000 for bodily injuries per accident, and $50,000 for property damage.

Section 2: There shall be three classes of building sewer permits: (1) Residential, (2) Commercial (3) Industrial. In any case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

Section 3: All costs and expenses 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 the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4: 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 constructed to the rear building through an 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 Village. after recommended action by the superintendent.

Section 5: Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and tested by the Superintendent or his representative, to meet all requirements of this Ordinance.

Section 6: The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:

a. Plastic (ABS) ASTM D 1527 SDR 35
b. Plastic (PVC) ASTM D 1785 SDR 35
c. Asbestos-Cement (AC) ASTM C-428 Cl-24O0
d. Cast Iron Extra Heavy ASTM A-74
e. Non-reinforced Concrete ASTM C-14 Extra Strength

If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the Inspector.

Section 7: All building sewer joints and connections shall be made gas tight and water tight and shall conform to the requirements of the current building and plumbing codes. Asbestos cement or concrete sewer pipe joints shall be of rubber ring, flexible compression type similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

Section 8: The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. Minimum grade shall be as follows:

6-inch pipe - l/8" per foot or l" per 8 feet
4-inch pipe - l/4" per foot or 2" per 8 feet

Section 9: Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three 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 Superintendent. Pipe laying and back-fill shall be performed in accordance with current ASTM specifications, except that no back fill shall be placed until the work has been inspected by the Superintendent or his representative. No sand or foreign material shall be allowed to enter the system during connection construction.

Section l0: 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 artificial means and discharged to the building sewer, subject to approval by the Superintendent.

Section 11: The connection of the building sewer into the public sewer shall be made at the tee branch designated for the property if such branch is available at a suitable location. Any connection made at the designated tee branch in the main sewer shall be made only as directed by the Superintendent.

Section l2: The applicant for the building sewer shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Section l3: 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 Village.

Section 14: No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors , force mains and treatment plant including capacity for BOD and suspended solids in the treatment plant as determined by the Village.

Section 15: No person shall make connection of roof downspouts, exterior foundation drains, area-way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 16: The Village shall not be responsible for the construction or maintenance of hookups, connections or leads, and any defect or blockage therein shall be the responsibility of the owner.

ARTICLE V

USE OF THE PUBLIC SEWERS

Section 1: No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet

approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section 3: Except as hereinafter provided by specific limits, no person shall discharge any of the following described waters or wastes to any public sewers. This prohibition of toxic pollutants will conform to Section 307(a) of the Federal Water Pollution Control Acts.

(a). Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b). Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of Twenty Five Thousandths (0.025) mg/l as CN in the wastes as discharged to the public sewer.

(c). Any waters or wastes having a pH lower than 6.5 or a pH in excess of 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d). Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags , feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, fruit and vegetable processing wastes, etc. either whole or ground by garbage grinders.

(e). Any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C), or lower than thirty two (32) °F (0°C).

(f). Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of fifty (50) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (0 and 65°C).

(g). Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(h). Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(i). Any waters or wastes containing iron, chromium, copper, cadmium, hexavalent chrome, total chrome, zinc, nickel, and similar objectionable or toxic substances; or wastes exerting a chlorine demand in excess of fifteen (15) mg/l, to such degree that any such material received from each industry exceeds the limits established by the Superintendent or appropriate State Agency. The limitations and allowable concentrations of metallic and toxic wastes will be set by the State or Federal Government.

(j). Any waters or wastes containing phenols or other taste or odor-producing substances, excess of two-tenths (0.2) mg/l, or as approved by the appropriate State Agency.

(k). Any radioactive wastes or isotopes of such half- life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal Regulations

(l). Materials which exert or cause:

(1). Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurry, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2). Excessive discoloration (such as, but not limited to, dye wastes, ink, and vegetable tanning solutions). Such discharges shall be limited to prevent light absorbency which will interfere with treatment plant processes or prevent analytical determinations.

(3). A BOD in excess of two hundred fifty (250) mg/l.

(4). A COD in excess of four hundred fifty (450) mg/l.

(5). Material or flow or both in such quantities so as to cause a "Slug" as defined in this Ordinance.

(6). Average daily flow exceeding three (3) percent of the total daily design flow at the Sewage Treatment Plant.

(m). Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulfur dioxide, or oxides of nitrogen) and other substances capable of public nuisance.

(n). Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(o). Any substance which will cause the treatment works to violate its NPDES Permit or the receiving water quality standards.

Section 4: If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this Article, and which in the judgment of the Authority Manager may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

(a). Reject the wastes.

(b). Require pretreatment to the level defined as "normal strength sewage".

(c). Require pretreatment to an acceptable level (other than normal strength sewage) for discharge to the public sewers.

(d). Require control over the quantities and rates of discharge.

(e). Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Village concerning the proposed flows.

Section 5: If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industry subcategory, the Pretreatment Standard if more stringent than limitations imposed under this Ordinance shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance the grantee shall notify all affected Users of the applicable reporting requirements.

If the Superintendent accepts the waste-water from an industry with discharges containing the substances or possessing the‘ characteristic enumerated in Section Three (3) of this Article, the Industry shall meet the following requirements.

(a). One person from each industry shall be delegated the authority to be responsible for industrial wastes admitted to the municipal sewers. He shall be involved with maintaining the pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he shall be involved with prevention of accidental discharges of process wastes to the sanitary sewer system. He shall become aware of all potential and routine toxic wastes generated by his industry. He shall be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the sanitary sewers.

(b). The industrial representative shall catalog all chemicals stored, used, or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. Those wastes admitted to the sanitary sewer are a prime concern, however all discharges should be cataloged. An estimate of daily average flows and strengths shall be made including process, cooling, sanitary, etc. Such a determination shall separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Superintendent and shall be treated as confidential information.

(c). The industrial representative shall attempt to determine whether or not large process alterations will occur within the next five years. He shall consult with management to determine if such alterations are scheduled and forthcoming.

(d). A sketch of the plant building(s) shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment shall be indicated and floor drains located near process and storage areas should be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system shall be included on the plant layout sketch.

(e). If pretreatment is required, there shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the municipal biological treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates as well as all toxic wastes and high strength organic wastes to an

acceptable level is the responsibility of the industrial representative. All sludge generated by such treatment shall be handled in a manner accept- able to the Superintendent. Disposal by a licensed waste hauler or deposition in designated areas of a State Licensed Sanitary Landfill would meet this requirement. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems at the waste water treatment plant.

(f). Throughout the industry adequate secondary containment, curbing or other appropriate measures shall be provided to protect against accidental spills and discharges of toxic substances to the receiving sewers. If curbing is used, the curbing shall be sufficient to hold One Hundred Fifty Percent (150%) of the total process area tank volume. All floor drains found within the curbed area shall be plugged and sealed. Spill troughs or sumps within process areas shall discharge to appropriate pretreatment tanks. Secondary containment or appropriate measures should also be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

(g). When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 6: Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in accessible amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7: Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8: All measurements, tests and a analysis of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole provided for, 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.

Section 9: No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, by the industrial concern.

Section 10: Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the storm sewer.

Section 11: Agents of the Village, Michigan Department of Natural Resources, or US. Environmental Protection Agency shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the waste water discharge.

ARTICLE VI

PROTECTION FROM DAMAGE

Section l: 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 sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII

POWERS AND AUTHORITY OF INSPECTORS

Section l: The Superintendent 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 provision of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and water- ways or facilities for waste treatment.

Section 2: While performing the necessary work on private properties referred to in Article VII, Section l above, the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company; and the company shall be held harmless for injury or death to the employees, and the Village shall indemnify the claims and demands for personal injury or property damage asserted against the company and growing out of the gagging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 5 (g).

Section 3: The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII

PENALTIES

Section 1: Any person found to be violating any provision of this ordinance, except Article

VI, shall be served with written notice stating 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 violation.

Section 2: Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not less than $100, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. Each day that a violation occurs shall be considered a separate violation subject to the penalties noted above. A violation of this ordinance is also declared to be a public nuisance and the Village may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge or the premises therefore.

Section 3: Any business, industry or person violating any of the provisions of this ordinance, which results in fines of penalties being levied against the Village, shall become liable for said fine or penalty, plus any expenses, loss of damage occasioned by such violation. This fine or penalty would be levied in addition to the fine identified in Section 2 of this Article.

ARTICLE IX

CONDITIONS OF SERVICE

Section 1: At the time of original construction of the public sewer, the Village shall install that portion of the building sewer from the public sewer to the lot or easement line of all occupied premises. The Village shall maintain, at its expense, the public sewer. Those customers making connections at the time of original construction of the public sewer shall install, at their expense, that portion of the building sewer from said lot or easement line to their premises. The customer shall maintain, at his expense, the building sewer.

Section 2: Those customers making connections subsequent to the time of original construction of the public sewer shall install, at their expense, that portion of the building sewer from the public sewer to the lot or easement line in addition to that portion of the building sewer from said lot or easement line to their premises.

Section 3: The Village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service laterals, 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.

Section 4: The premises receiving sanitary sewer service shall, at all reasonable hours, be subject to inspection by duly authorized personnel of the Village.

Section 5: Any person or party affected by this Ordinance may file an appeal if he or she has reason to believe that any part or parts of the ordinance are not applicable toward a particular situation and place undue financial (or other) burden on the grieved party or person.

Section 6: These rules may be changed or amended by action of the Village Council.

ARTICLE X

VALIDITY

Section 1: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2: The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XI

ORDINANCE IN FORCE

Section l: This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and approved by the Village Council of the Village of Nev Era at a regular session thereof held in the council room in said Village on November 10, 1988.

Donald Richards
President

Attest:
Judith Ernst
Clerk

I further certify that the following Members voted for adoption of said ordinance: Anderson, Gentel, Fessenden, Pranger, Richards, Van Sickle, and Wybenga 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 Clerk.

Donald Richards
Village President

CERTIFICATE

I, Judith K. Ernst, Clerk of the Village of New Era do hereby certify that a copy of this Ordinance was published in Oceana's Herald Journal in its issue of November 17, 1988, said date being within 15 days of the passage of this Ordinance. I further certify that the above Ordinance was adopted by the Common Council of the Village of New Era at a regular meeting thereof held November 10, 1988, that Council Member Gentel moved the adoption of said Ordinance and that said motion was supported by Council Member Anderson. I further certify that the vote for the adoption of said Ordinance was as follows:

Ayes: Council Members Anderson, Gentel, Fessenden, Pranger, Richards, Van Sickle and Wybenga.
Nayes: None

IN WITNESS WHEREOF, I have signed this Certificate this November 18, 1988.

Judith K. Ernst, Village Clerk

ORDINANCE NO. 43

MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE ORDINANCE

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

The Village of New Era Ordains:

Section 1. Grant of Gas Franchise and Consent to Laying of Pipes, Etc. Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys and other public rights of way in the Village of New Era, Oceana County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Village of New Era for the-purposes of conveying gas into and through and supplying and selling gas in said Village of New Era and all other matters incidental thereto.

Section 2. Gas Service and Extension of System. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable 1aws,.rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

Section 3. Use of Streets and Other Public Places. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Village of New Era and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Village for all damages and costs which may be recovered against said Village arising from the default, carelessness or negligence of the Company or its officers, agents and servants. No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Village Council, or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioner or the Village Council, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Section 4. Standards and Conditions of Service; 2 Rules, Regulations and Rates. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent

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

Section 5. Successors and Assigns. The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

Section 6. Effective Date: Term of Franchise Ordinance; Acceptance by Company. This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within fifteen (15) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years there- after, subject to revocation at the will of the Village of New Era at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Village Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after receipt of the above documents, file with the Village Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Effect and Interpretation of Ordinance. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

Ayes: 5
Nays: 0
Date Passed: 8/11/94

Attested, by Order of the Village of New Era

Judith Ernst

Judith Ernst, Village Clerk
Village of New Era

Donald Richards

Donald Richards, Village President

CERTIFICATE

STATE OF MICHIGAN)
) SS.
COUNTY OF OCEANA)

I, the undersigned, being the duly elected, qualified and acting Village Clerk of the Village of New Era, County of Oceana, State of Michigan, do hereby certify that annexed hereto is a true, complete and correct copy of an ordinance duly adopted by the Village of New Era, at a regular meeting thereof duly called and held on the 11 day of August, 1994, the original of which is recorded in the Book of Ordinances of the Village of New Era.

I do hereby further certify that public notice of said meeting was given in the manner required by law, including the Open Meetings Act, 1976 PA 267, including in the case of a rescheduled meeting notice by publication or posting at least 18 hours prior to the time set for the meeting, and that the meeting was held and conducted in compliance with the provisions of said Act.

I do hereby further certify that I have filed an attested copy of said ordinance with the County Clerk.

I do hereby further certify that said ordinance was published, within fifteen (15) days after the passage thereof, by causing a true, correct and complete copy thereof to be inserted in the Oceana Herald Journal, a newspaper circulating within the Village of New Era.

I do hereby further certify that immediately after the publication of the said ordinance as aforesaid, I duly recorded said ordinance in the Book of Ordinances of the Village of New Era, together with the date of the passage of said ordinance, the names of the members voting thereon and how each member voted.

I do hereby further certify that I have duly certified, under the said ordinance in a blank space provided therefor in the Book of Ordinances of the Village of New Era, the date of publication of said ordinance, and the name of the newspaper in which publication was made; and that annexed hereto is a true, correct and complete copy of such certificate as contained in the Book of Ordinances of the Village of New Era.

In Testimony Whereof, I have hereunto set my hand this 30th day of Aug, 1994

Judith Ernst

Judith Ernst, Village Clerk
Village of New Era

Donald Richards

Donald Richards, Village President

PROCEDURAL CHECKLIST

Date of Passage of Ordinance: 8/11/94

Members Voting Aye:	Members Voting Nay:
Anderson	— 0 —
Fessenden	
Diepen	
Meyers	
Richards	

Date of Publication of the Ordinance: 8/25/94

Newspaper In Which Publication Was Made: Oc. Herald Journal

STATE OF MICHIGAN)
) SS:
COUNTY OF OCEANA)

I, the undersigned, being the duly elected, qualified and acting Clerk of the Village of New Era, County of Oceana, and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Village Council of the Village of New Era as hereinabove set forth; and that said Ordinance was duly published on the date indicated above by the insertion of a true copy thereof in the O. H. Journal, which is a duly qualified newspaper circulating within the Village of New Era.

In Testimony Whereof, I have hereunto set my hand this 26 day of Aug., 1994.

Judith Ernst

Judith Ernst
Village Clerk

ORDINANCE NO. 44

OUTDOOR FURNACES

Adopted by the Village of New Era, County of Oceana, State of Michigan, 7/12/2007.

The Village of New Era Ordains:

Section1. Statutory Authority:

A. This ordinance shall be known as the "Village of New Era Outdoor Furnace Local Ordinance." (hereinafter the "Ordinance").

B. This Ordinance adopted pursuant to the State of Michigan Municipal Home Rule Law.

Section 2. Purpose:

Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Ordinance is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Village of New Era.

Section 3. Definitions:

As used in this Ordinance, the following terms shall have the meanings indicated:

FIREWOOD - Trunks and branches of trees and bushes, provided further that this does not include leaves, pine needles, and vines or brush smaller than one inch in diameter.

OUTDOOR FURNACE - Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

UNTREATED LUMBER - Dry wood which has been milled and dried but which has not been treated or combines with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

Section 4. Permit Required:

No person shall cause, allow or maintain the use of an outdoor furnace within the Village of New Era without first having obtained a permit from the Village of New Era Fire Marshal. The fee for the permit shall be twenty dollars ($20.00). Application for permit shall be made to the Fire Marshal on the forms provided. See below for existing outdoor furnaces.

Section 5. Existing Outdoor Furnaces:

Any outdoor furnace in existence on the effective date of this Ordinance shall be permitted to remain, provided that the owner applies for and receives a permit from the Village of New Era Fire Marshal within one (1) year of such effective date; provide, further, that upon the effective date of this Ordinance all the provisions hereof, shall immediately apply to existing outdoor furnaces. All the provisions of this Ordinance shall continue to apply to existing outdoor furnaces which receive permits. If the owner of an existing outdoor furnace does not receive a permit within one (1) year of the effective date of this ordinance, the outdoor furnace shall be deemed a violation of this Ordinance and shall be removed. "Existing" or "in existence" shall mean that the outdoor furnace is in place on the site.

Section 6. Specific Requirements:

A. Permitted fuel. Only firewood and untreated lumber shall be permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is strictly prohibited.

B. Setbacks. Outdoor furnaces shall be set back not less than 250 feet from the nearest adjacent residence. Further development that encroaches upon the 250 feet limit will require reevaluation the permit.

C. Months of operation. Outdoor furnaces shall be operated only between the months of September 1st and May 15th.

D. Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

Section 7. Suspension of Permit:

A. A permit issued pursuant to this Ordinance may be temporarily or permanently suspended as the Village of New Era Fire Marshal may determine to be necessary to protect the public health, safety and welfare of the residents of the Village of New Era if any of the following conditions occurs:

1. Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located;

2. The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property;

3. The emissions from the outdoor furnace cause damage to vegetation and/or property:

4. The emissions from the outdoor furnace are or may be harmful to human or animal health.

B. A temporarily suspended permit may be reinstated once the Village of New Era Fire Marshal determines and is satisfied that condition which resulted in suspension is remedied and reasonable assurances from the property owner are given that such condition will not recur. Recurrence of a condition which has previously resulted in a temporary suspension of a permit shall be considered a violation of this Ordinance

subject to the penalties provided in 9 hereof.

Section 8. Waivers:

Where the Village determines that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations shall not have the effect of nullifying the intent and purpose of this Ordinance or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Village may impose such conditions and requirements as it deems reasonable and necessary. The Village may, at its discretion, hold a public hearing as part of its review. If the Village denies the waiver, the outdoor furnace must either be brought into compliance with this Ordinance or removed. If the Village does not take any action with respect to the waiver Within sixty (60) days from its receipt of an application for waiver, the waiver shall be deemed approved.

Section 9. Penalties for Offenses:

Failure to comply with any of the provisions of this ordinance shall be a violation and, upon conviction thereof, shall be punishable by a fine of not more than $500.00 or imprisonment for a period of not more than sixty (60) days, or both, for the first offense. Any subsequent offense shall be punishable by a fine of not more than $1000.00 or imprisonment for a period of not more than ninety (90) days, or both. In addition, any permit issued pursuant to this Ordinance shall be revoked upon conviction of a second offense. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this Ordinance. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor furnace is located.

Section 10. Inspections:

Any applicable Fire Official, or any authorized officer, agent, employer or representative of the Village may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 11. Effect on Other Regulations:

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, Michigan State Department of Environmental Quality or any other federal, state, regional or local agency. Outdoor furnaces, and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this chapter and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

Ayes:

Nays:

Date Passed:

Attested, by Order of the Village of New Era

Natalie Kelly, Village Clerk	Donald Richards, Village President