

**VILLAGE
ORDINANCE
CODE**

**BALDWIN
MICHIGAN**

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3.2 Protection of Park Property. No person shall willfully mark, deface, disfigure, tamper with, displace or remove any buildings, tables, benches, fireplace, trees, shrubs, flowers or any other park property or appurtenances whatsoever, either real or personal. No structure, booth, tent or stall shall be erected on park property for any purpose without permission from the Village Council.

3.3 Refuse and Trash Disposal. No person shall dump, deposit, or leave any bottles, broken glass, ashes, boxes, cans, rubbish, waste, garbage or other trash of any nature in public park, except in proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

3.4 Traffic Regulations. No person shall fail to comply with all provisions of the State Motor Vehicle Code and all provisions of this person shall drive or park a motor vehicle on any park area except roads or parking areas, or such other areas as many on occasion by specifically designated as temporary parking areas by the Village Council.

3.5 Loitering and Disorderly Conduct Prohibited. No person shall sleep or protractedly lounge on seats or benches or other park areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language or behavior, or engage in any disorderly conduct or behavior which involves a breach of the public peace.

3.6 Ball Games. No baseball, football or softball throwing or other violent or rough exercise or play shall be engaged in, in any public park or other public place, except in areas designated therefor by the Village Council.

3.7 Additional Rules. The Village Council is hereby empowered to make such rules and regulations not in conflict herewith pertaining to conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and safety, health morals and welfare of the public, and no person shall fail to comply with such rules and regulations.

Chapter 2- TREES

3.11 Definitions. The following definitions shall apply in the interpretation of this Chapter.

(1) "Street" shall mean all of the land dying between property lines on either side of all streets, highways and boulevards in the Village.

(2) "Prohibited Species" shall mean the species of poplar, willow and box elder.

(3) "Superintendent" shall mean Street Administrator.

3.12 Permits for Tree Planting, Care, Removal. The Superintendent shall have the control over all trees located within the street right-of-way and parks in the Village and the planting, care, removal thereof, subject to the regulations contained in this Chapter. The owner of land abutting on any street

may, upon obtaining prior written permission of the Superintendent, prune, spray, plant or remove trees or shrubs in that part of the street abutting his/her land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree or shrub in any street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject.

3.13 Removal of Dead, Diseased and Prohibited Trees. All dead trees and trees affected with any fatal or communicable disease, shall be removed by the Superintendent and he/she may remove any tree of a prohibited species. The superintendent is authorized to remove any tree growing within any street, park or public place when such tree interferes with fire hydrants, sewer and water mains, visibility or street intersections, traffic control devices or construction within streets right-of way.

3.14 Tree Planting Regulations. No trees of any prohibited species shall be planted in any street or park, nor shall any tree be planted on any private property within fifteen (15) feet of any street or sidewalk right-of-way or any sewer or sewer extension. Shade trees planted in any street right-of-way shall be spaced not less than forty (40) feet apart. The owner of a signal lot may, in order to provide shade or ornamental tree in front of his lot, secure permission to plant a tree closer than forty (40) feet from an existing tree, but in no case shall such planting be within thirty (30) feet of any existing tree, within the right-of-way.

3.15 Private Trees-Diseases and Infestations. When the Superintendent shall discover that any tree growing on private property within the Village is afflicted with any dangerous insect infestation or infectious tree disease, he/she shall forthwith serve a written notice upon the owner or his/her agent, or the occupant of the property, describing the tree, its location and the nature of the infestation or tree disease and ordering the owner, agent or occupant to take such measures as may be reasonably necessary to cure such infestation or disease and to prevent the spreading thereof, specifying the measures required to be taken. Such order may require the pruning, spraying or destruction of trees as may be reasonably necessary. Every such notice shall be complied with within five (5) days after service thereof, upon the owner, agent or occupant of the property on which afflicted tree is located, or within such additional time as may be stipulated in such notice.

3.16 Appeal. In case the owner, agent or occupant of the property shall feel himself/herself aggrieved by an order of the Superintendent requiring the treatment or destruction of any tree, he/she may within forty-eight (48) hours make an appeal to the Village Council by communication filed with the Village Clerk. The Council shall hear such appeal at its next regular meeting, unless another time shall be set, and shall determine the matter under such expert advice as may be necessary.

3.17 Private Trees- Owners Failure to Comply. In case the owner, agent or occupant of the property refuses to carry out the order of the Superintendent within the time limited, or in case of an appeal, with five (5) days after the Council shall have affirmed such order, the Superintendent shall carry out the pruning, spraying or destruction of the trees as deemed necessary by him and shall bill the owner, agent or occupant of the property for the cost thereof. In case the owner of such property shall fail to pay such bill within thirty (30) days after the same has been rendered, the Superintendent shall report the same to the Village Council for collection as a single lot assessment against said property shall consent thereto

and pay the reasonable cost thereof, cause trees growing on private property shall consent thereto and pay the reasonable cost thereof, cause trees growing on private property to be sprayed with he deems the same necessary.

3.18 Private Trees-Inspection. The Superintendent and his/her assistants and employees shall have authority to enter upon private premises for the purpose of examining any trees, shrubs, plants or vines for the presence of destructive insects or plant diseases.

TITLE IV. STREETS AND SIDEWALKS.

Chapter I- STREET OPENINGS AND OBSTRUCTIONS

4.1 Definitions. Unless the context specifically indicated otherwise, the following definitions shall apply in the interpretation of this Chapter:

(1) "Street" shall mean all of the land laying between property lines on either side of all streets, alleys and boulevards in the Village, and includes lawn extensions and sidewalks and the area reserved therefore where the same are not constructed.

(2) "Superintendent" shall mean the Street Administrator.

4.2 Damage and Obstruction Prohibited. No person shall make any excavation in, or cause any damage to any street in the Village, except under the conditions and in the manner permitted in this Chapter. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this Chapter, but this provision shall not be deemed to prohibit such temporary obstructions as many incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

4.3 Permits and Bonds. Where permits are authorized in this Chapter, they shall be obtained upon application to the Superintendent, upon such forms as he/she shall prescribe, and there shall be a charge of ten (\$10.00) dollars for each such permit. Such permit shall be revocable by the Superintendent or his/her duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this Chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the Village in connection therewith, repair all damage done to the street surface and installations on, over or within such street including trees, and protect and save harmless the Village from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in less than the following amounts, except as otherwise specified in this Chapter:

(1) On account of injury to, or death of, any person in any one accident: \$300,000.00