

ORDINANCE NO. 17- 11

AN ORDINANCE CONCERNING STREET REGULATIONS IN THE VILLAGE OF LAKEVIEW AND PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL IN ITS ENTIRETY ORDINANCE NO. 5, AS AMENDED.

THE VILLAGE OF LAKEVIEW ORDAINS:

SECTION 1. For the purpose of this ordinance, the following words and phrases shall have the meaning herein ascribed to them:

- a) "Person" shall include any person, persons, firm, association or corporation.
- b) "Street, alley, or public highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purpose of vehicular travel.
- c) "Dealer" shall include every person regularly engaged in the business of purchasing, selling, exchanging or dealing in goods, wares, merchandise, vehicles, farm implements or farm machinery.
- d) "Merchandise" shall include all goods, wares, vehicles, farm implements and farm machinery which are handled by a dealer in the ordinary course of his business.

SECTION 2. No person shall place upon or along any street, alley or public highway within the Village of Lakeview anything tending to obstruct the said street, alley or public highway or to constitute an encumbrance in any street, alley or public highway or tending to encroach upon any street, alley or public highway unless such a person shall obtain from the Village Council a permit in writing to do so. Application for said permit shall be made in writing to the Village Council and shall state the nature of the proposed obstruction, encumbrance or encroachment, the purpose of the same, the length of time during which same shall continue, and an agreement by the person making such application that after completion of the project, the street, alley or public highway will be returned to the same condition as to surface or otherwise as previously existed, and that such person will, at their own expense, maintain warning lights, barriers or other safeguards so long as the same are reasonably necessary and in accordance with the requirements of the Village Council in this regard. The Village Council shall, upon receipt of such application, issue to the applicant a permit in accordance with the application, provided the said Council be satisfied of the necessity for the same, and provided the applicant shall satisfy said Council by bond or otherwise of his financial ability to perform the agreements contained in the application. Such permit must be shown on the demand of the Village Marshal. If any such obstruction, encumbrance or encroachment shall be placed upon any street, alley or public highway without such permit, it shall be the duty of the Village Marshal to see that the same is immediately removed and that safeguards are put around the same pending removal; except that this section shall not apply to any work done under the direction of any duly authorized governmental body.

SECTION 3. No dealer shall maintain a stationary display of merchandise in or upon any street, alley or public highway within the Village of Lakeview. Any merchandise which has been placed in or upon any street, alley or public highway and remains there for more than two

consecutive hours between the hours of seven o'clock P.M., shall be deemed a stationary display of merchandise. Each unit of merchandise so placed contrary to the terms of this ordinance shall constitute a separate violation of this ordinance.

SECTION 4. No person shall use any street, alley or public highway within the Village of Lakeview for the purpose of any sport, amusement, the like without first obtaining the permission of the Village Council to do so. If such permission is obtained the minutes of the Council meeting shall so show and in addition, the dates, length of time and the exact variation if any of any section of this ordinance permitted shall be shown in the minutes of the Council meeting at which time such permission is granted.

SECTION 5. No person shall place any leaves and/or other debris or material, or snow or ice upon any street, alley or public highway within the Village or upon any property not his own, unless permission has been obtained for such placement. The owner and/or occupant of any property from which any such item as specified above originates shall be responsible for a violation of this section, whether performed by the owner, occupant or his/her employee, agent or contractor.

SECTION 6. No person shall dump and rubbish in, upon or along any street, alley or public highway within the Village of Lakeview, except that when the Village Council shall by resolution provide for a rubbish collection be made, rubbish shall be placed upon, or along, the street in the manner and at the time so provided in such resolution.

SECTION 7. Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

SECTION 8. SECTION 8: REPEALER. Ordinance No. 5, as amended, is repealed in its entirety and of no further force or effect.

SECTION 9. SECTION 9: EFFECTIVE DATE. This ordinance was approved and adopted by the Village Council on May 14, 2018, and shall be effective 20 days upon publication.

Edwin Winter
Village President