

ORDINANCE NO. 43

AN ORDINANCE TO DEFINE A "DANGEROUS BUILDING"; TO REGULATE THE MAINTENANCE AND REPAIR OF SAME; TO PROVIDE FOR THE DEMOLITION OF SAME; TO PROVIDE FOR THE ASSESSMENT OF COSTS.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Unlawful conduct. It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof or other building or structure which is a dangerous building as defined in Section 2 of this Ordinance.

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

(a) Whenever any door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the Village of New Lothrop. (Michigan State Building Code)

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

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

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

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

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

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

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

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

Section 3. Notice; Contents; Hearing Officer.

(a) When the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.

(b) Such notice shall be directed to each owner of or party in interest in the building in whose name the property appears on the last local tax assessment records.

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

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

(e) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail--return receipt requested addressed to such owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

Section 4. Hearings; Order to Show Cause; Costs.

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

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

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

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

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

(f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the Village and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village of New Lothrop.

Section 5. Judicial Review. An owner aggrieved by any final decision or order of the legislative body under Section 4 may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section 6. Effective Date. It is ordered that this Ordinance take effect twenty (20) days after adoption.

LYLE C. CONFER, Village President

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REBECCA HART, Village Clerk

Date Submitted: _____

Date Adopted: _____

Date Posted: _____

Prepared By:

CHARLES R. McKONE

New Lothrop Village Attorney

G-4413 Corunna Road

Flint, Michigan 48504

CEIL HENNEKE
HALL & MCKONE
ATTORNEYS AND COUNSELORS
ASSOCIATION CORPORATION
413 CORUNNA ROAD
FLINT, MICHIGAN 48504
(313) 793-2050

NOTE: Ordinance #40 is repealed by #43

ORDINANCE NO. ~~40~~

THE VILLAGE OF NEW LOTHROP ORDAINS:

An Ordinance Providing for the Vacation, Removal, Repair, or Demolition of Any Building or Structure Which Is or Threatens to Be a Public Nuisance, Dangerous to the Health, MORALS, Safety or General Welfare of the People of the Village of New Lothrop, or Which Might Tend to Constitute a Fire Menace; and for the Assessment of the Cost of Vacation, Removal, Repair, or Demolition Thereof as a Municipal Lien or Assessment Against Such Premises, and to Provide for the Recovery of Such Costs in an Action at Law.

WHEREAS, in the Village of New Lothrop, there are or may in the future be buildings or structures which are dilapidated, unsafe, dangerous, insanitary, a menace to the health, morals, safety, and general welfare of the people of this village, and which might tend to constitute a fire menace, and which are a public nuisance:

BE IT THEREFORE ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NEW LOTHROP:

SECTION 39-101. Dangerous Buildings Defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

(a) Those whose interior walls or other verticle structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(b) Those which, exclusive of the foundation, show thirty-three (33) per cent or more, of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general helath and welfare of the occupants or the people of the Village of New Lothrop.

(e) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the emenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(f) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(i) Those which because of their condition are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of this village.

(j) Those buildings existing in violation of any provision of the Building Code of this Village, or any provision of the fire prevention code, or other ordinances of this Village.

Section 39-102. Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by the Building Inspector and the Building Commissioners in ordering repair, vacation, or demolition:

(a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be ordered repaired.

(b) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants it shall be ordered to be vacated.

(c) In any case where a "dangerous building" is 50 per cent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished; and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the village or statute of the State of Michigan, it shall be demolished.

Section 39-103. Dangerous Buildings - Nuisances. All "dangerous buildings" within the terms of Section 39-101 of this ordinance are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

Section 39-104. Duties of Building Inspector. The Building Inspector shall:

(a) Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of Section 39-101 of this ordinance.

(b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance.

(c) Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this Village as probably existing in violation of the terms of this ordinance.

(d) Inspect annually buildings in the following sections of this village, to determine whether they are "dangerous buildings" within the terms of Section 39-101 of this ordinance:

None at the present time. Reserve right to so designate at a later date.

(e) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Shiawassee, of any building found by him to be a "dangerous building" within the standards set forth in Section 39-101 of this ordinance, that: (1) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this ordinance; (2) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (3) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Shiawassee may at his own risk repair, vacate, or demolish said building or have such work or act done; Provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

(f) Set forth in the notice provided for in subsection (e) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this ordinance within such length of time, not exceeding 30 days, as is reasonable.

(g) Report to the Building Commissioner any non-compliance with the "notice" provided for in subsections (e) and (f) hereof.

(h) Appear at all hearings conducted by the Building Commissioner, and testify as to the condition of "dangerous buildings".

(i) Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Shiawassee. It is unlawful to remove this notice until such notice is complied with."

Section 39-105. Duties of Building Commissioner. The Building Commissioner shall:

(a) Upon receipt of a report of the Building Inspector as provided for in Section 39-104, subsection (g) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by land records of the Register of Deeds of the County of Shiawassee to appear before him on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in Section 39-104, subsection (f).

(b) Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Register of Deeds of the County of Shiawassee shall offer relative to the "dangerous building."

(c) Make written findings of fact from the testimony offered pursuant to subsection (b) as to whether or not the building in question is a "dangerous building" within the terms of Section 39-101 hereof.

(d) Issue an order based upon findings of fact made pursuant to subsection (c) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Shiawassee, to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this ordinance and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "dangerous building"; or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the Register of Deeds of the County of Shiawassee may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the village as provided in sub-section (e) hereof.

(f) Report to the Village Attorney the names of all persons not complying with the order provided for in Section 39-105, subsection (d) hereof.

Section 39-106. Violations--Penalty for Disregarding Notices or Orders. The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by any person authorized by this ordinance to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars (\$100.00) for each offense and a further sum of ten dollars (\$10.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred dollars (\$100.00) for each offense and a further sum of ten dollars (\$10.00) for each and every day such failure to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for in Section 39-104, subsection (i) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred (\$100.00) for each offense.

SECTION 39-107. Duties of Village Attorney. The Village Attorney shall:

(a) Prosecute all persons failing to comply with the terms of the notices provided for herein in Section 39-104, subsections (e) and (f), and the order provided for in Section 39-105, subsection (d).

(b) Appear at all hearings before the Building Commissioner in regard to "dangerous buildings".

(c) Bring suit to collect all municipal liens, assessments, or costs incurred by the Building Commissioner in repairing or causing to be vacated or demolished "dangerous buildings".

(d) Take such other legal action as is necessary to carry out the terms and provisions of this ordinance.

SECTION 39-108. Emergency Cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner shall cause the immediate repair, vacation, or demolition of such "dangerous building". The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Section 39-105, subsection (e) hereof.

SECTION 39-109. When Owner Absent from the Village. In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the village all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the land records of the Register of Deeds of the County of Shiawassee to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service.

SECTION 39-110. Administrative Liability. No officer, agent, or employee of the Village of New Lothrop shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent, or employee of the Village of New Lothrop as a result of any act required or permitted in the discharge of his duties under this ordinance shall be defended by the Village Attorney until the final determination of the proceedings therein.

SECTION 39-111. Duties of Fire Department. The employees of the Fire Department shall make a report in writing to the Building Inspector of all buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance. Such reports must be delivered to the Building Inspector within 24 hours of the discovery of such buildings by any employee of the Police Department.

SECTION 39-112. Duties of Police Department. All employees of the Police Department shall make a report in writing to the Building Inspector of any buildings or structures which are, may be, or are suspected to be "dangerous buildings" within the terms of this ordinance. Such reports must be delivered to the Building Inspector within 24 hours of the discovery of such buildings by any employee of the Police Department.

SECTION 39-113. Separability. It is the intention of the Village Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Adopted this 13 day of SEPTEMBER, 1972

This ordinance shall take effect twenty (20) days
from the day of adoption.

AN ORDINANCE TO AMEND ORDINANCE NUMBER 44, COMMONLY KNOWN AS THE ZONING CODE FOR THE VILLAGE OF NEW LOTHROP TO PROVIDE FOR A ZONING CLASSIFICATION TO BE DESIGNATED MHR, MOBILE HOME RESIDENTIAL; TO ESTABLISH THE PROCEDURES NECESSARY TO ESTABLISH A MOBILE HOME PARK; TO PROVIDE FOR THE KEEPING, STORING, USING OR OCCUPYING OF SAID MOBILE HOMES.

THE VILLAGE OF NEW LOTHROP ORDAINS:

SECTION 1. MOBILE HOME RESIDENTIAL (MHR).

In Mobile Home Residential (MHR), no building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for the following uses:

- a. Mobile Homes.
- b. Accessory buildings intended to service the use and operation of the park.

SECTION 2. DEFINITIONS.

Whenever used in this ordinance the following words and phrases shall have meanings ascribed to them in this section:

- a. Mobile home is a detached single-family dwelling unit, as may hereafter be referred to as "trailer" with all of the following characteristics:

- (1) Designed for long-term occupancy;
- (2) Containing sleeping accommodations, a flush toilet, tub or shower, bath, kitchen facilities, plumbing and electrical systems;
- (3) Designed to be transported on its own wheels, or on flatbed or other trailers or detachable wheels;
- (4) Body width of more than eight feet (8');
- (5) Body length of more than twenty-nine feet (29').

- b. Trailer Coach and Mobile Home shall mean the same.

- c. Travel Trailer is a vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses which is:

- (1) Identified on the unit by the manufacturer as a

travel trailer, or;

(2) Is not more than eight feet (8') in body width,
or

(3) Is not more than twenty-nine feet (29') in body
length.

d. Mobile Home Park means any park, camp, court, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location of accommodations for any trailer coaches or travel trailers and upon which any trailer coaches or travel trailers are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the trailer park and its facilities or not. "Trailer Park" shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale, unless approved as controlled "models" for eventual use in the park, by the Board of Appeals.

SECTION 3. TRAILER USE.

Trailer coaches, travel trailers, campers and any similar portable dwelling or structures shall not be used in the Village of New Lothrop except as provided hereunder:

1. No trailer coach shall be used other than as a single-family dwelling and in a duly licensed trailer park in accordance with laws of the State of Michigan and ordinances of the Village of New Lothrop.

2. No Travel trailer shall be used as a dwelling except for a period not to exceed two (2) weeks and with special approval of the Board of Appeals.

3. The parking of only one unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored. Special exceptions may be granted by the Board of Appeals to permit parking in side yards.

SECTION 4. AREAS, YARDS AND HEIGHTS.

1. The minimum land area for any trailer park construction after the effective date of this ordinance shall be ten acres (10). This minimum acreage requirement shall not apply to expansion of existing trailer parks.

2. Each trailer site shall be not less than six thousand fifty (6,050) square feet in area, except that the maximum density shall not exceed seven (7) units per acre; and not less than fifty-five feet (55') in width. Each trailer site shall be provided with a concrete apron no less than ten feet (10') in width, forth-five feet (45') in length and four inches (4") in thickness, upon which the trailer shall be located or 2' longer and 2' wider than any unit being placed for skirting; whichever is greater.

3. An area shall be provided not less than three hundred (300) square feet for recreation for each trailer space in the trailer park which recreation area shall be no longer than two times its width.

4. Front yard. No trailer shall be located closer than twenty-five feet (25') from the right-of-way of any street or proposed right-of-way within the park.

5. Side yard.

- a. There shall be minimum side to side spacing of not less than thirty feet (30').
- b. No trailer shall be placed less than ten feet (10') from the side lot line.

6. Rear and other yards.

- a. There shall be a minimum rear yard of twenty-five feet (25') .
- b. No trailer shall be closer than twenty-five feet (25') from the side or rear boundary line of the trailer park.
- c. No trailer shall be closer than seventy-five feet (75') from the front boundary line of the trailer park.

7. Height of buildings. No building or structure in the trailer park shall be more than one-story or fifteen feet (15') in height.

SECTION 5. LAWN.

A lawn shall be maintained in a neat manner on the setback area between the boundary lines and the nearest dwelling or trailer site, and the front and side yard adjacent to a street.

SECTION 6. WATER.

Running water from the Village water system shall be piped to each trailer and adequate connections provided at the trailer site and shall be adequately protected from the frost. All sources of water to each individual trailer site shall be underground and in no event shall rubber hose or other temporary measures be used.

SECTION 7. SANITARY SEWER.

The trailer park shall be connected to the Village Sanitary sewer system and each trailer site shall be provided with adequate fittings permitting connection to the sanitary sewer

system at each trailer and each occupied trailer shall be so connected.

SECTION 8. ELECTRICITY.

All electric lines within the trailer park shall be underground and meet the requirements of the State Electrical Code. Telephone lines shall also be located underground.

SECTION 9. OCCUPANCY LOAD.

The occupancy load of any trailer shall be limited to provide no less than 300 cubic feet of air space per occupant exclusive of the cubic air of toilet rooms and closets.

SECTION 10. STREETS.

All streets within the trailer park shall be constructed according to the specifications for local streets in the Village of New Lothrop in effect at the time of construction of the streets in the trailer park. Street construction shall be supervised by a licensed engineer, hired by the owner of the trailer park, who must certify to the Village that said streets were constructed according to Village specifications.

SECTION 11. OFF STREET PARKING.

Paved off street parking shall be provided on each trailer site between the trailer slab and a side lot line. Two spaces per trailer site shall be required.

SECTION 12. FIRE HYDRANTS.

Fire hydrants meeting Village specifications shall be placed within the trailer park so that no trailer shall be more than three hundred feet (300') from a fire hydrant.

SECTION 13. SIDEWALKS.

The trailer park sidewalk system shall include thirty inch (30") concrete walks from the entrance of each trailer to the service facilities provided thereon.

44-6 SECTION 14. DRAINAGE.

The grounds of a trailer park shall be graded to drain properly and in accordance with specifications of the Village Engineer.

SECTION 15. SKIRTING REQUIRED.

Skirting shall be required on all dwelling units which shall obscure from view the area under each trailer to the ground level.

SECTION 16. GUEST PARKING.

Guest parking shall be required in an amount at least equal to 25 percent of the total number of sites.

SECTION 17. LANDSCAPE PLAN.

A landscape plan to be approved by the Planning Board shall be submitted for all required perimeter side, rear, and front boundary yards of the mobile home park.

SECTION 18. STATE OF MICHIGAN REGULATIONS.

If these regulations conflict with State law, the more restrictive shall apply.

SECTION 19. INGRESS AND EGRESS.

Any mobile home park consisting of fifty (50) or more dwelling units shall have as a minimum two separate means of ingress or egress to a major street.

Date Introduced _____

Date Published _____



ORDINANCE NO. 45

AN ORDINANCE TO DEFINE DISORDERLY CONDUCT; TO ESTABLISH SUCH ACTIVITY AS A MISDEMEANOR; TO ESTABLISH PENALTIES THEREFOR.

THE VILLAGE OF NEW LOTHROP ORDAINS:

1. A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof he:

- a. Engages in fighting or in violent, tumultuous or threatening behavior; or
- b. Makes unreasonable noise; or
- c. In a public place uses abusive or obscene language, or makes an obscene gesture; or
- d. Without lawful authority, disturbs any lawful assembly or meeting of persons; or
- e. Obstructs vehicular or pedestrian traffic; or
- f. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
- g. Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; or
- h. Is intoxicated in a public place and is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.

2. Any person engaging in disorderly conduct shall be deemed a disorderly person and shall be guilty of a misdemeanor.

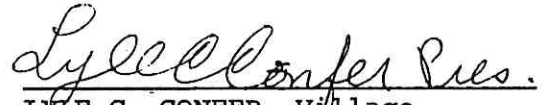
3. Any person found guilty of being a disorderly person may be fined up to \$100.00 or imprisonment in the County Jail for up to 90 days, or both such fine and imprisonment.

4. This ordinance shall be come effective immediately upon its adoption.

Date Introduced June 13, 1979

Date Adopted July 11, 1979

POSTED
Date Published July 13, 1979


LYLE C. CONFER, Village
President


REBECCA MARY ANN HART, Clerk

Prepared By:
CHARLES R. MCKONE
New Lothrop Village Attorney

ORDINANCE NO. 23

AN ORDINANCE RELATIVE TO PUBLIC INTOXICATION AND DISORDERLY CONDUCT
THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. That no person shall be drunk or intoxicated in an place of business or amusement, assembly of people, or in any street, alley, or public place in the Village of New Lothrop.

Section 2. That it shall be unlawful for any person or persons to willfully or maliciously destroy, injure or in any way deface any public school building, engine house, or other public building, bridge, or hydrant, alarm box, street or traffic sign or signal, shade tree or any other property of the Village of New Lothrop.

Section 3. No person shall lurk or lie in wait, or conceal himself in any building or in any yard or premises within the limits of said Village, without evidence of his conduct being for a lawful purpose and of a lawful nature.

Section 4. No person shall make, aid, countenance, or assist in making any noise, riot or disturbance nor engage in indecent, immoral or insulting conduct, language or behavior, nor collect in a body or crowd for unlawful purposes or to the annoyance or disturbance of citizens or travelers.

AN ORDINANCE TO AMEND ORDINANCE NO. 37 OF THE VILLAGE CODE OF THE VILLAGE OF NEW LOTHROP REGULATING THE OPERATION OF SNOWMOBILES UPON STREETS AND PROPERTY WITHIN THE VILLAGE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

SECTION 1. This Ordinance is adopted pursuant to authority granted in Section 14 of Act No. 74 of the Public Acts of 1968.

SECTION 2. Definitions. As used in this Act:

A. "Operator", means any person who operates or is in actual physical control of the snowmobile.

B. "Owner", means any person other than a leinholder having the property and/or title to a snowmobile entitled to the use or possession thereof.

C. "Operate", means to ride in or on and to control the operation of a snowmobile.

D. "Persons", means an individual partnership corporation of the state and any of its agencies or subdivisions and any body of persons whether incorporated or not.

E. "Snowmobile", means any motorized vehicle propelled by a track drive steered by wheels, skis or runners.

F. "Highway or Street", means 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 purposes of vehicular travel.

G. "Roadway", means that portion of a highway improved, designated or ordinarily used for vehicular travel.

SECTION 3. Except as otherwise provided, no snowmobile shall be operated within the Village of New Lothrop unless registered by the owner with the State of Michigan as required by Act No. 74 of the Public Acts of 1968. No registration is required for a snowmobile operated exclusively on lands owned or under the control of the snowmobile owner.

SECTION 4. The owner of any snowmobile having been issued a certificate registration for the snowmobile by the State of Michigan shall paint on or attach in a permanent manner to each side of the forward half of the snowmobile the identification number issued by the State of Michigan in block characters of good proportion, not less than 3 inches in height, reading from left to right. The numbers shall contrast so as to be distinctly visible and legible. No number other than the number awarded to a snowmobile by the State of Michigan or granted reciprocity under Act No. 74 of the Public Acts of 1968 shall be painted, attached or otherwise displayed on either side of the forward half of the snowmobile.

SECTION 5. No person shall operate a snowmobile on the streets or highways within the Village of New Lothrop as defined in this ordinance with the following exceptions:

A. Properly registered snowmobiles may cross such streets and highways, except limited access highways and freeways as defined in Act No. 300 of Public Acts of 1949 if such crossings can be made in safety and it does not interfere with the free movement of vehicular traffic approaching from any direction on such highway. The snowmobile operator shall yield the right of way to all vehicular traffic upon any street or highway.

B. A person may operate a snowmobile upon a public street, not to interfere with the travel of other vehicles upon said streets when traveling in a direct route from one point within the Village to another designated point within the Village or to travel from without the Village to a designated point within the Village on a direct route or to travel from a designated point within the Village on a direct route to leave the Village.

C. Snowmobiles may be operated on a street and highway during a period of emergency when so declared by the Chief of police when travel by conventional automotive equipment is not possible.

D. Snowmobiles may be operated on a street or highway within the restrictions set forth herein for the purpose of crossing bridges and culverts.

E. Snowmobiles may be operated on a street or highway for special snowmobile events of limited duration which is conducted according to a pre-arranged schedule under permit from the Village Council.

SECTION 6. No snowmobiles shall be operated in the Village of New Lothrop unless it has at least one headlight, one tail light and adequate brake system as provided by State Law.

SECTION 7. No person shall operate a snowmobile:

A. At a rate of speed more than is reasonable and proper having due regard for conditions then existing.

B. When under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.

C. During the hours from one-half hour before sunset and one-half hour after sunrise without displaying lighted headlight and a lighted tail light.

D. Unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

E. While transporting thereon a bow or a firearm.

F. Upon the area between any highway, street or roadway and any sidewalk, or upon the area between any sidewalk and any building used commercially or as a residence, unless operated upon said lands owned by or under the control of the operator.

SECTION 8. The operator of a snowmobile involved in an accident resulting in injuries to or death of any person or property damage in an estimated amount of \$100.00 or more or some person acting for him or the owner of the snowmobile has knowledge of the accident shall immediately by the quickest means of communication notify the Police Department of the Village of New Lothrop.

SECTION 9. No person shall authorize or knowingly permit a snowmobile owned by him or under his control to be operated in violation of this ordinance.

SECTION 10. Any person or persons violating any of the provisions of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not exceeding One Hundred Dollars (\$100.00) or by imprisonment for not more than ninety (90) days in the County Jail or by both fine and imprisonment, in the discretion of the Court.

SECTION 11. Police officers or other public servants authorized by law may use the procedures set forth in Public Acts No. 147 of Public Acts of 1968 State of Michigan.

This ordinance shall take effect twenty (20) days from the day of adoption.

Lyle C. Confer



Rebecca Mary Ann Hart

Date Introduced 1/9/80

Date Adopted 1/9/80

Date Published 1/16/80

ORDINANCE NO. 37

VILLAGE OF NEW LOTHROP
SNOWMOBILE ORDINANCE
AN ACT TO REGULATE SNOWMOBILES

THE VILLAGE OF NEW LOTHROP ORDAINS:

SECTION 1. This ordinance is adopted pursuant to authority granted in Section 14 of Act No. 74 of the Public Acts of 1968.

SECTION 2. Definitions. As used in this Act:

A. "Operator", means any person who operates or is in actual physical control of the snowmobile.

B. "Owner", means any person other than a lessee having the property and/or title to a snowmobile entitled to the use of possession thereof.

C. "Operate", means to ride in or on and to control the operation of a snowmobile.

D. "Persons", means an individual partnership corporation of the state and any of its agencies or subdivisions and any body of persons whether incorporated or not.

E. "Snowmobile", means any motorized vehicle steered by wheels, skis or runners.

F. "Highway or Street", means 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 purposes of vehicular travel.

G. "Roadway", means that portion of a highway improved, designated or ordinarily used for vehicular travel. If a highway includes two or more separate roadways the term roadway refers to any such roadway separately but not to all such roadways collectively.

SECTION 3. Except as otherwise provided, no snowmobile shall be operated within the Village of New Lothrop unless registered by the owner with the State of Michigan as required by Act No. 74 of the Public Acts of 1968. No registration is required for a snowmobile operated exclusively on lands owned or under the control of the snowmobile owner.

SECTION 4. The owner of any snowmobile having been issued a certificate registration for the snowmobile by the State of Michigan shall paint on or attach in a permanent manner to each side of the forward half of the snowmobile the identification number issued by the State of Michigan in block characters of good proportion, not less than 3 inches in height, reading from left to right. The numbers shall contrast so as to be distinctly visible and legible. No number other than the number awarded to a snowmobile by the State of Michigan or granted reciprocity under Act No. 74 of the Public Acts of 1968 shall be painted, attached or otherwise displayed on either side of the forward half of the snowmobile.

SECTION 5. No person shall operate a snowmobile on the streets or highways within the Village of New Lothrop as defines in this ordinance with the following exceptions:

A. Properly registered snowmobiles may cross such streets and highways, except limited access highways and freeways as defined in Act no. 300 of Public Acts of 1949 if such crossings can be made in safety and it does not interfere with the free movement of vehicular traffic approaching from any direction on such highway. The snowmobile operator shall yield the right of way to all vehicular traffic upon any street or highway.

B. Snowmobiles may be operated on a street and highway during a period of emergency when so declared by the Chief of Police when travel by conventional automotive equipment is not possible.

C. Snowmobiles may be operated on highways within the restrictions set forth herein for the purpose of crossing bridges and culverts.

D. Snowmobiles may be operated on a street or highway for special snowmobile event of limited duration which is conducted according to a pre-arranged schedule under permit from the governmental unit having jurisdiction.

E. Snowmobiles may be operated on streets and highways which are not maintained for winter wheel vehicular traffic by removal of snow.

F. Whenever it is impractical to gain immediate access to an area adjacent to a public highway where snowmobile is to be operated, the vehicle may be operated adjacent and parallel to the highway for the purpose of gaining access to the area of operation. This section shall apply to the operation of a snowmobile from the point where the vehicle is unloaded from a motorized conveyance to and from the area where the snowmobile is to be operated when loading and unloading cannot be effected in the immediate vicinity of the area of operation within causing a hazard to vehicular traffic approaching from either direction on the highway. Loading or unloading must be accomplished with due regard to the safety at the nearest operation.

SECTION 6. No snowmobiles shall be operated in the Village of New Lothrop unless it has at least one headlight, one tail light and adequate brakes capable of producing deceleration at 14 feet and a second on level ground at a speed of 20 miles per hour.

SECTION 7. No person shall operate a snowmobile:

A. At a rate of speed than is reasonable and proper having due regard for conditions then existing.

B. When under the influence of intoxicating liquor or narcotic drugs, barbitals or any derivative of barbitals.

C. During the hours from one-half hour after sunset and one-half hour before sunrise without displaying lighted headlight and a lighted tail light.

D. In any nursery, planting area of forest reproduction and when growing stock may be damaged.

E. Unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

F. While transporting thereon a bow or a firearm.

G. During the hours from 10:00 p.m. to 8:00 a.m. of any day.

H. Upon the area between any highway, street or roadway and any sidewalk, or upon the area between any sidewalk and any building used commercially or as a residence, unless operated upon said lands owned by or under the control of the operator.

SECTION 8. The operator of a snowmobile involved in an accident resulting in injuries to or death of any person or property damage in an estimated amount of \$100.00 or more or some person acting for him or the owner of the snowmobile has knowledge of the accident shall immediately by the quickest means of communication notify the Police Department of the Village of New Lothrop.

SECTION 9. No person shall authorize or knowingly permit a snowmobile owned by him or under his control to be operated in violation of this ordinance.

SECTION 10. Any person or persons violating any of the provisions of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not exceeding One Hundred Dollars (\$100.00) or by imprisonment for not more than ninety (90) days in the county jail or by both fine and imprisonment, in the discretion of the court.

SECTION 11. Police officers or other public servants authorized by law may use the procedures set forth in Public Acts No. 147 of Public Acts of 1968 State of Michigan.

Adopted this 2 day of JANUARY, 1975.

This ordinance shall take effect twenty (20) days from the day of adoption.

AN ORDINANCE TO PROHIBIT THE PARKING AND STORAGE OF MOTOR VEHICLES WITHIN RESIDENTIAL ZONES OR CERTAIN COMMERCIAL ZONES OF THE VILLAGE OF NEW LOTHROP; PENALTIES; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Purpose. The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk vehicles, unused vehicles and dilapidated non-operating motor vehicles upon premises used or zoned for residential purposes, or in commercial districts not zoned for such use; to thereby avoid injury and hazards to children attracted to such vehicles, and the psychological ill effect of the presence of such vehicles upon adjoining residents and property owners.

Section 2. Definitions.

- a. "Person" shall mean any person, firm, partnership, association, corporation, or organization of any kind.
- b. "Vehicle" shall mean a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.
- c. "Street or 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 purposes of vehicular traffic.

Section 3. Regulations.

- a. No person shall leave any partially dismantled, non-operating wrecked or junked vehicle on any street or highway within the Village.
- b. No person in charge or control of any premises, whether as owner, tenant, occupant, lessee, or otherwise, primarily used or zoned for residential purposes, or in commercial districts not zoned for such use, shall allow any partially dismantled, non-operating wrecked, junked or discarded vehicle to remain on such premises longer than fourteen (14) days; no person shall leave any such vehicle on any premises within the Village for a longer time than fourteen (14) days; and no person shall park or store more than one (1) operative vehicle upon such premises which is not regularly used for the purpose for which it was manufactured or designed.

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- c. This ordinance shall not apply to vehicles in an enclosed building or if a special permit is first obtained therefor from the New Lothrop Chief of Police, or such other officer as the Village Council may designate, which shall be granted only in specific hardship cases, beyond the control of the applicant, where specific peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purposes of these regulations are still observed.
- d. Any motor vehicle being dismantled for the sale of parts therefrom or any motor vehicle which has main component parts missing or unattached shall be deemed inoperable for the purpose of this ordinance. The foregoing is not to be construed to be inclusive of all inoperable vehicles covered by this ordinance, but merely descriptive of a particular class of such vehicles. Any vehicle which does not possess a current year's state license plate shall be presumed to be in violation of this ordinance unless otherwise excepted herein.

Section 4. Penalties For Violations. Any person, firm, or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the County Jail not to exceed ninety (90) days or by both fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense. In addition to the imposition of the foregoing fines and penalties, the New Lothrop Chief of Police or such other officer as the Village Council may designate, may cause any vehicle which violates the provisions of this ordinance to be removed from the premises, impounded and destroyed, or sold for junk, as the case may be, and the cost thereof assessed against the owner of the vehicle. Any sums realized by the Village of New Lothrop on the sale of said vehicle may be used to reimburse the Village for the cost incurred therein. Any balance of such sums remaining after the aforesaid reimbursement shall be returned to the owner of the said vehicle.

Section 5. Enforcement. The provisions of the within ordinance shall be enforced by the New Lothrop Chief of Police or such other officer as the Village Council may designate.

Section 6. Effective Date. This ordinance shall be effective twenty (20) days after publication.

Clair W. Strong
LYLE CONTER PRESIDENT

G. Allen J. Hart
REBECCA MA HART CLERK

DATE POSTED: Sept 15, 1980

KEIL, HENNEKE,
RUHALA & MCKONE
ATTORNEYS AND COUNSELORS
PROFESSIONAL CORPORATION
G-4413 CORUNNA ROAD
FLINT, MICHIGAN 48504
(813) 733-2050

Prepared by:
CHARLES R. MCKONE
Attorney for the City of New Lothrop
G-4413 Corunna Road
Flint, MI 48504