

CODE OF ORDINANCES

City of

OLIVET, MICHIGAN

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance of October 9, 2006.

See the Code Comparative Table—Ordinances for further information.

Remove old pages

xi—xiv

CD26:1

CD26:5—CD26:7

CD31:1

CD62:1, CD62:2

CD62:11—CD62:36

CD66:1—CD66:3

CD66:9, CD66:10

CD66:25—CD66:29

CDA:1

CDA:5, CDA:6

CCT:5

SLT:1, SLT:2

SLT:3, SLT:4

CDi:7, CDi:8

CDi:15—CDi:18

CDi:37, CDi:38

CDi:43, CDi:44

CDi:49, CDi:50

Insert new pages

xi—xiv

Checklist of up-to-date pages
(following Table of Contents)

CD26:1

CD26:5—CD26:12

CD31:1

CD32:1

CD32:3—CD32:7

CD33:1

CD62:1, CD62:2

CD62:11—CD62:27

CD66:1—CD66:3

CD66:9, CD66:10

CD66:25—CD66:31

CDA:1

CDA:5—CDA:9

CCT:5, CCT:6

SLT:1, SLT:2

SLT:3, SLT:4

CDi:7—CDi:8.1

CDi:15—CDi:18.1

CDi:37, CDi:38

CDi:43—CDi:44.1

CDi:49—CDi:50.1

INSTRUCTION SHEET—Cont'd.

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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TABLE OF CONTENTS

	Page
Officials of the City at the Time of this Codification.....	iii
Preface	v
Adopting Ordinance (Reserved)	
Checklist of Up-to-Date Pages.....	[1]

CODE OF ORDINANCES

Chapter

1. General Provisions.....	CD1:1
2. Administration	CD2:1
Art. I. In General.....	CD2:3
Art. II. City Council	CD2:3
Art. III. Boards and Commissions	CD2:3
Div. 1. Generally	CD2:3
Div. 2. Local Officers Compensation Commission..	CD2:3
Div. 3. Park and Recreation Board.....	CD2:5
Art. IV. Finance	CD2:7
Art. V. Officers and Employees	CD2:7
Div. 1. Generally	CD2:7
Div. 2. Police Chief	CD2:7
3—5. Reserved.....	CD3:1
6. Amusements and Entertainments.....	CD6:1
Art. I. In General.....	CD6:3
Art. II. Machines and Tables	CD6:3
Div. 1. Generally	CD6:3
Div. 2. License	CD6:3
7—9. Reserved.....	CD7:1
10. Animals	CD10:1
Art. I. In General.....	CD10:3
Art. II. Dogs	CD10:3
Art. III. Fowl.....	CD10:5
11—13. Reserved.....	CD11:1
14. Buildings and Building Regulations.....	CD14:1
15—17. Reserved	CD15:1
18. Businesses.....	CD18:1
Art. I. In General.....	CD18:3
Art. II. Peddlers, Transient Merchants	CD18:3
Div. 1. Generally	CD18:3
Div. 2. License	CD18:4

OLIVET CODE

Chapter	Page
19—21. Reserved	CD19:1
22. Cable Communications.....	CD22:1
Art. I. In General.....	CD22:3
Art. II. Franchise.....	CD22:5
Art. III. Regulations, Specifications	CD22:15
23—25. Reserved	CD23:1
26. Cemeteries.....	CD26:1
Art. I. In General.....	CD26:3
Art. II. Cemetery Board.....	CD26:11
27—29. Reserved	CD27:1
30. Environment.....	CD30:1
Art. I. In General.....	CD30:3
Art. II. Blight	CD30:3
Art. III. Nuisance	CD30:5
31. Reserved.....	CD31:1
32. Emergency Response	CD32:1
Art. I. In General.....	CD32:3
Art. II. Cost Recovery.....	CD32:3
33. Reserved.....	CD33:1
34. Fire Prevention and Protection	CD34:1
Art. I. In General.....	CD34:3
Art. II. Open Burning.....	CD34:3
35—37. Reserved	CD35:1
38. Manufactured Homes and Trailers.....	CD38:1
Art. I. In General.....	CD38:3
Art. II. Mobile Home Parks	CD38:3
Div. 1. Generally	CD38:3
Div. 2. Environmental Open Space and Access Re- quirements	CD38:7
Art. III. Mobile Homes.....	CD38:10
39—41. Reserved	CD39:1
42. Offenses	CD42:1
Art. I. In General.....	CD42:5
Art. II. Offenses Affecting Governmental Functions ...	CD42:11
Art. III. Offenses Against the Person.....	CD42:13
Art. IV. Offenses Against Property	CD42:14
Art. V. Offenses Against Public Peace	CD42:27
Art. VI. Offenses Against Public Morals	CD42:31
Div. 1. Generally	CD42:31
Div. 2. Prostitution	CD42:35
Div. 3. Gambling	CD42:36
Div. 4. Model Glue.....	CD42:37

TABLE OF CONTENTS—Cont'd.

Chapter	Page
Div. 5. Pornography	CD42:38
Art. VII. Offenses Against Public Safety	CD42:42
Div. 1. Generally	CD42:42
Div. 2. Airguns, Slingshots, Bows and Arrows.....	CD42:46
Art. VIII. Offenses Involving Underaged Persons	CD42:48
43—45. Reserved	CD43:1
46. Planning.....	CD46:1
Art. I. In General.....	CD46:3
Art. II. Planning Commission	CD46:3
Art. III. Master Plan	CD46:5
47—49. Reserved	CD47:1
50. Solid Waste	CD50:1
51—53. Reserved	CD51:1
54. Special Assessments	CD54:1
55—57. Reserved	CD55:1
58. Streets, Sidewalks and Other Public Places.....	CD58:1
Art. I. In General.....	CD58:3
Art. II. Sidewalks	CD58:3
Div. 1. Generally	CD58:3
Div. 2. Construction	CD58:4
59—61. Reserved	CD59:1
62. Traffic and Vehicles	CD62:1
Art. I. In General.....	CD62:3
Art. II. Uniform Traffic Code	CD62:3
Art. III. Stopping, Standing and Parking	CD62:16
Div. 1. Generally	CD62:16
Div. 2. Parking Violations Bureau	CD62:16
Div. 3. Storage	CD62:19
Art. IV. Bicycles	CD62:22
Art. V. Truck Route.....	CD62:24
63—65. Reserved	CD63:1
66. Utilities.....	CD66:1
Art. I. In General.....	CD66:5
Art. II. Water Service	CD66:5
Div. 1. Generally	CD66:5
Div. 2. Administration	CD66:5
Div. 3. Cross Connections	CD66:9
Art. III. Sewer Service	CD66:11
Div. 1. Generally	CD66:11
Div. 2. Industrial Wastewater	CD66:11
Div. 3. Public and Private Sewers and Drains.....	CD66:18
Div. 4. Rates and Charges of the Sanitary Sewage System.....	CD66:25

OLIVET CODE

Chapter	Page
Art. IV. Extension of Water and Sewer Service.....	CD66:29
67—69. Reserved	CD67:1
70. Vegetation	CD70:1
Art. I. In General.....	CD70:3
Art. II. Trees.....	CD70:3
 Appendix	
A. Franchises.....	CDA:1
Art. I. Consumers Power Company Franchise: Gas	CDA:3
Art. II. Consumers Energy Company Electric Franchise.....	CDA:5
Art. III. Limited Nonexclusive Revocable Electric Franchise to Nordic Electric, L.L.C.....	CDA:7
Code Comparative Table—1987 Compiled Ordinances.....	CCT:1
Code Comparative Table—Ordinances	CCT:5
State Law Reference Table—Michigan Compiled Laws	SLT:1
State Law Reference Table—Michigan Statutes Annotated	SLT:3
Code Index	CDi:1

Checklist of Up-to-Date Pages

(This checklist will be updated with the
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

Page No.	Supp. No.	Page No.	Supp. No.
Title Page	OC	CD15:1	OC
iii	OC	CD18:1	OC
v,vi	OC	CD18:3, CD18:4	OC
vii	OC	CD18:5, CD18:6	OC
xi, xii	1	CD19:1	OC
xiii, xiv	1	CD22:1, CD22:2	OC
CD1:1	OC	CD22:3, CD22:4	OC
CD1:3, CD1:4	OC	CD22:5, CD22:6	OC
CD1:5, CD1:6	OC	CD22:7, CD22:8	OC
CD1:7	OC	CD22:9, CD22:10	OC
CD2:1, CD2:2	OC	CD22:11, CD22:12	OC
CD2:3, CD2:4	OC	CD22:13, CD22:14	OC
CD2:5, CD2:6	OC	CD22:15, CD22:16	OC
CD2:7, CD2:8	OC	CD22:17, CD22:18	OC
CD3:1	OC	CD22:19, CD22:20	OC
CD6:1	OC	CD22:21	OC
CD6:3, CD6:4	OC	CD23:1	OC
CD7:1	OC	CD26:1	1
CD10:1	OC	CD26:3, CD26:4	OC
CD10:3, CD10:4	OC	CD26:5, CD26:6	1
CD10:5	OC	CD26:7, CD26:8	1
CD11:1	OC	CD26:9, CD26:10	1
CD14:1	OC	CD26:11, CD26:12	1
CD14:3	OC	CD27:1	OC

OLIVET CODE

Page No.	Supp. No.	Page No.	Supp. No.
CD30:1	OC	CD42:49, CD42:50	OC
CD30:3, CD30:4	OC	CD43:1	OC
CD30:5	OC	CD46:1	OC
CD31:1	1	CD46:3, CD46:4	OC
CD32:1	1	CD46:5, CD46:6	OC
CD32:3, CD32:4	1	CD46:7	OC
CD32:5, CD32:6	1	CD47:1	OC
CD32:7	1	CD50:1	OC
CD33:1	1	CD50:3	OC
CD34:1	OC	CD51:1	OC
CD34:3, CD34:4	OC	CD54:1	OC
CD35:1	OC	CD54:3, CD54:4	OC
CD38:1, CD38:2	OC	CD54:5, CD54:6	OC
CD38:3, CD38:4	OC	CD54:7	OC
CD38:5, CD38:6	OC	CD55:1	OC
CD38:7, CD38:8	OC	CD58:1	OC
CD38:9, CD38:10	OC	CD58:3, CD58:4	OC
CD38:11, CD38:12	OC	CD58:5	OC
CD38:13	OC	CD59:1	OC
CD39:1	OC	CD62:1, CD62:2	1
CD42:1, CD42:2	OC	CD62:3, CD62:4	OC
CD42:3, CD42:4	OC	CD62:5, CD62:6	OC
CD42:5, CD42:6	OC	CD62:7, CD62:8	OC
CD42:7, CD42:8	OC	CD62:9, CD62:10	OC
CD42:9, CD42:10	OC	CD62:11, CD62:12	1
CD42:11, CD42:12	OC	CD62:13, CD62:14	1
CD42:13, CD42:14	OC	CD62:15, CD62:16	1
CD42:15, CD42:16	OC	CD62:17, CD62:18	1
CD42:17, CD42:18	OC	CD62:19, CD62:20	1
CD42:19, CD42:20	OC	CD62:21, CD62:22	1
CD42:21, CD42:22	OC	CD62:23, CD62:24	1
CD42:23, CD42:24	OC	CD62:25, CD62:26	1
CD42:25, CD42:26	OC	CD62:27	1
CD42:27, CD42:28	OC	CD63:1	OC
CD42:29, CD42:30	OC	CD66:1, CD66:2	1
CD42:31, CD42:32	OC	CD66:3	1
CD42:33, CD42:34	OC	CD66:5, CD66:6	OC
CD42:35, CD42:36	OC	CD66:7, CD66:8	OC
CD42:37, CD42:38	OC	CD66:9, CD66:10	1
CD42:39, CD42:40	OC	CD66:11, CD66:12	OC
CD42:41, CD42:42	OC	CD66:13, CD66:14	OC
CD42:43, CD42:44	OC	CD66:15, CD66:16	OC
CD42:45, CD42:46	OC	CD66:17, CD66:18	OC
CD42:47, CD42:48	OC	CD66:19, CD66:20	OC

CHECKLIST OF UP-TO-DATE PAGES

Page No.	Supp. No.	Page No.	Supp. No.
CD66:21, CD66:22	OC	CDi:44.1	1
CD66:23, CD66:24	OC	CDi:45, CDi:46	OC
CD66:25, CD66:26	1	CDi:47, CDi:48	OC
CD66:27, CD66:28	1	CDi:49, CDi:50	1
CD66:29, CD66:30	1	CDi:50.1	1
CD66:31	1	CDi:51, CDi:52	OC
CD67:1	OC	CDi:53, CDi:54	OC
CD70:1	OC	CDi:55, CDi:56	OC
CD70:3, CD70:4	OC		
CD70:5, CD70:6	OC		
CDA:1	1		
CDA:3, CDA:4	OC		
CDA:5, CDA:6	1		
CDA:7, CDA:8	1		
CDA:9	1		
CCT:1, CCT:2	OC		
CCT:3	OC		
CCT:5, CCT:6	1		
SLT:1, SLT:2	1		
SLT:3, SLT:4	1		
CDi:1, CDi:2	OC		
CDi:3, CDi:4	OC		
CDi:5, CDi:6	OC		
CDi:7, CDi:8	1		
CDi:8.1	1		
CDi:9, CDi:10	OC		
CDi:11, CDi:12	OC		
CDi:13, CDi:14	OC		
CDi:15, CDi:16	1		
CDi:17, CDi:18	1		
CDi:18.1	1		
CDi:19, CDi:20	OC		
CDi:21, CDi:22	OC		
CDi:23, CDi:24	OC		
CDi:25, CDi:26	OC		
CDi:27, CDi:28	OC		
CDi:29, CDi:30	OC		
CDi:31, CDi:32	OC		
CDi:33, CDi:34	OC		
CDi:35, CDi:36	OC		
CDi:37, CDi:38	1		
CDi:39, CDi:40	OC		
CDi:41, CDi:42	OC		
CDi:43, CDi:44	1		

Chapter 26

CEMETERIES*

Article I. In General

- Sec. 26-1. Establishment.
- Sec. 26-2. Sexton.
- Sec. 26-3. Burial procedures.
- Sec. 26-4. Burial records.
- Sec. 26-5. Personal conduct.
- Sec. 26-6. Ownership of lots.
- Sec. 26-7. Lot charges; perpetual care fund.
- Sec. 26-8. Size of lots.
- Sec. 26-9. Service charges.
- Sec. 26-10. Marker, monument regulations.
- Sec. 26-11. Interment regulations.
- Sec. 26-12. Definitions of cemetery lots and burial plots.
- Sec. 26-13. Sale of lots or burial plots.
- Sec. 26-14. Grave openings and charges.
- Sec. 26-15. Interment regulations.
- Sec. 26-16. Markers and memorials.
- Sec. 26-17. Ground maintenance.
- Sec. 26-18. Descent of titles.
- Sec. 26-19. General rules.
- Sec. 26-20. Penalties.
- Secs. 26-21—26-35. Reserved.

Article II. Cemetery Board

- Sec. 26-36. Established.
- Sec. 26-37. Appointment.
- Sec. 26-38. Terms.
- Sec. 26-39. General authority.
- Sec. 26-40. Organization.
- Sec. 26-41. Trustees of fund.
- Sec. 26-42. Compensation.

***Cross reference**—Administration, ch. 2.

State law reference—Authority to own, maintain cemetery, MCL 128.1 et seq.

Sec. 26-8. Size of lots.

The size of lots in the city cemetery shall be 16 by 16 feet.
(Comp. Ords. 1987, § 35.203(B))

Sec. 26-9. Service charges.

Charges for the following services shall be reviewed and fixed annually by the city council and posted in the city hall.

- (1) Opening and closing grave.
- (2) Disinterment and reinterment in the cemetery.
- (3) Disinterment for removal to another cemetery.
- (4) Settling marker foundations and repair of same. The cost will be determined by the council. The owner of any lot requiring this type of service will be notified and payment for the service must be made within two months after notification has been given. Only in the event that the lot owner is deceased may the city advise the maintenance department to proceed with the necessary repairs and the bill be paid from the perpetual care fund interest accrued.
- (5) For Sunday or holiday services, an additional charge will be made. The fee will be posted in the city hall.

(Comp. Ords. 1987, § 35.204; Ord. No. 42, 10-11-89)

Sec. 26-10. Marker, monument regulations.

The following shall apply to markers and monuments to be placed in the city cemetery:

- (1) Must be of durable composition.
- (2) Must have solid foundations, either set or supervised by the cemetery sexton.
- (3) All such expense shall be borne by the lot owner.
- (4) No marker may be placed on a lot not paid for in full.
- (5) Any contractor working on such installation for owner of a lot or for the city shall be held responsible for restoring the immediate area to its original condition.
- (6) Any marker or monument in disrepair so as to be unsightly, or create a danger or hazard to persons using or working in the cemetery, must upon notification, be immediately repaired by the owner or be subject to removal by the sexton with the cost of such operation chargeable to the lot owner.
- (7) One marker per grave allowed.
- (8) Size restrictions are on file with the sexton.

(Comp. Ords. 1987, § 35.205)

Sec. 26-11. Interment regulations.

- (a) Only human bodies may be buried in the city cemetery.
 - (b) Only one body may be buried in a grave space, except in a rare instance of mother and infant.
 - (c) At least eight working hours must be allowed for the sexton for opening of the grave.
 - (d) The sexton shall be in charge of the conduct of service in the cemetery, and of the persons on cemetery property.
 - (e) Only members of the owner's family may be buried in his lot, except in rare instances when the owner may appeal this ruling and be granted special permission by the board.
 - (f) A burial permit must be filed with the city clerk before interment takes place.
 - (g) Sunday and holiday burials require special permission of the board or of the city clerk.
 - (h) Disinterment is prohibited except by special order of the board, subject to state board of health regulations.
- (Comp. Ords. 1987, § 35.206)

Sec. 26-12. Definitions of cemetery lots and burial plots.

A cemetery lot shall apply to numbered divisions as shown on the recorded plat, which consists of one to eight plots.

An adult burial space (plot) shall apply to a space of sufficient size to accommodate one adult interment, approximately four feet by ten feet.
(Ord. of 4-9-01, § 2)

Sec. 26-13. Sale of lots or burial plots.

- (a) Persons desiring to purchase lots should contact the city clerk and visit the cemetery where the sexton will aid them in making a selection.
 - (b) All purchasers will be given a cemetery deed, which grants a right of burial only and does not convey any other title to the lot or burial space (plot) sold. Such forms will be executed by the city clerk, upon complete payment for the plot/plots.
 - (c) The city council, by resolution, may periodically alter foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisitions. The city also reserves the right to alter these changes in hardship cases.
 - (d) All fees or charges are payable to the city clerk, as herein stated, and patrons of the cemetery are requested not to pay any fee or gratuity to any cemetery employee.
- (Ord. of 4-9-01, § 3)

Sec. 26-14. Grave openings and charges.

(a) The opening and closing of any burial spaces (plot), prior to and following a burial therein, and including the interment of ashes shall be at a cost to be determined from time to time by resolution of the city council, payable to the city clerk. The city council reserves the right to adjust these charges in hardship cases.

(b) No burial spaces (plots) shall be opened and closed except under the direction and control of the cemetery sexton or city council. This provision shall not apply to proceedings for the removal or reinterment of bodies and remains, which are under the supervision of the local health department.

(c) The cemetery will be open for interments from January 1 to December 31 daily with the exception of Sundays, Memorial Day, July 4th, Thanksgiving Day, Christmas Day and New Years Day. When Memorial Day or July 4th fall on Saturday or Monday and a delay may cause unreasonable hardship or inconvenience, interments may be made on such days but an additional fee will be added to the regular charge. Where immediate burial required by the laws of the State of Michigan or under the rules and regulations of the board of health, interments may be made on any day other than a regular city working day but an additional fee will be added to the regular charge.

(d) When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation the cemetery reserves the right to make the interment in a location designated by the sexton.

(e) The right is reserved by the city to insist upon at least 36 hours notice prior to any interment and at least one-week notice prior to any disinterment or removal.

(Ord. of 4-9-01, § 4)

Sec. 26-15. Interment regulations.

(a) All funerals upon entering the cemetery shall be under the charge of the cemetery management.

(b) Only one person may be buried in a burial space except for a parent and infant or two infants in one casket.

(c) All burials shall be within a standard concrete vault, installed or constructed in each burial plot before interment.

(d) The appropriate deed for the burial plot involved, together with appropriate identification of the persons to be buried or cremated remains therein, where necessary, shall be presented to either the cemetery sexton or the city clerk prior to interment. Where such deed had been lost or destroyed, the city clerk shall be satisfied, from his or her records, that the person to be buried in the burial plot is an authorized and appropriate one before any interment is commenced or completed.

(e) Once a casket containing a body is within the confines of the cemetery, no funeral director or his embalmer, assistant, employee, or agent, shall be permitted to open the casket or to touch the body, without the legal consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

(f) All orders for interments in lots must be signed by the owner of the lot or his/her legal representative. However, when this is impossible because such person is absent from the city, telegraph or faxed permission will be accepted in lieu thereof.

(g) Lot owners shall not allow interments in their lots for remuneration of any kind.

(h) The city will not be responsible for any order given or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.

(i) The city will not be liable for the interment permit nor for the identity of the person sought to be interred.

(j) Interment of cremated remains must be buried 18 inches deep.

(k) No lot shall be used for any purpose other than burial of the human dead.
(Ord. of 4-9-01, § 5)

Sec. 26-16. Markers and memorials.

(a) All markers or memorials must be made of stone or equally durable composition.

(b) Any large upright monuments must be located on a suitable foundation to maintain the same in an erect position. The footing or foundation, upon which any monument, marker or memorial must be placed, shall be constructed by the city at a cost to the owner of the burial right.

(c) Only one monument or memorial shall be permitted per burial plot.

(d) A cement ribbon is required around the marker or memorial for ease of mowing.

(e) Markers or memorials are to be put on the grave within six months after the burial unless other arrangements are made with the sexton.

(f) Tombstones or large monuments shall be set with the sexton's permission. Any monument or tombstone that is larger or wider than 20 inches by 44 inches shall require the owner or legal representative to purchase additional plots in which to place the stone.

(g) The general care assumed by the cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tombstone or mausoleum placed or erected on lots; nor does it mean the reconstruction of any marble or granite work or any section or plot or any portions thereof in the cemetery, caused by elements, an act of God, thieves, vandals or any other means of destruction.

(1) In the event of a broken or damaged monument, the family will be notified. If no action to correct it is taken within one year, the monument can then be removed.
(Ord. of 4-9-01, § 6)

Sec. 26-17. Ground maintenance.

(a) The general care of the cemetery is assumed by the city and includes cutting of grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees.

(b) No shrubs or trees shall be set on the grounds.

(c) The cemetery reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots, and for care and maintenance.

(d) All flower arrangements, live or artificial, must be placed in properly maintained urns, not placed or planted in the ground. The sexton shall remove all live and artificial decorations on April 1 and October 15. Those who wish to keep their floral arrangements must pick them up prior to those dates.

(e) Litter is prohibited. There shall be no jars, glass or metal receptacles or other containers used on the premises for the holding of floral bouquets. The placing of boxes, shells, toys, ornaments, chairs or similar articles upon plots will not be permitted. The management reserves the right to remove such items.

(f) The city shall not be responsible for any kinds of plantings damaged by the elements, vandals, thieves or by other causes beyond its control. The sexton shall have the further authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as, in his/her judgment, they become unsightly, dangerous, detrimental, diseased or when they do not conform to the standard maintained.

(g) The city shall not be liable for floral pieces, baskets or frames in which or to which such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services.

(h) No grading, leveling or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the city.

(i) Mounds, which hinder the free use of a lawnmower or other gardening equipment, are prohibited. Surfaces other than earth or sod are prohibited.

(j) Urns must be placed on a concrete foundation and be aligned with and in row with markers and/or memorials.

(Ord. of 4-9-01, § 7)

Sec. 26-18. Descent of titles.

(a) The city may repurchase any cemetery lots or burial plots from the owner for the original price paid to the city upon written request of said owner or his/her legal heirs or representatives.

(b) The clerk shall maintain records concerning all burials and issuance of burial permits, apart from any other city records, and the same shall be open to public inspection at all reasonable business hours.

(c) The city reserves, and shall have, the right to correct any errors that may be made by it in making interments or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting another conveyance in lieu thereof other interment property of equal value and similar location as far as possible, or in the sole discretion of the sexton and city clerk, by refunding the amount of money paid on account of said purchase. In the event such error shall involve interment of the remains of any person in such property, the cemetery reserves, and shall have, the right to remove or transfer such remains so interred, to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

(Ord. of 4-9-01, § 8)

Sec. 26-19. General rules.

(a) The city owns and operates the Olivet Cemetery in accordance with the laws of the State of Michigan. It reserves the right to refuse the use of any of the cemeteries facilities at any time, to any person or persons whom the management may deem objectionable to the best interest of the cemetery.

(b) The cemetery will be open from daylight to dusk. No person shall be permitted in the Olivet City Cemetery at anytime other than the foregoing hours except upon permission of the city or the sexton of the cemetery.

(c) It is of the utmost importance that there should be strict observance of the properties in the cemetery. Hence all persons within the cemetery should avoid conduct unbecoming of a sacred place.

(d) Persons visiting the cemetery are prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorials, fence or other structure on cemetery grounds.

(e) Persons within the cemetery shall use only the walks and roads and no one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own lot. The cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

(f) Motor vehicles must be kept under complete control at all times. Driving any vehicle or animal across or upon any grave, lot or lawn, or parking or leaving the same thereon, is prohibited.

(1) Unattended vehicles will be removed at owner's expense.

(g) No snowmobiles, motorcycles, or ATV's will be admitted in the cemetery except such as may be in attendance at funerals or on business.

(h) Children under 15 years of age are not permitted within the cemetery, or its buildings, unless accompanied by proper adult supervision.

(i) It is the duty of the city council to see that the rules and regulations are complied with and it is their duty to see that order is maintained and to protect and promote the best interest of the cemetery. To that end, they are authorized to make temporary additional rules, which may be needed from time to time, to meet emergencies, which are not covered herein.
(Ord. of 4-9-01, § 9)

Sec. 26-20. Penalties.

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$100.00 and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute as a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.
(Ord. of 4-9-01, § 10)

Secs. 26-21—26-35. Reserved.

ARTICLE II. CEMETERY BOARD

Sec. 26-36. Established.

There shall be established a cemetery advisory board of the Olivet Cemetery consisting of three citizens appointed by the mayor.
(Comp. Ords. 1987, § 35.211; Ord. No. 43, 8-14-89)

Sec. 26-37. Appointment.

The members of the cemetery board may be appointed by the mayor with the approval of the council.
(Comp. Ords. 1987, § 35.214)

Sec. 26-38. Terms.

The members of the cemetery board shall be appointed for terms ranging from one to three years with one member being up for replacement each year.
(Comp. Ords. 1987, § 35.212(A))

Sec. 26-39. General authority.

The city cemetery board shall have the government control and management of the city cemetery and shall administer all plans for improvement and upkeep of same with approval of the council.
(Comp. Ords. 1987, § 35.212(B); Ord. No. 43, 8-14-89)

Sec. 26-40. Organization.

The cemetery board shall have a chairman and secretary and shall keep books, including the rules, regulations and fees approved by the city council.

(Comp. Ords. 1987, § 35.213)

Sec. 26-41. Trustees of fund.

The cemetery board shall be the trustee of the perpetual care fund which is set aside from the sale of lots. The board shall be responsible for, and have at its disposal for upkeep and improvement, such funds as should properly go to the cemetery fund as provided in this chapter.

(Comp. Ords. 1987, § 35.213)

Sec. 26-42. Compensation.

The members of the cemetery board shall serve without compensation.

(Comp. Ords. 1987, § 35.214)

Chapter 31

RESERVED

Chapter 32

EMERGENCY RESPONSE

Article I. In General

Secs. 32-1—32-30. Reserved.

Article II. Cost Recovery

- Sec. 32-31. Purpose.
- Sec. 32-32. Definitions.
- Sec. 32-33. Cost recovery authorization and procedure.
- Sec. 32-34. Billing and collection of assessable costs.
- Sec. 32-35. Procedure for appealing assessable costs.
- Sec. 32-36. Assessable costs a lien upon property.
- Sec. 32-37. Other remedies.
- Sec. 32-38. No limitation of liability.
- Sec. 32-39. Severability.
- Sec. 32-40. Resolution.

ARTICLE I. IN GENERAL

Secs. 32-1—32-30. Reserved.

ARTICLE II. COST RECOVERY**Sec. 32-31. Purpose.**

In order to protect the city from extraordinary expenses resulting from the utilization of city resources in response to certain public safety or fire emergency incidents, this article authorizes the imposition of charges to recover actual costs incurred by the city in responding to such incidents.

(Ord. of 2-14-05, § 35.1)

Sec. 32-32. Definitions.

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

Assessable costs. Those costs for services incurred by the city in connection with a response to a public safety or fire emergency incident, including, but not limited to, the actual labor and material costs of the city (including, without limitation, employee wages, fringe benefits, administrative overhead, cost of equipment operation, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the city or by a third party on behalf of the city; service charges are provided by the city or by a third party on behalf of the city; service charges and interest; attorneys' fees; litigation costs and any costs, charges, fines or penalties to the city imposed by and any court or state or federal government entities.

Bomb threats. The verbal or written threat of a bomb or other explosive device, which if discharged as threatened, would violate a federal, state or local law.

Emergency assistance. Emergency medical, public safety, police, fire and civil defendant services.

Excessive requests for emergency assistance. Any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than five times in the preceding 30 days.

False alarm. Any automated or manual device designed to request or summons emergency assistance which device is activated intentionally or otherwise, in absence of an actual need for emergency assistance. The most senior person responding to a false alarm shall make the determination that there was no actual need for emergency assistance. Provided, however, a false alarm shall not be deemed to have occurred if:

- (1) It is caused by an act of God i.e., a lightning storm;
- (2) It originated from a motor vehicle alarm system; or

- (3) It has not occurred more frequently than three times in a calendar-month or four times in a calendar year.

Illegal fire. A fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "no burning" ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God i.e., a lightening storm.

Motor vehicle. Any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and for the purposes here of all trailers or appurtenances attached to any motor vehicle.

Public safety or fire emergency incident:

- (1) Excessive requests for emergency assistance;
- (2) A false alarm;
- (3) An illegal fire;
- (4) Bomb threats;
- (5) Threats of harm to one self or others;
- (6) A structure demolition;
- (7) A utility line failure.

Responsible party. Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for a public safety or fire emergency incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.

Structure demolition. The tearing down of a structure damaged by fire, which must, in the opinion of the fire chief or his designee, be promptly demolished following the fire to protect public safety.

Threats of harm to oneself or others. The verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state or local laws.

Utility line failure. The disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electricity, natural gas, communication or electronic signals (including, but not limited to telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one hour to a request to repair or correct such failure.

(Ord. of 2-14-05, § 35.2)

Sec. 32-33. Cost recovery authorization and procedure.

(a) The city may recover all assessable costs in connection with a public safety or fire emergency incident from any or all responsible parties jointly or severally.

(b) The mayor or his or her designees shall determine the total assessable costs and shall, in consultation with other city personnel involved in responding to a public safety or fire emergency incident, determine whether to assess any, all or part of such costs against any of the responsible parties. In making such determination, the following shall be considered:

- (1) The total assessable costs;
- (2) The risk to public safety or fire emergency incident imposed on the city, its residents and their property;
- (3) Whether there was any injury or damage to the person or property;
- (4) Whether the public safety or fire emergency incident required evacuation;
- (5) The extent the public safety or fire emergency incident required an unusual or extraordinary use of city personnel and equipment;
- (6) Whether there was any damage to the environment.

(c) After consideration of the factors in subsection (b) immediately above, the mayor may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefore or is legally at fault.

(d) If the mayor determines not to assess all or a part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

(Ord. of 2-14-05, § 35.3)

Sec. 32-34. Billing and collection of assessable costs.

After determining to assess costs against a responsible party, the city clerk shall mail an itemized invoice to the responsible party at the party's last known address. Such invoice shall be due and payable within 30 days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent per month or fraction of the amount due and any previously imposed late payment fee remains unpaid. If a responsible party shall appeal assessable costs pursuant to section 32-35 here of such costs, if upheld, in whole or in part, shall be due and payable 30 days from the date of determination of the appeal and any late payment fees shall apply thereafter.

(Ord. of 2-14-05, § 35.4)

Sec. 32-35. Procedure for appealing assessable costs.

Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the mayor or his or her designee to request a modification of assessable costs. The

responsible party shall request in writing such meeting within seven calendar days of the date of the invoice assessing the assessable costs. If after meeting with the mayor or his or her designee the responsible party is still not satisfied, he or she may request an opportunity to appear before the city council to further request a modification of assessable costs. A responsible party who desires to appear before the city council must first meet with the mayor or his or her designee as provided above and shall file a written request to appear before the city council with the city clerk within seven calendar days of the date of the meeting with the mayor. Upon receipt of such request, the city clerk will place the responsible party on the agenda of the next regularly scheduled city council meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified. Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party. Failure to timely file a written request to appear shall constitute a waiver of the responsible party's right to appear before the city council; and shall further constitute the responsible party's agreement to pay the assessable costs invoiced. After a responsible party has been given an opportunity to appear before it, the city council shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced.

(Ord. of 2-14-05, § 35.5)

Sec. 32-36. Assessable costs a lien upon property.

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon the real property of the responsible party in the city, from which, upon which or related to which the public safety or fire emergency incident occurred. Such lien shall be of the same character and effect as the lien created by City Charter for city real property taxes and shall include accrued interest and penalties. The city clerk shall, prior to March 1 of each year, certify to the city assessor the fact that such assessable costs are delinquent and unpaid. The city assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.

(Ord. of 2-14-05, § 35.6)

Sec. 32-37. Other remedies.

In addition to the remedy set forth in section 32-35 above, the city shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.

(Ord. of 2-14-05, § 35.7)

Sec. 32-38. No limitation of liability.

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state or federal law.

(Ord. of 2-14-05, § 35.8)

Sec. 32-39. Severability.

Should any provision of part of this article be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision or part, which shall remain in full force and effect.

(Ord. of 2-14-05, § 35.9)

Sec. 32-40. Resolution.

Resolution to set cost recovery fees for the emergency response cost recovery ordinance of the city. In accordance with the city's ordinance, article II, the cost recovery ordinance, it is necessary to set a schedule of the cost to be charges for emergency responses:

- (1) A flat fee of \$500.00 shall be charged for fire related matters within the city limits of Olivet.
- (2) Any emergency response for hazardous materials will be based upon the actual costs billed to the city.

(Ord. of 2-14-05)

Chapter 33

RESERVED

Chapter 62

TRAFFIC AND VEHICLES*

Article I. In General

Secs. 62-1—62-25. Reserved.

Article II. Uniform Traffic Code

Sec. 62-26. Adoption.
Sec. 62-27. Amendments.
Sec. 62-28. Operation of motor vehicles on school property.
Secs. 62-29—62-50. Reserved.

Article III. Stopping, Standing and Parking

Division 1. Generally

Sec. 62-51. Parking restrictions.
Sec. 62-52. Annual time restrictions.
Sec. 62-53. Community school property.
Secs. 62-54—62-65. Reserved.

Division 2. Parking Violations Bureau

Sec. 62-66. Established.
Sec. 62-67. Duties of clerk.
Sec. 62-68. Liability for expenses.
Sec. 62-69. Procedures generally.
Sec. 62-70. Traffic tickets or notices of violation; issuance, contents.
Sec. 62-71. Citation on parked vehicle.
Sec. 62-72. Fines—Schedule.
Sec. 62-73. Same—Deposit.
Sec. 62-74. Rules.
Secs. 62-75—62-85. Reserved.

Division 3. Storage

Sec. 62-86. Definitions.
Sec. 62-87. Penalty.
Sec. 62-88. Prohibition; exceptions.
Sec. 62-89. Permits.
Sec. 62-90. Garages and service stations.
Sec. 62-91. Accumulation of junked motor vehicles.
Sec. 62-92. City parking lot.
Sec. 62-93. Immobilization and impounding.

***Cross references**—Offenses, ch. 42; streets, sidewalks and other public places, ch. 58.

State law references—Michigan vehicle code, MCL 257.1 et seq.; regulation by local authorities, MCL 257.605, 257.606, 257.610.

OLIVET CODE

Sec. 62-94. Nuisance.
Secs. 62-95—62-115. Reserved.

Article IV. Bicycles

Sec. 62-116. Definitions.
Sec. 62-117. Penalty.
Sec. 62-118. Parental responsibility.
Sec. 62-119. When due.
Sec. 62-120. Registration required.
Sec. 62-121. Application for license plate.
Sec. 62-122. Fee.
Sec. 62-123. Issuance of registration.
Sec. 62-124. Records.
Sec. 62-125. Display of plate.
Secs. 62-126—62-130. Reserved.

Article V. Truck Route

Sec. 62-131. Definitions.
Sec. 62-132. Rules of construction.
Sec. 62-133. Truck routes.
Sec. 62-134. Prohibition against travel on other than truck routes.
Sec. 62-135. Exemptions.
Sec. 62-136. Pick-ups, deliveries, service calls.
Sec. 62-137. Leaving and returning to home or place of business.
Sec. 62-138. Special permits.
Sec. 62-139. Signs.
Sec. 62-140. Penalties.
Sec. 62-141. Severability.
Sec. 62-142. Administrative liability.
Sec. 62-143. Repeal.
Sec. 62-144. Effective date.

governed by section 8312 of Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.8312), as amended.

(3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 2.5a, 2.5b, 2.5c, or 2.5d shall be used to pay the towing and storage fees.

Section 2.5f is hereby amended to read:

Sec. 2.5f. Abandoned vehicle, duties of court.

(1) Upon receipt of a petition prescribed in section 2.5a, 2.5b, 2.5c, or 2.5d, signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:

- (a) Schedule a hearing within 30 days for the purpose of determining whether the police agency acted properly.
- (b) Notify the owner and the police agency of the time and place of the hearing.

(2) At the hearing specified in subsection (1) the police agency shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in processing the abandoned vehicle or vehicle removed pursuant to section 2.5d.

(3) After the hearing the court shall make a decision which shall include one or more of the following:

- (a) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 2.5d, and an order providing a period of 20 days after the decision for the owner to redeem the vehicle. If the owner does not redeem the vehicle within 20 days, the police agency shall dispose of the vehicle pursuant to section 2.5b or 2.5g.
- (b) A finding that the police agency did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed pursuant to section 2.5d. After making such a finding, the court shall issue an order directing that the vehicle immediately be released to the owner, and that the police agency is responsible for the accrued towing and storage charges.
- (c) A finding that the towing and daily storage fees were reasonable.
- (d) A finding that the towing and daily storage fees were unreasonable and issue an order directing an appropriate reduction.

Section 2.5g is hereby amended to read:

Sec. 2.5g. Abandoned vehicle, public sale.

(1) A public sale for a vehicle which has been deemed abandoned under section 2.5a or 2.5c or removed under section 2.5d shall be conducted in the following manner:

- (a) It shall be under the control of the police agency or agent of the police agency.

- (b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.
- (c) Except as provided by sections 2.5a(9) and 2.5d(7), it shall be held not less than five days after public notice of the sale has been published.
- (d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.

(2) The money received from the public sale of the vehicle shall be applied in the following order of priority:

- (a) Towing and storage charges.
- (b) Expenses incurred by the police agency.
- (c) To the secured party, if any, in the amount of the debt outstanding on the vehicle.
- (d) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.

(3) If there are no bidders on the vehicle, the police agency may do one of the following:

- (a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
- (b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:
 - (i) Paying the towing and storage charges.
 - (ii) Applying for title to the vehicle.
- (c) Hold another public sale pursuant to subsection (1).

(4) A person who acquires ownership of a vehicle under subsection (1) or (3), which vehicle has been designated as a distressed vehicle, shall make application for a salvage certificate of title within 15 days after obtaining the vehicle.

(5) Upon disposition of the vehicle, the police agency shall cancel the entry into the law enforcement information network.

Section 5.82 is hereby amended to read:

Sec. 5.82. Mandatory child restraints.

(1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of

Michigan of 1969 (MCL 24.201 et seq.), as amended, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:

- (a) Any child less than one year of age in a child restraint system which meets the standards prescribed in 49 CFR 571.213, except as provided in subsection (6).
- (b) Any child one year of age or more but less than four years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 CFR 571.213, except as provided in subsection (6).
- (c) Any child one year of age or more but less than four years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 CFR 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in subsection (6).

(2) This section does not apply to any child being nursed.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

(4) A person who violates this section is responsible for a civil infraction.

(5) Points shall not be assessed for a violation of this section.

(6) The secretary of state may exempt by rules promulgated pursuant to Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq.), as amended, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

Section 5.83 is hereby amended to read:

Sec. 5.83. Safety belt required; enforcement.

- (1) This section shall not apply to a driver or passenger of:
 - (a) A motor vehicle manufactured before January 1, 1965.
 - (b) A bus.
 - (c) A motorcycle.
 - (d) A moped.
 - (e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons.
 - (f) A motor vehicle which is not required to be equipped with safety belts under federal law.

- (g) A commercial or United States postal service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services.
 - (h) A motor vehicle operated by a rural carrier of the United States postal service while serving his rural postal route.
- (2) This section shall not apply to a passenger of a school bus.
- (3) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except that a child less than four years of age shall be protected as required in section 5.82.
- (4) Each driver of a motor vehicle transporting a child four years of age or more but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt.
- (5) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this act.
- (6) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, such negligence shall not reduce the recovery for damages by more than five percent.
- (7) A person who violates this section is responsible for a civil infraction.
- (8) Points shall not be assessed for a violation of this section.
- (9) This section does not apply if the motor vehicle is transporting more children than there are safety belts available for use and if all safety belts available in the motor vehicle are being utilized in compliance with this section.

Section 5.97 is hereby amended to read:

Sec. 5.97. School buses; signs; overtaking; meeting or passing; violation as a misdemeanor; discharge of passengers; signal lights; evidence of violation; and violation as a civil infraction.

- (1) The driver of a vehicle that overtakes or meets a school bus which has stopped and which is displaying two alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The driver of the school bus, before resuming motion, shall deactivate flashing lights, shall permit stopped traffic to proceed, and shall, when resuming motion, proceed in a manner that will allow congested traffic to disburse by keeping the bus as near to the right side of the road as can be done with safety.
- (2) Passengers who cross the road upon being discharged from a school bus shall cross in front of the stopped school bus.

(3) Signs, giving notice of this section, must be posted on or at the entrance to the area, or part of the area, affected by this section. The signs must be appropriate or sufficiently legible as to be seen by an ordinary observant person.

(4) The driver of a vehicle who fails to stop for a school bus as requested by subsections (1) to (3) of this section, or who passes a school bus in violation of subsections (1) to (3) of this section shall be guilty of a misdemeanor.

(5) The driver of a vehicle on a highway that has been divided into two roadways by leaving an intervening space, by a physical barrier, or by clearly indicated dividing sections constructed so as to impede vehicular traffic need to stop upon meeting a school bus which has stopped across the dividing space, barrier or section.

(6) A school bus that transports pupils inside the city shall, in addition to any other equipment and distinctive marking required by law, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable. The lamps shall be capable of displaying to the front two alternating flashing red lights located at the same level and to the rear two alternating flashing red lights located at the same level. The lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight and shall be actuated by the driver of the school bus when, and only when, the vehicle is stopped and for a distance of not less than 200 feet in advance of a stop for the purpose of receiving or discharging school children.

(7) In a proceeding for a violation of subsection (1) of this section, proof that the particular vehicle described in the citation, complaint or warrant was in violation of subsection (1) of this section, together with proof that the defendant named in the citation, complaint or warrant was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

An ordinance to amend chapter 62 traffic and vehicles, section 62-27 by deleting therefrom subsection 5.15 through 5.15g and adding a portion of the Michigan Vehicle Code, being Act 300 of the Public Acts of Michigan of 1949 , as amended October 1, 1999, and specifically, Compiled Law sections 257.204(a), 257.204(b), 257.219, 257.233, 257.258, 257.303, 257.310(d), 257.319, 257.319(b), 257.320(a), 257.320(b), 257.320(e), 257.321(a), 257.605, 257.619, 257.622(a), 257.624(a), 257.624(b), 257.625(1)—257.625(25), 257.625(a)—257.625(n), 257.904, 257.904(1)—257.904(19), 257.904(c), 257.904(d), 257.904(e), 257.904(f), are hereby adopted by reference as provided by law, and as if set out fully herein.

(Ord. of 12-14-99)

Sec. 62-28. Operation of motor vehicles on school property.

(a) The maximum speed permitted on all school property of the community schools within the city shall be 15 miles per hour.

(b) No person shall operate a motor vehicle upon any property owned by the community schools in the city except upon streets and roadways designed for vehicular traffic.

(c) No person shall operate an unlicensed motor vehicle upon any property owned by the community school districts.
(Comp. Ords. 1987, § 20.042(1), (3), (4))

Secs. 62-29—62-50. Reserved.

ARTICLE III. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 62-51. Parking restrictions.

There shall be no parking on any street or in any city controlled parking lot within the city for a period no greater than 48 continuous hours except as defined in section 62-52.
(Comp. Ords. 1987, § 20.052)

Sec. 62-52. Annual time restrictions.

From November 1 of each year until April 1 of each year, there shall be no parking on any street or in any city controlled parking lot within the city between the hours of 2:00 a.m. and 6:00 a.m.

- (1) Street means the entire width between the boundary lines of every right-of-way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Comp. Ords. 1987, § 20.053; Ord. of 6-13-05)

Sec. 62-53. Community school property.

Parking of motor vehicles shall be permitted on the community school property in the city except where prohibited by appropriate signs. The manner and methods of parking shall be the sole responsibility of the community schools.
(Comp. Ords. 1987, § 20.042(2))

Secs. 62-54—62-65. Reserved.

DIVISION 2. PARKING VIOLATIONS BUREAU

Sec. 62-66. Established.

(a) Pursuant to section 8395 of the Revised Judicature Act of the State of Michigan, as added by Act No. 154 of the Public Acts of Michigan of 1968, and amended by Act No. 511 of the Public Acts of Michigan of 1978 and Act No. 67 of the Public Acts of Michigan of 1979 (MCL 600.8395), a parking violations bureau is hereby established for the purpose of:

- (1) Handling alleged parking violations on the streets, alleys and other places within the city;

- (2) To accept pleas of guilty in parking violation cases; and
- (3) To collect and retain fines and costs.

(b) The parking violations bureau shall be under the supervision and control of the city clerk.

(Comp. Ords. 1987, § 20.031)

Cross reference—Administration, ch. 2.

Sec. 62-67. Duties of clerk.

The city clerk shall establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof, subject to the approval of the city council.

(Comp. Ords. 1987, § 20.032)

Sec. 62-68. Liability for expenses.

All expenses of operating the parking violations bureau shall be borne by the city. All the personnel of the bureau shall be city employees.

(Comp. Ords. 1987, § 20.041)

Sec. 62-69. Procedures generally.

(a) No violation not scheduled in section 62-72 shall be disposed of by the parking violations bureau.

(b) No violations may be settled at the parking violations bureau except at the specific request of the alleged violator.

(c) 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 related to such alleged violation.

(d) 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.

(e) The unwillingness of any 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.

(Comp. Ords. 1987, § 20.034)

Sec. 62-70. Traffic tickets or notices of violation; issuance, contents.

The issuance of a traffic ticket or notice of violation by a police officer of the city 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 person fails to respond within the time limited.

(Comp. Ords. 1987, § 20.035)

Sec. 62-71. Citation on parked vehicle.

When a motor vehicle without a driver is found parked or stopped in violation of any restriction imposed by this division, the officer finding the vehicle so parked, shall take its registration number and may take any other information displayed on the vehicle, which might identify its user and shall conspicuously affix to the vehicle a traffic violation or parking citation.

(Comp. Ords. 1987, § 20.038)

Sec. 62-72. Fines—Schedule.

The following fines shall be imposed for the respective violation:

<i>Offense</i>	<i>Penalty</i>
(1) Parking near fire hydrant.....	\$ 10.00
(2) Obstructing traffic.....	10.00
(3) Prohibited parking	10.00
(4) Parking on sidewalk.....	10.00
(5) When marked parking spaces are specifically designated, failure to park within the limits of such spaces	10.00
(6) Parking on any street between the hours of 2:00 a.m. and 6:00 a.m., from November 1 to April 1	10.00
Owners responsible for towing and storage.	
(7) Parking on any street or roadway, other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within 12 inches of the curb or edge of roadway	10.00
(8) Unauthorized parking (handicapper zone).....	25.00
(9) Parking in tow away zone.....	15.00
(10) All others.....	10.00

(Comp. Ords. 1987, § 20.037; Amended February 22, 1993)

Sec. 62-73. Same—Deposit.

All fines and costs received by the parking violations bureau under this division shall be deposited in the general fund of the city.

(Comp. Ords. 1987, § 20.036)

Sec. 62-74. Rules.

(a) The city hall building, 106 South Main Street, is the place to accept pleas of guilty in parking violations, and to collect and retain fines and costs as prescribed in this article.

(b) The city clerk is the qualified city employee to administer the bureau and adopt rules and regulations for the operation thereof.

(c) In accordance with the provisions of this division the following rules and regulations are adopted:

- (1) The parking violations bureau will be open for the acceptance of pleas of guilty in parking violation cases and to collect and retain fines and costs as prescribed in this division as follows: Monday through Friday of each week: 9:00 a.m. to 5:00 p.m. of each day.
- (2) All fines and costs received by such parking violations bureau shall be forthwith deposited in the general fund of the city, and in any event not later than the closing hours of the bank of depository of the city on its next business day following the receipt of such fines and costs.
- (3) These rules and regulations may be modified, changed, added to, or amended from time to time subject to the approval of the city council.

(d) All fines and fees relating to parking violations may be changed by resolution of the city council.

(Comp. Ords. 1987, § 20.033; Ord. of 4-18-02, § 1)

Secs. 62-75—62-85. Reserved.

DIVISION 3. STORAGE

Sec. 62-86. Definitions.

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

Dismantled and partially dismantled motor vehicle means a motor vehicle from which some part which is ordinarily a major component of such motor vehicle has been removed or is missing.

Dwelling means any house, building, structure, tent, shelter, trailer or vehicle or portion thereof which is occupied in whole or in part as the home, residence, living or sleeping place or which is intended to be occupied by one or more human beings, either permanently or transiently.

Inoperable motor vehicles means motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power.

Motor vehicles means any wheeled vehicles which are self-propelled or intended to be self-propelled.

Storage of automobiles means an open space or place used for storing wrecked, junk, or inoperable automobiles, trucks and trailers waiting for repairs or other work to be performed upon them; and/or repossessed automobiles, trucks and trailers awaiting subsequent disposition.

(Comp. Ords. 1987, § 20.143)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 62-87. Penalty.

Any person who shall violate any of the provisions of this division shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as prescribed in section 1-13 of this Code.

(Comp. Ords. 1987, § 20.150)

Sec. 62-88. Prohibition; exceptions.

(a) It is unlawful for any person to store on, place on or permit to be stored or placed on or allowed to remain on any platted or unplatted parcel of land a dismantled, partially dismantled or inoperable motor vehicle or any parts of a motor vehicle, which platted or unplatted parcel of land is located within the city, or upon which parcel of land there is a structure used in whole or in part as a dwelling, unless such partially dismantled motor vehicle or parts of a motor vehicle shall be kept enclosed within a structure of some type of adequate material which will obstruct the view or sight of same from the public.

(b) Any bona fide owner, co-owner, tenant or cotenant may store, permit to be stored or allow to remain on the premises of which he is the owner, co-owner, tenant, or cotenant, any one such dismantled, partially dismantled or inoperable motor vehicle, for a period of not to exceed 30 days if such motor vehicle is registered in his name. Any such owner, co-owner, tenant or cotenant may, upon hardship, secure a permit from the police department to extend such period of 30 days for an additional period of not to exceed two weeks for any one such dismantled, partially dismantled or inoperable motor vehicle if such motor vehicle is registered in his name.

(c) This division shall not be construed to permit parking or placing of dismantled or partially dismantled vehicles on any street area in the city or in any front yard, as prohibited by any provision of this Code or city ordinance.

(Comp. Ords. 1987, § 20.141)

Sec. 62-89. Permits.

Upon application duly made by the registered owner of a motor vehicle and upon showing of hardship, the police department is hereby authorized to issue the permits provided for in section 62-88.

(Comp. Ords. 1987, § 20.142)

Sec. 62-90. Garages and service stations.

(a) Places doing business involving automobiles, trucks and trailers, such as automobile body shops, automobile repair shops, and garages, automobile paint shops, and gasoline service stations, shall be permitted to keep, place, store or park customers automobiles, trucks or trailers in an orderly and systematic design, upon the outside premises of such business for a period not to exceed 30 days, provided such customer's automobile, truck or trailer is scheduled for work, repair or painting in the due course of business.

(b) Upon extenuating circumstances beyond the control of the owner or operator, a permit may be obtained for an extra period of time not to exceed 90 days, upon filing a signed statement in writing with the police department, designating the vehicle, reasons and estimated time of extension.

(Comp. Ords. 1987, § 20.144)

Sec. 62-91. Accumulation of junked motor vehicles.

Places of business, as set forth in section 62-90, shall not permit, allow or authorize damaged, broken, old or junk parts of motor vehicles and trailers to be left, placed, kept, deposited or accumulated upon any part of the premises where their place of business is located unless enclosed within a structure of some type of adequate material which will obstruct the view or sight of same from the public.

(Comp. Ords. 1987, § 20.145)

Sec. 62-92. City parking lot.

No wrecked, junked, inoperable or repossessed automobiles, trucks, or trailers shall be permitted to be left, parked or stored in any city parking lot.

(Comp. Ords. 1987, § 20.146)

Sec. 62-93. Immobilization and impounding.

Upon failure to comply with the provisions of section 62-72 of this Code, as amended, the city shall have the right to immobilize and/or remove automobiles, trucks, trailers which are in violation by either the use of an immobilization device and/or impounding the same in a

designated place. Such immobilization and/or impounded automobile, truck, trailer may be redeemed by the owner by payment of all fines, repossession costs, or other costs within 30 days from the date of the immobilization or impoundment. If the owner does not redeem within such period, the impounded automobile, truck, trailer shall be considered abandoned. Sale may then take place as provided by state law.

(Comp. Ords. 1987, § 20.147; Ord. of 4-8-02, § 2)

Sec. 62-94. Nuisance.

The presence of a dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle on any platted or unplatted parcel of land in violation of the terms of this division or upon the premises as set forth in sections 62-90 and 62-92 is hereby declared to be a public nuisance.

(Comp. Ords. 1987, § 20.148)

Secs. 62-95—62-115. Reserved.

ARTICLE IV. BICYCLES

Sec. 62-116. Definitions.

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

Bicycle means every device propelled by human power, upon which any person may ride, having two tandem wheels either of which is 20 inches or over in diameter.

(Comp. Ords. 1987, § 20.061)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 62-117. Penalty.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in section 1-13 of this Code.

(Comp. Ords. 1987, § 20.070)

Sec. 62-118. Parental responsibility.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(Comp. Ords. 1987, § 20.069)

Sec. 62-119. When due.

Registrations and applications for licenses for bicycles may be made to the city clerk at any time after December 1 in the year immediately preceding the one in which such application is made.

(Comp. Ords. 1987, § 20.065)

Sec. 62-120. Registration required.

It is a misdemeanor for any person to ride or move, or for an owner knowingly to permit any bicycle to be ridden or moved upon any of the streets or highways of the city which is not properly registered or for which the appropriate fee has not been paid when and as required under this article.

(Comp. Ords. 1987, § 20.062)

Sec. 62-121. Application for license plate.

Every owner of a bicycle subject to registration under this article shall make application to the city clerk for the registration thereof and issuance of a license plate for such bicycle, accompanied by the required fee, upon appropriate forms to be furnished by the clerk. Such application shall contain:

- (1) The name and mailing address of the owner of such bicycle.
- (2) A description of the bicycle, including the make or name, style and year or manufacturer and serial number, if any.

(Comp. Ords. 1987, § 20.063)

Sec. 62-122. Fee.

The city clerk shall collect from the owner of each bicycle registered under this article and for the issuing of such license plate for each such bicycle, a sum designated by resolution of the city council.

(Comp. Ords. 1987, § 20.068)

Sec. 62-123. Issuance of registration.

The city clerk upon registering a bicycle and receiving the required fee shall issue to the owner thereof an appropriate plate, which shall have displayed upon it the registration number assigned to it, the name of the city, and the term for which it is issued.

(Comp. Ords. 1987, § 20.066)

Sec. 62-124. Records.

The city clerk shall file all applications for registration of bicycles in his office, and keep a complete and accurate record of the facts appearing therein together with a numerical list of the license numbers assigned to each bicycle. Such records shall be open to inspection.

(Comp. Ords. 1987, § 20.064)

Sec. 62-125. Display of plate.

Each license plate issued under this article shall be attached to the bicycle for which it was issued in a horizontal position.
(Comp. Ords. 1987, § 20.067)

Secs. 62-126—62-130. Reserved.

ARTICLE V. TRUCK ROUTE

Sec. 62-131. Definitions.

Implement of husbandry means every vehicle that is designed for the agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

Person includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Road means any street, highway or route within the city.

Semi-trailer means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by some other vehicle.

Trailer means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means every motor vehicle that is designed, used, or maintained primarily for the transportation of property, except a pick-up truck or a van designed to carry loads of no more than one ton.

Truck-tractor means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
(Ord. of 10-9-06, § 1)

Sec. 62-132. Rules of construction.

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
(Ord. of 10-9-06, § 2)

Sec. 62-133. Truck routes.

The following roads in the city, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

- (1) North Main Street;
 - (2) South Main Street;
 - (3) West Butterfield Highway;
 - (4) Kalamo Street.
- (Ord. of 10-9-06, § 3)

Sec. 62-134. Prohibition against travel on other than truck routes.

Except as expressly permitted under this article, no person shall operate a truck or truck-trailer and semi-trailer or truck tractor and trailer combination, or a truck and trailer combination in the city on any road other than a designated truck route.

(Ord. of 10-9-06, § 4)

Sec. 62-135. Exemptions.

The truck route limitations prescribed in this article shall not apply to:

- (1) Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property.
 - (2) Implements of husbandry incidentally moved upon a road or street.
 - (3) Road repair, construction, or maintenance vehicles while involved in the repair, construction, or maintenance of streets within the city.
 - (4) Garbage service vehicles while involved in the provision of services to the residents of the city.
- (Ord. of 10-9-06, § 5)

Sec. 62-136. Pick-ups, deliveries, service calls.

A vehicle that would otherwise be restricted to truck routes and which is being used to make pick-ups, deliveries, or service calls in the city on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make pick-ups, deliveries, or service calls within the city. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the city by the most direct route. Upon completion of the pick-ups, deliveries, or service calls, the vehicle shall return to the nearest permitted truck route or leave the city by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the city by other than a truck route.

(Ord. of 10-9-06, § 6)

Sec. 62-137. Leaving and returning to home or place of business.

Nothing herein contained shall prevent a truck or truck-trailer and semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location within the city, provided the most direct route to and from a designated truck route is utilized.

(Ord. of 10-9-06, § 7)

Sec. 62-138. Special permits.

The chief of police shall have authority to grant a written permit in special cases that would otherwise be in violation of the provisions of this article. Such permits, however, shall not be given for more than one round trip, and in no case shall a permit be valid for a longer period than ten days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The city council shall, by resolution, set a fee for special permits.

(Ord. of 10-9-06, § 8)

Sec. 62-139. Signs.

The department of public works shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Michigan.

(Ord. of 10-9-06, § 9)

Sec. 62-140. Penalties.

Any person who violates any provision of this article shall be guilty of a civil infraction and upon conviction shall be fined not more than \$500.00 or shall be imprisoned in the Eaton County jail for not more than 90 days or both fine and imprisonment at the discretion of the court.

(Ord. of 10-9-06, § 10)

Sec. 62-141. Severability.

This article and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this article shall not be affected thereby.

(Ord. of 10-9-06, § 11)

Sec. 62-142. Administrative liability.

No officer, agent, or employee of the city or a member of the city council shall render him/herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this article.

(Ord. of 10-9-06, § 12)

Sec. 62-143. Repeal.

All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this article as of the effective date of this article are hereby repealed to the extent of such conflict, except the terms defined herein for purposes of interpretation, administration, and enforcement of this article only will in no way, manner, or form repeal, notify, or otherwise change the definition of any such terms as used in other ordinances of the city.

(Ord. of 10-9-06, § 13)

Sec. 62-144. Effective date.

This article was approved and adopted at the regular meeting of the city on October 9, 2006. It shall take effect 20 days thereafter pursuant to the provisions of Act 19 of the Public Acts of Michigan of 1994, as amended.

(Ord. of 10-9-06, § 14)

Chapter 66

UTILITIES*

Article I. In General

Sec. 66-1. Fluoridation rejected.
Secs. 66-2—66-25. Reserved.

Article II. Water Service

Division 1. Generally

Secs. 66-26—66-35. Reserved.

Division 2. Administration

Sec. 66-36. General supervision.
Sec. 66-37. Fiscal control.
Sec. 66-38. Reports.
Sec. 66-39. Penalty.
Sec. 66-40. Water mains.
Sec. 66-41. Service pipes.
Sec. 66-42. Meters.
Sec. 66-43. Use of water.
Sec. 66-44. Water rates.
Sec. 66-45. Interruption of service.
Secs. 66-46—66-55. Reserved.

Division 3. Cross Connections

Sec. 66-56. Penalty.
Sec. 66-57. Rules adopted.
Sec. 66-58. Inspections.
Sec. 66-59. Right to enter property.
Sec. 66-60. Discontinuance of water; notice.
Sec. 66-61. Protection of potable water; contamination.
Secs. 66-62—66-80. Reserved.

Article III. Sewer Service

Division 1. Generally

Secs. 66-81—66-90. Reserved.

Division 2. Industrial Wastewater

Sec. 66-91. Definitions.

***Cross references**—Buildings and building regulations, ch. 14; manufactured homes and trailers, ch. 38; planning, ch. 46; streets, sidewalks and other public places, ch. 58.

OLIVET CODE

- Sec. 66-92. Purpose and policy.
- Sec. 66-93. Objectives.
- Sec. 66-94. Scope.
- Sec. 66-95. Application of division.
- Sec. 66-96. General discharge prohibitions.
- Sec. 66-97. National categorical pretreatment standards.
- Sec. 66-98. State requirements.
- Sec. 66-99. Local limitations.
- Sec. 66-100. Dilution.
- Sec. 66-101. Accidental discharges—Generally.
- Sec. 66-102. Same—Notice.
- Sec. 66-103. Same—Liability for expense.
- Sec. 66-104. Same—Notice to employees.
- Sec. 66-105. Fees and charges.
- Secs. 66-106—66-115. Reserved.

Division 3. Public and Private Sewers and Drains

- Sec. 66-116. Definitions.
- Sec. 66-117. Penalty.
- Sec. 66-118. Right of entry.
- Sec. 66-119. Use of public sewers required.
- Sec. 66-120. When connection to public sewage system required.
- Sec. 66-121. Building sewers and connections.
- Sec. 66-122. Use of the public sewers.
- Sec. 66-123. Protection from damage.
- Sec. 66-124. Conditions of service.
- Secs. 66-125—66-135. Reserved.

Division 4. Rates and Charges of the Sanitary Sewage System

- Sec. 66-136. Rate schedule.
- Sec. 66-137. Billing.
- Sec. 66-138. When charges due.
- Sec. 66-139. Application for sewer service.
- Sec. 66-140. Reserved.
- Sec. 66-141. Duty of city treasurer.
- Sec. 66-142. Separate funds.
- Sec. 66-143. System of accounting.
- Sec. 66-144. City remedies.
- Sec. 66-145. Lien; assessment of delinquent rates and charges on tax roll.
- Sec. 66-146. Leased premises; security deposit.
- Sec. 66-147. Cause for disconnection.
- Sec. 66-148. Turn on following disconnection; security deposit.
- Secs. 66-149—66-165. Reserved.

Article IV. Extension of Water and Sewer Service

- Sec. 66-166. Application.
- Sec. 66-167. Approval.
- Sec. 66-168. Authority of council.

UTILITIES

- Sec. 66-169. Cost and participation.
- Sec. 66-170. When city not to pay.
- Sec. 66-171. Additional users.
- Sec. 66-172. Rates for sewer and water hookups.
- Sec. 66-173. Extension beyond 150 feet.
- Sec. 66-174. Permit fee.
- Sec. 66-175. Security required.
- Sec. 66-176. Other permits; easements.
- Sec. 66-177. Inspections.
- Sec. 66-178. Route.
- Sec. 66-179. Street openings.

(b) All charges for water supplied during any quarter shall be paid within 45 days from the end of that quarter. If the charges are not paid within the 45-day period, the water shall be turned off from any premises against which such charges have been made and will not be turned on again until the charges have been paid. A turn-on fee of \$10.00 will be charged whenever water is turned on to a water customer.

(c) Before the water is turned on in any premises occupied by someone other than the owner, the occupant shall deposit with the city clerk a guarantee deposit of \$3.00 which shall be held by the water department as a guarantee of payment for water used and for the protection of the city against any damages to the service pipe, service cock, stop box and water meter. The deposit to be returned to said occupant when he leaves such premises when all water department bills against him have been paid.

(d) The following schedule of water rates is hereby established and shall be charged for water supplied by the water department.

(1) Up to 4,000 gallons per quarter, the minimum charge	\$15.00
(2) From 4,000 to 50,000 gallons, per 1,000 gallons	1.00
(3) Over 50,000 gallons, per 1,000 gallons	0.80

(e) Such rates may be changed by resolution of the city council.
(Comp. Ords. 1987, § 25.006; Ord. of 9-14-98, § 1)

Sec. 66-45. Interruption of service.

Should it become necessary to shut off the water from any section of the city because of any accident or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause, but the failure to give such notice shall not render the water department responsible or liable in damages for any inconvenience, injury, or loss which may result therefrom.

(Comp. Ords. 1987, § 25.007)

Secs. 66-46—66-55. Reserved.

DIVISION 3. CROSS CONNECTIONS

Sec. 66-56. Penalty.

Any person who shall violate any of the provisions of this division shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided in section 1-13 of this Code.

(Comp. Ords. 1987, § 25.087)

Sec. 66-57. Rules adopted.

The city adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R325.11401 to 325.11407 of the Michigan Administrative Code.

(Comp. Ords. 1987, § 25.081)

Sec. 66-58. Inspections.

It shall be the duty of the water department to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the water department and as approved by the state department of public health.

(Comp. Ords. 1987, § 25.082)

Sec. 66-59. Right to enter property.

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

(Comp. Ords. 1987, § 25.083)

Sec. 66-60. Discontinuance of water; notice.

The water department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this division exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this division.

(Comp. Ords. 1987, § 25.084)

Sec. 66-61. Protection of potable water; contamination.

The potable water supply made available on the properties served by the public water supply shall be protected from the possible contamination as specified by this division and by the state and city plumbing code. Any water outlet which could be used for potable or domestic

(i) Special terms and conditions may be made where sewer service is used by the city or community for public purposes such as public parks, etc.
(Comp. Ords. 1987, § 25.179; Ord. No. 55)

Secs. 66-125—66-135. Reserved.

DIVISION 4. RATES AND CHARGES OF THE SANITARY SEWAGE SYSTEM

Sec. 66-136. Rate schedule.

(a) Effective beginning October 1, 1994, and thereafter, the readiness to serve fee and the commodity charge for sewer service furnished by the city shall be established by resolution of the city council. Until October 1, 1994, the rates charged for sewer service shall continue as previously established by ordinance.

(b) Such rates may be changed by resolution of the city council.

(c) The following definitions shall apply for purposes of subsection (a):

(1) "Readiness to serve charge" is a minimum quarterly charge levied on each sewer customer connected to the city sewer system (regardless of whether the water is turned on or a meter is installed) for a portion of the debt service on city revenue bonds issued to pay for the system.

(2) "Commodity charge" is a quarterly charge levied on sewer customers on the basis of water consumption for operation, maintenance and replacement costs and debt service on city revenue bonds issued to pay for the sewer system.

(d) The "readiness to serve charge" and "commodity charge" are sometime referred to as the "sewer rates and charges".

(Comp. Ords. 1987, §25.151; Ord. No. 67, § 1, 7-11-94; Ord. of 9-14-98, § 2)

Sec. 66-137. Billing.

Bills for the rates and charges are established by the city and shall be sent quarterly. All bills shall be payable no later than the 15th day of the month following the period of service and shall be paid at the office of the city treasurer. If any charge for the services of the system shall become due and payable, a charge of ten percent of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after 30 days following the rendition of the bill therefore, the water supply for the lot, parcel of land or premises affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefor, in addition to the payment of a charge of \$10.00.

(Comp. Ords. 1987, § 25.152)

Sec. 66-138. When charges due.

The service charges for sanitary sewer service to customers not being supplied water by a city water system will be due and payable on the 15th day of the month following the period for which service was rendered. Penalties for nonpayment of bills will be the same as that for metered service.

(Comp. Ords. 1987, § 25.153)

Sec. 66-139. Application for sewer service.

Applications for sewer service shall be filed with the city clerk upon a form to be supplied by the city. The application shall state the name of the applicant and the premises to be served. All applications shall be accompanied by a fee for such charges in an amount as provided by resolution of the city council.

(Comp. Ords. 1987, § 25.154; Ord. of 9-14-98, § 3)

Sec. 66-140. Reserved.

Editor's note—Ord. No. 67, § 2, adopted July 11, 1994, repealed § 66-140, which pertained to liability of owner and derived from Comp. Ords. 1987, § 25.154.

Sec. 66-141. Duty of city treasurer.

It is made the duty of the city treasurer to render bills for sewer service and all other charges in connection therewith and to collect all moneys due therefrom.

(Comp. Ords. 1987, § 25.156)

Sec. 66-142. Separate funds.

All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the treasurer separate and apart from all other funds of the city and all of such sums and all other funds and moneys incident to the operation of the system, as may be delivered to the city, shall be deposited in a separate fund designated the sanitary sewer system receiving account and the treasurer shall administer such fund in every respect in a manner provided by state law pertaining thereto.

(Comp. Ords. 1987, § 25.157)

Sec. 66-143. System of accounting.

The city treasurer shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular intervals the city council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

(Comp. Ords. 1987, § 25.158)

Sec. 66-144. City remedies.

If sewer rates and charges are not paid on or before the due date, the city, pursuant to Act No. 178 of the Public Acts of Michigan of 1939 (MCL 123.161 et seq.), as amended, may:

- (1) Discontinue the services provided by the sewer system by turning off the public water service to the property or otherwise disconnecting the sewer system, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the city for shutting off and turning on the service, shall be paid to the city;
- (2) Institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or
- (3) Enforce the lien created in section 66-145 below.

These remedies shall be cumulative and shall be in addition to any other remedy provided in this section or now or hereafter existing at law or in equity. Under no circumstances shall actions taken by the city to collect unpaid sewer rates and charges, time price differential, penalties and interest, invalidate or waive the lien created by section 66-145 below.

(Ord. of 7-11-94, § 3)

Sec. 66-145. Lien; assessment of delinquent rates and charges on tax roll.

The sewer rates and charges shall be a lien on the respective premises served by the system. Whenever sewer rates and charges shall be unpaid for 90 days or more, they shall be considered delinquent. In sufficient time to allow placement of delinquent charges on the tax bill, the treasurer shall certify annually all delinquent sewer rates and charges to the tax-assessing officer of the city, who shall enter the delinquent sewer rates and charges, interest and penalties upon the next tax roll as a charge against the premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such premises.

(Ord. of 7-11-94, § 3)

Sec. 66-146. Leased premises; security deposit.

A lien shall not attach for sewer rates and charges to a premises which is (a) separately metered and (b) subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the premises or a dwelling unit thereon shall be liable for payment of sewer rates and charges, effective for services which accrue after the date an affidavit is filed by the landlord with the city. This affidavit shall include the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the city 20 days' written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit in the amount of \$100.00 for a dwelling unit. A larger security deposit may be required by the city treasurer for commercial customers and industrial customers. Upon the failure of the tenant to pay the sewer rates and charges when due, the security deposit shall be applied by the city

against the unpaid balance, including time price differential, interest and penalties. Upon notification by the city, the tenant shall immediately make sufficient payment to the city to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten days of said notification, the penalties, rights and remedies set forth in section 66-144 shall be applicable with respect to the unpaid sewer rates and charges, including interest and penalties. The security deposit shall be held by the city without interest and shall be returned to the landlord upon proof of termination of the lease. Such security deposit may be changed by resolution of the city council.

(Ord. of 7-11-94, § 3; Ord. of 9-14-98, § 4)

Sec. 66-147. Cause for disconnection.

Applications for connection permits may be cancelled or denied and/or sewer service disconnected by the city for any violation of any part of this article, including, without limitation, any of the following reasons:

- (1) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the system.
- (2) Nonpayment of sewer rates and charges.
- (3) Improper or imperfect connection and/or failure to keep service lines in a suitable state of repair.
- (4) Damage to any part of the sewer system.
- (5) Existence of a cross connection.

(Ord. of 7-11-94, § 3)

Sec. 66-148. Turn on following disconnection; security deposit.

If the sewer service supplied to a customer has been disconnected for nonpayment of sewer rates and charges, service shall not be reestablished until all delinquent sewer rates and charges, including interest and penalties, and the turn-on charge has been paid. The city reserves the right as a condition to reconnect said service to request that a nominal sum of \$100.00 per dwelling unit be placed on deposit with the city for the purpose of establishing or maintaining any customer's credit. A larger security deposit may be required by the city treasurer for commercial customers and industrial customers. Said deposit shall not be considered in lieu of any future billing for sewer rates and charges. Upon the failure of the customer to pay the sewer rates and charges when due, the security deposit shall be applied by the city against the unpaid balance, including interest and penalties. Upon notification by the city, the customer shall immediately make sufficient payment to the city to cover the amount of the security deposit so advanced. Upon the failure of the customer to do so within ten days of said notification, the penalties, rights and remedies set forth in this section shall be applicable with respect to the unpaid sewer rates and charges, including interest and penalties. The security deposit shall be held by the city without interest and shall be returned

at the customer's request upon continued timely payments by the customer of all sewer rates and charges as and when due, for a minimum of four successive quarterly billing periods. Such security deposit may be changed by resolution of the city council.

(Ord. of 7-11-94, § 3; Ord. of 9-14-98, § 5)

Secs. 66-149—66-165. Reserved.

ARTICLE IV. EXTENSION OF WATER AND SEWER SERVICE

Sec. 66-166. Application.

Anyone desiring a permit for any extension of water and sewer service shall file an application therefor with the city clerk and shall furnish with said application complete engineered plans and specifications duly approved by the state department of health which plans and specifications shall be turned over to the city engineer for examination and review. (Comp. Ords. 1987, § 25.261)

Sec. 66-167. Approval.

All applications for extensions of water and sewer must be approved by the city council. (Comp. Ords. 1987, § 25.262)

Sec. 66-168. Authority of council.

Any person desiring the extension of water and sewage disposal facilities of the city may do so by filing an application for such extension, but, the council on its own initiative and without any such application having been filed, may proceed to construct such extensions, and the filing of any such application shall not make it mandatory upon the council to proceed with the construction of any such extension or addition. (Comp. Ords. 1987, § 25.263)

Sec. 66-169. Cost and participation.

The city shall pay one-half of the cost of any extension under this article for a distance up to 150 feet past existing service. (Comp. Ords. 1987, § 25.264)

Sec. 66-170. When city not to pay.

The city will not be responsible for providing any participation in the cost of water and sewage facilities if the property or area to be serviced is not bounded by at least one established or dedicated street. The city shall not pay such cost of extensions to be provided in a plotted subdivision, and in any other instance so indicated elsewhere in this article, this Code or other ordinances of the city. (Comp. Ords. 1987, § 25.265)

Sec. 66-171. Additional users.

Additional users shall pay regular hookup charges as well as a proportionate share of original extension, which sum shall be paid to the city for its participation and to the original developer or property owner according to pro rata distribution of costs, to the same extent and degree as if the additional user had been an original applicant.

(Comp. Ords. 1987, § 25.266)

Sec. 66-172. Rates for sewer and water hookups.

(a) *Water and sewer connection fees and capacity charges shall be set by resolution of the city council.*

(b) *Connection fee* is defined as the fee charged to recover the cost of connecting the customer's service line to the city utility's facilities/main.

(c) *Capacity charge* is defined as the fee charged as a contribution (principal, interest and administrative costs) of recently completed and planned future development of facilities and capital improvements necessary to meet the service needs of new customers.

(Comp. Ords. 1987, § 25.267; Ord. No. 71, 2-11-91; Ord. of 9-14-98, § 6)

Sec. 66-173. Extension beyond 150 feet.

The applicant for water and sewage to any building being more than 150 feet from existing water and sewage may follow the requirements of division 3 of this chapter unless contrary to state law, a fee of \$25.00 as inspection fee shall be paid by applicant. Such inspection may be charged by resolution of the city council.

(Comp. Ords. 1987, § 25.268; Ord. of 9-14-98, § 7)

Sec. 66-174. Permit fee.

The applicant shall pay a fee in an amount as provided by resolution of the city council, which fee is designed to recover the costs and expenses of the examination and review of the plans and specifications of the city engineer. No permit therefore shall be granted until the plans and specifications have been approved by the city engineer and the entire fee therefore paid.

(Comp. Ords. 1987, § 25.269; Ord. of 9-14-98, § 8)

Sec. 66-175. Security required.

Before any construction under a permit under this article is started, the contractor of such project shall furnish to the city such bonds and insurance as would be required of contractor if such contract was with the city.

(Comp. Ords. 1987, § 25.270)

Sec. 66-176. Other permits; easements.

The permittee shall secure all permits, licenses and easements required in such extension.
(Comp. Ords. 1987, § 25.271)

Sec. 66-177. Inspections.

Construction shall be completed according to the plans and specifications and shall be subject to examination and testing by the city engineer, which fee for the expenses therefore shall be in an amount as provided by resolution of the city council.
(Comp. Ords. 1987, § 25.272; Ord. of 9-14-98, § 9)

Sec. 66-178. Route.

Construction of the extension may be along and in the right-of-way of the public streets and alleys of the city, or on private easements across private ground, provided the city has use of such easements for repair or alteration of the line or to connect into such lines.
(Comp. Ords. 1987, § 25.273)

Sec. 66-179. Street openings.

The surface of all streets, alleys, sidewalks, etc., disturbed in such construction shall be replaced and put in like condition as before construction was started, and all fills in streets and alleys shall be backfilled with sand.
(Comp. Ords. 1987, § 25.274)

APPENDIX A

FRANCHISES

Article I. Consumers Power Company Franchise: Gas

- Sec. 1. Grantee defined.
- Sec. 2. Grant of right, power and authority.
- Sec. 3. Term; performance of grantee.
- Sec. 4. Village (now city) not held liable.
- Sec. 5. Rates and charges.
- Sec. 6. Extension of gas service.
- Sec. 7. Rights and authority not exclusive.
- Sec. 8. Michigan public service commission.
- Sec. 9. Franchise; not subject to revocation.
- [Sec. 10.] Certification.

Article II. Consumers Energy Company Electric Franchise

- Sec. 1. Grant, term.
- Sec. 2. Consideration.
- Sec. 3. Conditions.
- Sec. 4. Hold harmless.
- Sec. 5. Extensions.
- Sec. 6. Franchise not exclusive.
- Sec. 7. Rates.
- Sec. 8. Revocation.
- Sec. 9. Michigan Public Service Commission, jurisdiction.
- Sec. 10. Repealer.
- Sec. 11. Effective date.

Article III. Limited Nonexclusive Revocable Electric Franchise to Nordic Electric, L.L.C.

- Sec. 1. Grant of franchise.
- Sec. 2. Conditions.
- Sec. 3. Rates.
- Sec. 4. Insurance.
- Sec. 5. Interpretation.
- Sec. 6. Limitations.
- Sec. 7. Assignment.
- Sec. 8. Acceptance.
- Sec. 9. Revocation.
- Sec. 10. Severability.
- Sec. 11. Consideration.

ARTICLE II. CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE***Section 1. Grant, term.**

The City of Olivet, Eaton County, Michigan, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the City of Olivet, Eaton County, Michigan, for a period of 30 years.

(Ord. of 6-10-02, § 1)

Section 2. Consideration.

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

(Ord. of 6-10-02, § 2)

Section 3. Conditions.

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

(Ord. of 6-10-02, § 3)

Section 4. Hold harmless.

Said grantee shall at all times keep and save the city free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is

***Editor's note**—Printed herein is the electrical franchise, as adopted by city on June 10, 2002. Section 11 of an ordinance adopted June 10, 2002, provided for the repealing and superseding of the franchise to Consumers Power Company which was included herein as article II and which had become effective July, 1972. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

commenced against the city on account of the permission herein given, said grantee shall, upon notice, defend the city and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

(Ord. of 6-10-02, § 4)

Section 5. Extensions.

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

(Ord. of 6-10-02, § 5)

Section 6. Franchise not exclusive.

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

(Ord. of 6-10-02, § 6)

Section 7. Rates.

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

(Ord. of 6-10-02, § 7)

Section 8. Revocation.

The franchise granted by this ordinance is subject to revocation upon 60 days' written notice by the party desiring such revocation.

(Ord. of 6-10-02, § 8)

Section 9. Michigan Public Service Commission, jurisdiction.

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

(Ord. of 6-10-02, § 9)

Section 10. Repealer.

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a electric ordinance adopted by the city on May 23, 1972, entitled:

An ordinance, granting to Consumers Power Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, wires, transformers and other electrical

appliances on, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the City of Olivet, Eaton County, Michigan, for a period of 30 years.

And amendments, if any, to such ordinance whereby a electric franchise was granted to consumers energy company.

(Ord. of 6-10-02, § 10)

Section 11. Effective date.

This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after 30 days from its adoption unless within said period the grantee shall accept the same in writing filed with the city clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said city and said grantee.

(Ord. of 6-10-02, § 11)

ARTICLE III. LIMITED NONEXCLUSIVE REVOCABLE ELECTRIC FRANCHISE TO NORDIC ELECTRIC, L.L.C.

Section 1. Grant of franchise.

The City of Olivet with offices located at 106 South Main, Olivet, Michigan, 49076 ("city") grants to Nordic Electric, L.L.C., with offices at 2010 Hogback Road, Suite 4, Ann Arbor, Michigan, 48105, a limited liability company ("grantee"), a limited, nonexclusive revocable franchise to market electricity through and over existing and future electrical lines owned and operated by another authorized public utility and to conduct a local electric business as an electric power marketer and third-party supplier of electricity in the city for a period of five years.

(Ord. of 2-12-00, § 1)

Section 2. Conditions.

(a) As an electric power marketer and third-party supplier of electricity, grantee will not directly transmit or supply electricity, nor impair or attempt to control or occupy any street, alley, public place, nor engage in any construction in any public street, alley, or other public place or right-of-way.

(b) Grantee shall indemnify and hold harmless the city from any and all judgments, damages, decrees, losses, cost and expenses which the city may incur or which may be legally obtained against the city for or by reason of the wrongful or negligent construction, maintenance or repair of the structures and equipment, or the use and occupation of any highway, street, alley, or other public place in the city by the grantee pursuant to the terms of this ordinance or resulting from the exercise by the grantee of any of these privileges.

(c) The city may establish reasonable standards of service, prevent unjust discrimination in service, and impose any other regulations as may be determined by the city to be conducive to the safety, welfare and accommodation of the public. Grantee shall be and remain subject to all ordinances, rules and regulations of the city now in effect, or which might be adopted.

(d) Grantee shall reimburse the city for the city's costs associated with issuance of this franchise, including reasonable and documented attorney fees.

(Ord. of 2-12-00, § 2)

Section 3. Rates.

Grantee may charge its customers for electricity and electrical services at a rate that is mutually agreeable to grantee and its customers, subject to their agreement and that they will abide by applicable federal and state laws and Michigan Public Service Commission regulations.

(Ord. of 2-12-00, § 3)

Section 4. Insurance.

Grantee shall obtain and maintain in full force and effect the following insurance covering all insurable risks associated with its exercise of the rights granted by this ordinance: comprehensive general liability, including completed operations liability, independent contractors liability, contractual liability coverage and coverage for X, C and U hazards in an amount no less than \$2,000,000.00.

The city shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be cancelled or modified unless 30 days prior written notice is given to the city. If so requested by the city, grantee shall provide the city with a certificate of insurance evidencing such coverage and maintain a current certificate on file with the city.

(Ord. of 2-12-00, § 4)

Section 5. Interpretation.

Nothing in this franchise shall be construed to alienate the title of the public in and to any highway, street, alley or public place. Nothing in this franchise shall be construed in any manner as a surrender by the city of its legislative power with respect to the subject matter of this franchise or with respect to any other matter or in any manner limiting the right of the city to lawfully regulate the use of any highway, street, alley or public place in the city.

(Ord. of 2-12-00, § 5)

Section 6. Limitations.

Nothing in this ordinance shall be construed as a waiver by grantee of any rights under state or federal law. Grantee shall, as to all other conditions and elements of service not addressed or fixed by this article, remain subject to the rules and regulations applicable to electric service by the Michigan Public Service Commission, or its successor. If so requested by

the city, grantee shall provide the city with copies of all documents which grantee sends to the Michigan Public Service Commission and copies of all orders, decisions, or correspondence grantee receives from the Michigan Public Service Commission that relate to this franchise. Grantee shall permit city inspection and examination of all records that relate to this franchise that grantee is required to maintain or file under Michigan Public Service Commission rules and regulations.

(Ord. of 2-12-00, § 6)

Section 7. Assignment.

This franchise may not be sold, leased, assigned, transferred or used by any party other than the grantee without consent from the city.

(Ord. of 2-12-00, § 7)

Section 8. Acceptance.

Upon acceptance and publication this ordinance shall constitute a contract between the city and the grantee.

(Ord. of 2-12-00, § 8)

Section 9. Revocation.

This franchise shall be revocable, upon 60 days' written notice to the grantee, by the city, in the event of grantee's misuse or failure to comply with the provisions of this franchise.

(Ord. of 2-12-00, § 9)

Section 10. Severability.

Any and all sections, terms, provisions, or clauses of this franchise shall be deemed independent and severable. If any court of competent jurisdiction holds any section, term, provision, or clause void or invalid, all remaining sections, terms, provisions, or clauses not held void or invalid shall continue in full force and effect.

(Ord. of 2-12-00, § 10)

Section 11. Consideration.

In consideration of the city granting this franchise, grantee agrees to reimburse the city for actual expenses incurred by it or its legal counsel for reviewing this franchise. Grantee also agrees to pay the city \$2,500.00 for franchise fees. The amount due will be payable within 30 days of the effective date of this franchise.

(Ord. of 2-12-00, § 11)

CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1987 Compilation, which are included herein. Ordinances adopted prior to such date were incorporated into the 1987 Compilation. Ordinances adopted since 1987, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

Date	Ordinance Number	Section	Section this Code
	XI		58-39
	55		66-119
			66-124
12-13-78	86A		6-38, 6-39
11- 9-87	96	17.131	38-86
		17.132	38-88
		17.132(1)	38-92
		17.132(2)	38-90
		17.132(3)—	38-93—38-98
		17.132(8)	
		17.132(9)	38-91
		17.132(10)	38-89
		17.132(11)	38-99
		17.134	38-87
4-10-89	10		66-42
8-14-89	43		26-36
			26-39
	97	1—3	34-27—34-29
		4	34-26
10-11-89	42		26-6, 26-7
			26-9
	77		30-29
1- 8-90			42-143
2-11-91	71		66-172
7-11-94	67	1	66-136
		2	Rpld 66-140
		3	Added 66-144—66-148
9-14-98		1	Added 66-44(e)
		2	66-136(b)
		3	66-139
		4	66-146
		5	66-148
		6	66-172
		7	66-173
		8	66-174
		9	66-177

OLIVET CODE

Date	Ordinance Number	Section	Section this Code
12-14-99			62-27
2-14-00		1—11	Added App. A, Art. III, §§ 1—11
4- 9-01		2—11	Added 26-12—26-21
4- 8-02		1	Added 62-74(d)
		2	62-93
6-10-02		1—11	Added App. A, Art. II, §§ 1—11
2-14-05		35.1—35.9	Added 32-31—32-41
6-13-05			Added 62-52
10- 9-06		1—14	Added 62-131—62-144

STATE LAW REFERENCE TABLE

MICHIGAN COMPILED LAWS

This table shows the location within this Code, either in the text or notes following the text, of references to the Michigan Compiled Laws.

MCL	Section this Code	MCL	Section this Code
8.3 et seq.	1-2	257.625(1)—257.625(25)	62-27
15.231 et seq.	Ch. 2	257.625a—257.625n	62-27
	Ch. 2, Art. III	257.904	62-27
15.261 et seq.	1-14	257.904(1)—257.904(19)	62-27
	Ch. 2	257.904c—257.904f	62-27
	Ch. 2, Art. III	257.951 et seq.	62-26
	2-78	287.261 et seq.	10-27
15.341 et seq.	Ch. 2	287.286a	10-1
	Ch. 2, Art. II,	287.288	10-1
	Ch. 2, Art. III	287.290	Ch. 10
28.421 et seq.	42-286	287.351	10-1
29.1 et seq.	Ch. 34	311.1 et seq.	42-276
42.23	14-1	333.1101 et seq.	42-172
117.4a, 117.4b	Ch. 54	333.2458	26-1
117.4d	Ch. 54	333.5111	10-1
117.4h	Ch. 58	333.7403,	
117.4i	1-13	333.7404	42-121
117.5	Ch. 54	333.12721	66-1
117.5b	1-1	338.41 et seq.	2-116
123.51 et seq.	2-76	400.60	42-105
123.161	66-144	436.33b	42-121
125.31 et seq.	Ch. 46	600.8395	62-66
	46-26	712A.1	42-306
125.581 et seq.	Ch. 46	722.751 et seq.	42-307
125.1501 et seq.	Ch. 14	750.1 et seq.	42-286
	14-1, 14-2	750.49 et seq.	Ch. 10
	38-90	750.81	42-66
125.2301 et seq.	Ch. 38	750.115	42-116
	38-27	750.116	42-107
	38-32	750.131	42-98
128.1 et seq.	Ch. 26	750.161	42-69
131.1 et seq.	Ch. 2, Art. IV	750.167	42-147
141.421 et seq.	Ch. 2, Art. IV	750.167(1)(a)	42-69
211.741 et seq.	Ch. 54	750.167(1)(c)	42-10
211.761 et seq.	Ch. 54	750.167(1)(e)	42-145
247.183	Ch. 22	750.167(1)(h)	42-9
247.241 et seq.	Ch. 70	750.167(1)(j),	
257.1 et seq.	Ch. 62	750.167(1)(k)	42-12, 42-13
257.204a	62-27	750.167(1)(l)	42-144
257.605,		750.169	42-146
257.606	Ch. 62	750.170	42-141
257.610	Ch. 62		42-146

OLIVET CODE

MCL	Section this Code
750.200 et seq.	Ch. 34
750.226	42-266
750.233—	
750.235	42-272—42-274
750.237	42-275
750.240	42-41
750.240 et seq.	Ch. 34
750.243a et seq.	42-270
750.267 et seq.	42-11
750.271 et seq.	42-104
750.301 et seq.	42-208
750.303	42-209
750.304	42-206
750.306	42-210
750.335 et seq.	42-174
750.335a	42-175
750.356	42-101, 42-102
750.356b	42-119
750.364	42-113
750.377a	42-108
750.390	42-67
750.411g	42-6
750.416	42-114
750.448	42-195
750.448 et seq.	42-191
750.449	42-193
750.449a	42-193
750.452	42-192
750.454	42-194
750.463 et seq.	Ch. 6
750.479	42-38
750.520e	42-177
750.535	42-106
750.540e	42-68
750.552	42-115
752.525	42-146
752.541—	
752.543	42-148—42-150
752.811	Ch. 6
752.841 et seq.	42-286
764.9a et seq.	42-143

STATE LAW REFERENCE TABLE

MICHIGAN STATUTES ANNOTATED*

This table shows the location within this Code, either in the text or notes following the text, of references to the Michigan Statutes Annotated.

***Editor's note**—The Michigan Statutes Annotated are obsolete and will no longer be updated. References to MSA will be removed from the Code text and notes as pages are supplemented.

MSA	Section this Code	MSA	Section this Code
2.212 et seq.	1-2	13.1321 et seq.	42-276
4.559(1) et seq.	Ch. 34	14.15(1101) et seq.	42-172
4.1700(71) et seq.	Ch. 2	14.15(2458)	26-1
	Ch. 2, Art. II, Ch. 2, Art. III	14.15(5111)	10-1
4.1800(11) et seq.	1-14	14.15(7403), 14.15(7404)	42-121
	Ch. 2	14.15(12721)	66-1
	Ch. 2, Art. III	16.460	42-105
	2-78	18.1004(2)	42-121
4.1801(1) et seq.	Ch. 2	18.1208(1) et seq.	2-116
	Ch. 2, Art. III	19.855(101)	38-32
5.46(23)	14-1	19.855(101) et seq.	Ch. 38
5.2074, 5.2075	Ch. 54		38-27
5.2077	Ch. 54	27.3178(598.1)	42-306
5.2081	Ch. 58	28.91 et seq.	42-286
5.2082	1-13	28.133	42-146
5.2084	Ch. 54	28.191 et seq.	42-286
5.2084(2)	1-1	28.244 et seq.	Ch. 10
5.2421 et seq.	2-76	28.276	42-66
5.2931 et seq.	Ch. 46	28.310	42-116
5.2949(1)	Ch. 14	28.311	42-107
5.2949(1) et seq.	14-1, 14-2	28.326	42-98
	38-90	28.342(1) et seq.	42-307
5.2991 et seq.	Ch. 46	28.358	42-69
	46-26	28.364	42-147
5.3188(1) et seq.	Ch. 2, Art. IV	28.364(1)(a)	42-69
5.3228(21) et seq.	Ch. 2, Art. IV	28.364(1)(c)	42-10
5.3534(1) et seq.	Ch. 54	28.364(1)(e)	42-145
5.3536(1) et seq.	Ch. 54	28.364(1)(h)	42-9
9.263	Ch. 22	28.364(1)(j), 28.364(1)(k)	42-12, 42-13
9.361 et seq.	Ch. 70	28.364(1)(l)	42-144
9.1904(1)	62-27	28.366	42-146
9.2651 et seq.	62-26	28.367	42-141
12.511 et seq.	10-27		42-146
12.537	10-1		42-146
12.539	10-1	28.397 et seq.	Ch. 34
12.541	Ch. 10	28.423	42-266
12.544	10-1	28.430—28.432	42-272—42-274

OLIVET CODE

MSA	Section this Code
28.434	42-275
28.436(11) et seq.	42-286
28.437	42-41
28.437 et seq.	Ch. 34
28.440(1) et seq.	42-270
28.478 et seq.	42-11
28.482 et seq.	42-104
28.533 et seq.	42-208
28.535	42-209
28.536	42-206
28.538	42-210
28.567 et seq.	42-174
28.567(1)	42-175
28.588	42-101, 42-102
28.588(2)	42-119
28.596	42-113
28.609(1)	42-108
28.622	42-67
28.643(7)	42-6
28.643(101)	Ch. 6
28.648	42-114
28.703	42-195
28.703 et seq.	42-191
28.704	42-193
28.704(1)	42-193
28.707	42-192
28.709	42-194
28.718 et seq.	Ch. 6
28.747	42-38
28.788(5)	42-177
28.790(1)—	
28.790(3)	42-148—42-150
28.803	42-106
28.808(5)	42-68
28.820(1)	42-115
28.868(1) et seq.	42-143

CODE INDEX

	Section
CABLE COMMUNICATIONS (Cont'd.)	
Enforcement	22-3
Franchises	
Application.....	22-32
Audits	22-35
Bankruptcy	22-49
Bond required	22-40
Failure to provide bond	22-42
Conduct of business, rules	22-37
Construction of system; time limits.....	22-45
Fees	
Annual franchise fee	22-33
Application fee.....	22-32
Forfeiture	22-50
Indemnification of city	22-39, 22-54
Insolvency	22-49
Insurance required	22-41
Failure to provide insurance	22-42
Issuance.....	22-43
Map.....	22-38
Priority of use	22-44
Records	
Authority to inspect.....	22-34
Reports	22-36, 22-38
Required	22-31
Revocation	22-51
Rights of city	22-53
Rules for conduct of business.....	22-37
Sale, assignment, transfer	22-46
Surrender, when	22-48
Surrender of other franchises.....	22-52
Term of.....	22-47
Hearing.....	22-5, 22-6
Ownership report.....	22-36
Regulations, specifications	
Access channels	22-89
Adequacy of service.....	22-86
Attachment space for city.....	22-79
Channels.....	22-87
Completion of work by city	22-85
Compliance with codes	22-82
Disconnection, relocation of system.....	22-84
Disposition of system.....	22-80
Emergency service	22-96
Free service.....	22-95
Interconnection.....	22-90
Local business office	22-76
Nonexclusive rights.....	22-77
Proposed facilities	
Description of, approval of	22-78

OLIVET CODE

	Section
CABLE COMMUNICATIONS (Cont'd.)	
Rate discrimination prohibited	22-92
Rates and charges, schedule	22-93
Increase in rates and charges, hearing	22-94
State of the art	22-91
Street openings or obstructions	22-83
Technical plant	22-88
Underground facilities	22-81
Violations, penalties	22-2
CAFES	
Defrauding an inn keeper	42-99 et seq.
See: OFFENSES (Against property)	
CANVASSERS	
Transient merchants. See: PEDDLERS, TRANSIENT MERCHANTS, ETC.	
CAPPERS, STEERERS, LOITERERS	
Gambling offenses	42-206 et seq.
See: OFFENSES (Against public morals)	
CARD GAMES	
Gambling offenses	42-206 et seq.
See: OFFENSES (Against public morals)	
CARD PLAYING	
Fortunetelling, engaging in practice of	42-11
CEMETERIES	
Burial procedures	26-3
Burial records	26-4
Cemetery board	
Appointment	26-37
Compensation	26-42
Established	26-36
General authority	26-39
Organization	26-40
Terms of office	26-38
Trustees of fund	26-41
Definitions of cemetery lots and burial plots	26-12
Descent of titles	26-18
Establishment	26-1
General rules	26-19
Grave openings and charges	26-14
Ground maintenance	26-17
Interment regulations	26-11, 26-15
Lots	
Lot charges, perpetual care fund	26-7
Service charges	26-9
Size of lots	26-8
Lots, ownership	26-6
Marker, monument regulations	26-10

CODE INDEX

	Section
CEMETERIES (Cont'd.)	
Markers and memorials	26-16
Penalties.....	26-20
Personal conduct in	26-5
Sale of lots or burial plots.....	26-13
Service charges	26-9
Severability	26-21
Sexton	26-2

CODE INDEX

	Section
ELECTRONIC MUSICAL INSTRUMENTS	
Noise control regulations	42-143
EMERGENCIES	
Cable communications emergency service	22-96
See: CABLE COMMUNICATIONS	
Emergency response	32-31 et seq.
See: EMERGENCY RESPONSE	
EMERGENCY RESPONSE	
Cost recovery	
Assessable costs a lien upon property	32-36
Billing and collection of assessable costs	32-34
Cost recovery authorization and procedure	32-33
Definitions	32-32
No limitation of liability	32-38
Other remedies	32-37
Procedure for appealing assessable costs	32-35
Publication	32-41
Purpose	32-31
Resolution	32-40
Severability	32-39
EMPLOYEES. See: OFFICERS AND EMPLOYEES	
ENCROACHMENTS	
Streets generally	58-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
ENFORCEMENT	
Building and state construction code enforcement	14-2
See: BUILDINGS	
ENGINES	
Noise control regulations	42-143
ENTERTAINMENTS	
Amusements and entertainments generally	6-1 et seq.
See: AMUSEMENTS AND AMUSEMENT PLACES	
Gambling offenses	42-206 et seq.
See: OFFENSES (Against public morals)	
Public assemblies. See: ASSEMBLIES	
ENVIRONMENT	
Blight	
Enforcement	30-27
Factors causing blight	30-29
Notice to correct conditions	30-31
Purpose of provisions	30-26
Residential property	
Application to	30-30
Violations, penalty	30-28
Mobile home park environmental space, etc.	38-56 et seq.
See: MOBILE HOME PARKS	

OLIVET CODE

	Section
ENVIRONMENT (Cont'd.)	
Nuisances	30-51 et seq.
See: NUISANCES	
Planning commission, master plan, etc.	46-26 et seq.
See: PLANNING COMMISSION	
Solid waste generally	50-1 et seq.
See: SOLID WASTE	
Trees	70-26 et seq.
See: TREES AND SHRUBBERY	
EXCAVATIONS	
Cable communications franchises, regulations, etc.	22-1 et seq.
Underground cable communication facilities	22-81
Other regulations for cable communications. See: CABLE COMMUNICATIONS	
Utility street openings	66-179
See: UTILITIES	
EXCRETA	
Blight and nuisance provisions	30-26 et seq.
See: ENVIRONMENT; See also: NUISANCES	
F	
FALSE IDENTIFICATION	
Misrepresentations by person as to identity	42-2
FALSE REPORTS	
False information, etc., given to police	42-37
Malicious acts regarding injury, etc., to persons	42-68
FALSE STATEMENTS	
Offenses against property, persons, etc.	42-93 et seq.
See: OFFENSES (Against property)	
FECES, FECAL MATTER	
Blight and nuisance provisions	30-26 et seq.
See: ENVIRONMENT; See also: NUISANCES	
FEES	
Business licenses, fees in general. See: LICENSES AND PERMITS	
FELONY OFFENSE	
Police chief and police department, as to	2-116
FEMININE GENDER (Code words)	
General definitions for interpreting Code	1-2
FIGHTING	
Offenses against public peace, places, assemblies, etc.	41-141 et seq.
See: OFFENSES (Against public peace)	
Police officer, resisting, beating, assaulting, etc.	42-38

CODE INDEX

	Section
FILLING STATIONS AND GARAGES	
Storage of vehicles on public ways	62-86 et seq.
See: TRAFFIC	
FILTH, MANURE, HOG PENS, ETC.	
Blight and nuisance provisions	30-26 et seq.
See: ENVIRONMENT; See also: NUISANCES	
FINANCES	
Certain provisions saved from repeal	1-9
Cost recovery.....	32-31 et seq.
See: EMERGENCY RESPONSE	
Local officers compensation commission.....	2-56 et seq.
See: LOCAL OFFICERS COMPENSATION COMMISSION	
Park and recreation board accounts.....	2-80 et seq.
See: PARKS AND RECREATION	
Special assessments.....	54-1 et seq.
See: SPECIAL ASSESSMENTS	
FINES, FORFEITURES AND OTHER PENALTIES	
General penalty clause	1-13
Specific penalties are indexed to particular offenses as herein indexed	
Property used in proceeds of a crime	
Seizure and forfeiture	42-3
Traffic violations fine schedule.....	62-72
Traffic violations generally. See: TRAFFIC	
Violations, committing. See: VIOLATIONS, PENALTIES	
FIRE ALARMS	
False fire alarm.....	42-41
FIRE CODE	
Mobile homes and mobile home parks	38-26 et seq.
See: MOBILE HOMES; See also: MOBILE HOME PARKS	
FIRE DEPARTMENT	
Animals utilized by, offenses relative to	42-39
False alarm of fire.....	42-41
Obstructing, disobeying firefighters	42-40
Resisting police officers	42-38
FIRE HYDRANTS	
Opening or tampering with	42-37
FIRE PREVENTION	
Open burning	
Buildings, burning outside of.....	34-28
Liability for fees and costs	34-29
Violations, penalty	34-26
Waste materials, burning	34-27
Smoke detectors	
Tampering with or removing	42-14

OLIVET CODE

	Section
FIREARMS AND WEAPONS	
Offenses against public safety	42-286 et seq.
See: OFFENSES (Against public safety)	
Police officers	
Applicable provisions relative to use of firearms, weapons, etc.....	42-38 et seq.
Stones, or missiles, throwing.....	42-271
Various provisions relative to offenses against public safety	42-261 et seq.
See: OFFENSES (Against public safety)	
FIRMS	
General definitions for interpreting Code	1-2
FISCAL AFFAIRS	
Disbursement of funds	2-82
See: FINANCES	
FLAMMABLES	
Mobile homes and mobile home parks	38-26 et seq.
See: MOBILE HOMES; See also: MOBILE HOME PARKS	
FORESTS	
Tree regulations	70-26 et seq.
See: TREES AND SHRUBBERY	
FORGERY	
Misrepresentations by person as to identity	42-2
FORTUNETELLING	
Engaging in practice of	42-11
FOWL. See: ANIMALS AND FOWL	
FRANCHISES	
Cable communication franchise.....	22-31 et seq.
See: CABLE COMMUNICATIONS	
Certain Code provisions saved from repeal.....	1-9
Consumer Company Franchise: Electric	
(Note—References herein are to sections of the Consumers Power Company Franchise, Article II)	
City of Olivet, nonliability	4
Franchise not subject to revocation.....	7
Grant of right, power and authority	2
Grantee defined	1
Nonliability of city	4
Performance of grantee	3
Rates and charges	5
Rights, power, authority, not exclusive	6
Term of.....	3
Consumers Energy Company Electric Franchise	
(Note—References herein are to sections of the Consumers Energy Company Electric Franchise, Article IV)	
Conditions	3
Consideration.....	2

CODE INDEX

	Section
FRANCHISES (Cont'd.)	
Effective date.....	11
Extensions.....	5
Franchise not exclusive.....	6
Grant, term.....	1
Hold harmless.....	4
Michigan public service commission, jurisdiction.....	9
Rates.....	7
Repealer.....	10
Revocation.....	8
Consumers Power Company Franchise: Gas	
(Note—References herein are to sections of the Consumers Power Company Franchise, Article I)	
Certification.....	10
Franchise not subject to revocation.....	9
Gas service extension.....	6
Grant of right, power and authority.....	2
Grantee defined.....	1
Grantee, performance.....	3
Michigan public service commission.....	8
Nonliability of city.....	4
Rates and charges.....	5
Rights and authority not exclusive.....	7
Term of.....	3
Franchise ordinances, etc.....	App. A
Limited Nonexclusive Revocable Electric Franchise	
(Note—References herein are to sections of the Limited Nonexclusive Revocable Electric Franchise to Nordic Electric, L.L.C., Article III)	
Acceptance.....	8
Assignment.....	7
Conditions.....	2
Consideration.....	11
Grant of franchise.....	1
Insurance.....	4
Interpretation.....	5
Limitations.....	6
Rates.....	3
Revocation.....	9
Severability.....	10

CODE INDEX

	Section
PEST CONTROL	
Mobile homes and mobile home parks	38-26 et seq.
See: MOBILE HOMES; See also: MOBILE HOME PARKS	
PHRENOLOGY	
Fortunetelling, engaging in practice of	42-11
PHYSICALLY HANDICAPPED PERSONS. See: HANDI-CAPPED PERSONS	
PINBALL MACHINES	
Amusement machines and tables.....	6-26 et seq.
See: COIN-OPERATED MACHINES AND DEVICES	
PISTOLS	
Offenses against public safety	42-286 et seq.
See: OFFENSES (Against public safety)	
PLANNING COMMISSION	
Compensation.....	46-28
Composition	46-27
Created	46-26
Expenditures, control of	46-31
Master plan	
Adoption	46-58
Certified copy.....	46-60
Contents	46-57
Preparation	46-57
Recommendation to council.....	46-59
Scope	46-56
Subdivisions, approval	46-61
Mobile homes and mobile home parks	38-26 et seq.
See: MOBILE HOMES; See also: MOBILE HOME PARKS	
Organization	46-29
Plats, adoption procedure	46-34
Staff, employment.....	46-30
Subdivision regulations.....	46-33
Terms of office	46-27
Zoning commission powers	46-32
Zoning ordinance, amendments.....	46-35
PLUMBING CODES	
State construction code adopted	14-1
See: BUILDINGS	
PLURAL NUMBER (Code words)	
General definitions for interpreting Code	1-2
POLES AND WIRES	
Cable communications, regulations and franchises.....	22-1 et seq.
See: CABLE COMMUNICATIONS	
Franchise ordinance.....	App. A
Utility street openings	66-179
See: UTILITIES	

OLIVET CODE

	Section
POLICE DEPARTMENT	
Disposal of property held by	42-8
Offenses, other. See: OFFENSES (Generally)	
False reports, information to.....	42-36
Police chief	
Certification	2-116
Investigation of applicant's character	2-116
Unclaimed or abandoned property, disposal.....	42-8
Uniform Traffic Code and amendments.....	62-26 et seq.
See: TRAFFIC	
Vehicles equipped with short wave receivers, etc.	42-42
Vehicles moved by police	
Uniform Traffic Code and amendments	62-26 et seq.
See: TRAFFIC	
POLICY OR POOL TICKETS	
Gambling offenses.....	42-206 et seq.
See: OFFENSES (Against public morals)	
POLLUTION	
Blight and nuisance provisions	30-26 et seq.
See: ENVIRONMENT; See also: NUISANCES	
Protection of potable water.....	66-61 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
Sewer service regulations generally.....	66-91 et seq.
See: SEWERS AND SEWAGE DISPOSAL	
POOL TABLES, POOLROOMS, ETC.	
Amusement machines and tables.....	6-26 et seq.
See: COIN-OPERATED MACHINES AND DEVICES	
PORNOGRAPHY	
Offensive handbills.....	42-91(j)
POSTED PROPERTY	
Distribution of handbills on	42-191(f)
POTABLE WATER	
Sewer service regulations generally.....	66-91 et seq.
See: SEWERS AND SEWAGE DISPOSAL	
POULTRY	
Fowl regulations.....	10-56 et seq.
See: ANIMALS AND FOWL	
POUND	
Immobilization and impounding of vehicles parked or stored on public ways	62-93
Uniform Traffic Code and amendments.....	62-26 et seq.
See: TRAFFIC	

CODE INDEX

	Section
SEARCH AND SEIZURE (Cont'd.)	
Seizure and forfeiture of property	
Property used in proceeds of a crime	42-3
SEATBELTS	
Uniform Traffic Code and amendments.....	62-26 et seq.
See: TRAFFIC	
SERVICE STATIONS AND GARAGES	
Storage of vehicles on public ways	62-86 et seq.
See: TRAFFIC	
SEVERABILITY	
Invalid parts of Code.....	1-12
SEWERS AND SEWAGE DISPOSAL	
Blight and nuisance provisions	30-26 et seq.
See: ENVIRONMENT; See also: NUISANCES	
Extensions. See: UTILITIES	
Fluoridation rejection	66-1
Industrial wastewater	
Accidental discharges	
Employees, notice to	66-104
Fees and charges	66-105
Generally	66-101
Liability for expense	66-103
Notice	66-102
Application of provisions	66-95
Definitions	66-91
Dilution of discharges	66-100
Fees and charges.....	66-105
General discharge prohibitions.....	66-96
Local limitations	66-99
National categorical pretreatment standards.....	66-97
Objectives	66-93
Prohibited discharges listed	66-96
Purpose and policy.....	66-92
Scope of regulations	66-94
State requirements	66-98
Mobile homes and mobile home parks	38-26 et seq.
See: MOBILE HOMES; See also: MOBILE HOME PARKS	
Public and private sewers and drains	
Building sewers and connections.....	66-121
Conditions of service.....	66-124
Connection to public sewerage system required, when	66-120
Definitions	66-116
Maliciously, willfully, negligently, breaking, etc.	66-123
Protection from damage.....	66-123
Rates and charges of the sanitary sewerage system. See herein that subject	
Right of entry	66-118
Use of public sewers required	66-119, 66-122

OLIVET CODE

	Section
SEWERS AND SEWAGE DISPOSAL (Cont'd.)	
Vandalism.....	66-123
Violations, penalty.....	66-117
Rates and charges of the sanitary sewerage system	
Application for sewer service.....	66-139
Billing.....	66-137
Cause for disconnection.....	66-147
Charges due, when.....	66-138
City remedies.....	66-144
City treasurer, duties.....	66-141
Leased premises; security deposit.....	66-146
Lien; assessment of delinquent rates and charges on tax roll.....	66-145
Rate schedule.....	66-136
Separate funds.....	66-142
System of accounting.....	66-143
Turn on following disconnection; security deposit.....	66-148
Sanitary sewers	
Rates and charges. See herein: Rates and Charges of the Sanitary Sewerage System	
Utility street openings.....	66-179
Utility provisions, other. See: UTILITIES	
SEXUAL OFFENSES	
Various offenses against public morals.....	42-171 et seq.
See: OFFENSES (Against public morals)	
Window peeping.....	42-10
SHALL/MAY	
Terms defined.....	1-2
SHOOTING	
Offenses against public safety.....	42-286 et seq.
See: OFFENSES (Against public safety)	
SHORT WAVE RADIO RECEIVING SETS	
Vehicles equipped with.....	42-42
SHOUTING, WHISTLING, YELLING	
Noise control regulations.....	42-143
SHRUBBERY. See: TREES AND SHRUBBERY	
SIGNS AND BILLBOARDS	
Advertising, various offenses relative to.....	42-91
See: ADVERTISING	
Traffic	
Truck route.....	62-139
SINGING, WHISTLING, ETC.	
Noise control regulations.....	42-143
SINGULAR NUMBER (Code words)	
General definitions for interpreting Code.....	1-2

CODE INDEX

	Section
SLINGSHOTS	
Offenses against public safety	42-286 et seq.
See: OFFENSES (Against public safety)	
SLOT MACHINES	
Amusement machines and tables.....	6-26 et seq.
See: COIN-OPERATED MACHINES AND DEVICES	

CODE INDEX

T	Section
TABLES	
Entertainments, amusement tables, etc.	6-26 et seq.
See: COIN-OPERATED MACHINES AND DEVICES	
TAXATION	
Sidewalk cost apportionment, etc.	58-37
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Special assessments.	54-1 et seq.
See: SPECIAL ASSESSMENTS	
TECHNICAL CODES	
State construction code adopted.	14-1
See: BUILDINGS	
TELEPHONE SYSTEMS	
Mobile homes and mobile home parks.	38-26 et seq.
See: MOBILE HOMES; See also: MOBILE HOME PARKS	
TELEPHONES	
Malicious acts involving use of.	42-68
Unlawful use of telephone service.	42-96
TELEVISION	
Cable communications, regulations and franchises.	22-1 et seq.
See: CABLE COMMUNICATIONS	
TELEVISION SETS	
Noise control regulations.	42-143
TENSES (Code words)	
Definitions and rules of construction.	1-2
THEFT	
Seizure and forfeiture of property used in proceeds of crime	42-3
THREATS	
Malicious acts to terrorize, etc.	42-68
TIME	
General definitions for interpreting Code.	1-2
TOWING OF VEHICLES	
Traffic provisions relative to storage of vehicles on public ways, etc. See: TRAFFIC	
TRAFFIC	
Bicycles	
Definitions.	62-116
Fees.	62-122
License plate, application.	62-121
Fee.	62-122
Parental responsibility.	62-118
Registration	
Issuance of.	62-123

OLIVET CODE

	Section
TRAFFIC (Cont'd.)	
Plate, display of	62-125
Records	62-124
Registration required.....	62-120
Violations, penalty	62-117
Definitions	
General definitions for interpreting Code	1-2
Overtaking, meeting and passing	
School buses	62-27
Parking, stopping and standing	
Annual time restrictions	62-52
Certain provisions saved from repeal.....	1-9
Community school property.....	62-53
Parking restrictions	62-51
Parking violations bureau	
Clerk, duties.....	62-67
Established	62-66
Expenses, liability	62-68
Fines, schedule	62-72
Deposit of cost	62-73
Rules re.....	62-74
Nuisances, creating.....	62-94
Procedures, generally.....	62-69
Storage of vehicles	
City parking lot.....	62-92
Definitions	62-86
Garages and service stations.....	62-90
Immobilization and impounding.....	62-93
Junked motor vehicles, accumulating.....	62-91
Permits	62-89
Prohibition, exception.....	62-88
Violations, penalty	62-87
Violations	
Citation on parked vehicle	62-71
Traffic tickets or notices	62-70
Repeals	
Certain provisions saved from repeal.....	1-9
School property	
Operation of motor vehicles on	62-28
Stopping. See herein: Parking, Stopping and Standing	
Streets and other public ways	58-1 et seq.
Certain provisions saved from repeal.....	1-9
Streets generally. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Truck route	
Administrative liability	62-142
Definitions	62-131
Effective date.....	62-144
Exemptions	62-135
Generally	62-133

CODE INDEX

	Section
TRAFFIC (Cont'd.)	
Leaving and returning to home or place of business	62-137
Penalties	62-140
Pick-ups, deliveries, service calls.....	62-136
Prohibition against travel on other than truck routes.....	62-134
Repeal.....	62-143
Rules of construction	62-132
Severability.....	62-141
Signs	62-139
Special permits.....	62-138
Uniform Traffic Code	
Adoption	62-26
Amendments	62-27

