

ORDINANCE NO. 59

AN ORDINANCE TO LICENSE AND REGULATE DOOR TO DOOR SOLICITATIONS AND SALES; PERMIT; FEES; PENALTY; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

SECTION 1. Prohibition. No person, firm, organization, corporation or other entity shall conduct door to door sales or solicitations without first having received a written permit from the Village Clerk or the Chief of Police of the Village of New Lothrop.

SECTION 2. Permit. Upon written application to the Village Clerk or the Chief of Police of the Village of New Lothrop, said application identifying the person or other entity seeking the permit and the purposes and duration therefore, a permit shall be issued unless good cause exists for the denial thereof.

SECTION 3. Fee. There shall be no fee payable for the issuance of a permit under this Ordinance.

SECTION 4. Penalty. A violation of this section shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

SECTION 5. Effective Date. This Ordinance shall become effective twenty (20) days after posting.



CLAIR W. STRENG, Mayor



REBECCA MARY ANN HART, Clerk

Date Adopted: 8/8/84
Date Posted: 8/14/84
Date Published: 8/14/84
Date Effective: 9/1/84

Prepared By:
CHARLES R. MCKONE

ORDINANCE NO. 67

AN ORDINANCE PROHIBITING THE FILLING, CLOSING, BLOCKING, REDUCING, ALTERING OR MODIFYING OF STORM DRAINS AND DRAINAGE DITCHES; RESTORATION OF EFFECTED AREAS; COSTS; PENALTIES; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Storm Drains and Drainage Ditches. It is hereby declared to be in the best interests of the health, safety and welfare of the citizens of the Village of New Lothrop that all Storm Drains and Drainage Ditches along the public streets and alleys remain open and free flowing unless special permission is granted by the Village Council to fill, close, block, reduce, alter or otherwise modify the Storm Drain or Drainage Ditch.

Section 2. Acts Prohibited. It shall be unlawful for any person to perform any acts or cause any acts to be performed which would result in a Storm Drain or Drainage Ditch along a public street or alley to be filled, closed, blocked, reduced, altered or modified without the express permission of the Village Council by majority vote.

Section 3. Costs. Any person violating Section 2 above shall be responsible to restore the effected Storm Drain or Drainage Ditch to its original condition. In the event that said person shall fail or refuse to return the effected Storm Drain or Drainage Ditch to its original condition the Village of New Lothrop may do so and said person shall be responsible for all costs and expenses incurred by the Village including costs of collecting same.

Section 4. Penalty. In addition to any obligations specified in Section 3 above, any person violating Section 2 above shall be guilty of a misdemeanor punishable by imprisonment for up to ninety (90) days and/or a fine up to Five Hundred (\$500.00) Dollars.

Section 5. Effective Date. This Ordinance shall become effective twenty (20) days after adoption.

Date Enacted: 9/14/88

Date Posted: 9/20/88

Date Published: 9/26/88

Clair W. Streng
CLAIR W. STRENG, Mayor

Karen L. Maksimchuk
KAREN L. MAKSIMCHUK, Clerk

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#69

AN ORDINANCE TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO ACT NO. 197, PUBLIC ACTS OF MICHIGAN, 1975, AS AMENDED, FOR THE VILLAGE OF NEW LOTHROP.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Authority Created. Pursuant to the provisions of Act No. 197, Public Acts of Michigan, 1975, as amended ("Act 197"), a downtown development authority to be known as the New Lothrop Business Development Authority (the "Authority") is hereby established.

Section 2. Supervision of the Authority. The Authority shall be under the supervision and control of a board (the "Authority Board") consisting of the President of the Village of New Lothrop and 8 members appointed by the President, subject to the approval of the Village Board of Trustees. The members of the Authority Board shall hold office and the Authority Board shall conduct itself in accordance with the terms and conditions of Act 197, and, in particular, Section 4 thereof.

Section 3. Powers and Duties of the Authority. The Authority shall have the powers as are now or may hereafter be conferred on authorities established pursuant to Act 197. It shall provide the Village Clerk all reports and studies regarding the formulation and implementation of project development plans. It shall also consult with and advise the affected taxing units and residents of impacted residential areas adjacent to the development district regarding all preparation and implementation of development plans. The Authority shall also secure the approval of development plans from the Village Board of Trustees prior to the implementation of any plans thereof.

Section 4. Tax Increment Financing. The Authority shall not utilize the provisions of Section 11(e) of Act 197 relating to tax increment financing unless it has:

1. Adopted a separate plan, meeting the requirements of Sections 14, 15, 16 and 17 of Act 197 for each project to be financed by the use of tax increment financing. The plan shall include in the district or area against which taxes would be levied upon the captured assessed valuation, only those areas benefitted by the project;

2. With respect to each separate plan referred to in the foregoing subparagraph 1, entered into an agreement with each of the school boards for each school district in which the development area is located regarding (1) the sharing of the captured assessed value of the district amongst the school districts so affected and the Authority and (2) the duration of the project repayment period via tax increment financing;

3. Determined that the project would be materially more difficult to finance without the assistance of the Authority, and

4. Provided for the repayment of debt incurred to finance the project in the shortest period of time

determined to be practicable by the Authority Board.

Section 5. Taxing Power. The Authority may, with the approval of the ^{Village} ~~Township Board~~ of Trustees, levy an ad valorem tax on the real and tangible personal property in the downtown district according to the powers vested in it by Section 12.1 of Act 197. The Authority shall not levy an ad valorem tax on real or tangible personal property located outside the downtown district.

Section 6. Downtown District Boundaries. The Authority shall exercise its powers within the boundaries of the downtown district which are designated as follows:

All that property encompassed by the Village Limits of the Village of New Lothrop as demonstrated by the records of the Shiawassee County Register of Deeds.

Section 7. By-Laws and Rules of the Authority. The Authority shall adopt By-Laws governing its procedures and rules regarding the holding of its meetings, all in accordance with Section 4 (3) of Act 197, and immediately shall forward a copy thereof to the Village Board of Trustees in care of the Village Clerk. Such By-Laws and Rules shall be subject to the approval of the Village Board of Trustees.

Section 8. Ordinance Filed with Secretary of State. A certified copy of this Ordinance shall be filed with the Secretary of the State of Michigan in accordance with Section 3 (3) of Act 197.

Section 9. Severability. Should any section, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole nor any part thereof other than the part so declared to be invalid.

Section 10. Repeals. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 11. Effective Date. This Ordinance shall become effective twenty (20) days after adoption.

Date Enacted: April 12, 1989

Date Posted: April 17, 1989

Date Published: April 24, 1989


CLAIR W. STRENG, Mayor


KAREN L. MAKSIMCHUK, Clerk

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ORDINANCE NO. 73

AN ORDINANCE TO PROVIDE FOR VILLAGE PLANNING AND FOR THE CREATION, ORGANIZATION, POWERS AND DUTIES OF THE PLANNING COMMISSION OF THE VILLAGE OF NEW LOTHROP, SHIAWASSEE COUNTY, MICHIGAN.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Creation of Village Planning Commission. A Planning Commission for the Village of New Lothrop, Shiawassee County, Michigan, is hereby established.

Section 2. Members; Appointment; Compensation; Term; Removal; Vacancies. The Commission shall consist of nine (9) members, seven (7) of whom shall represent, insofar as is possible, different professions or occupations who shall be appointed by the President, subject to the approval by a majority vote of the members elect of the Village Council, one (1) of whom shall be a member of the Village Council chosen by the Village Council who shall serve by reason of his office, and one (1) of whom shall be the Village President who shall also serve by reason of his office. All members of the Commission may be compensated at a rate to be determined by the Village Council and except for the Village President and the Village Council member, they shall hold no other municipal office. The term of each appointed member shall be three (3) years. The Village President and the Village Council member selected to serve on the Commission shall, however, serve only so long as they are members of the Village Council. Appointed members of the Planning Commission may, after public hearing, be removed by the President for inefficiency, neglect of duty or malfeasance in office. The Village Council may, for like cause, remove the member selected by it.

Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the President in the case of members selected or appointed by him and by the Council in the case of the member appointed by the Village Council.

Section 3. Chairperson; Meetings; Rules; Village Clerk as Secretary; Records. The Commission shall elect its chairperson from among the appointed members and shall create and fill such other of its offices as it may determine. The term of the chairperson shall be one (1) year, with eligibility for re-election. The Commission shall hold at least one (1) regular meeting each month. The Village Clerk shall act as Secretary to the Commission. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public

record.

Section 4. Employees; Contracts; Expenditures. The Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Village. The Commission may also contract with City planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Village Council, which shall provide the funds, equipment and accommodations necessary for the work of the Commission.

Section 5. Powers and Duties. The Planning Commission shall have such powers and duties as are granted to Village Planning Commissions by the Statutes of the State of Michigan, to wit: those powers and duties provided for in Act 285 of the Public Acts of 1931 (MCL 125.31 et seq., MSA 5.2991, et seq.), as amended, and Act 222 of the Public Acts of 1943 (MCL 125.51, et seq., MSA 5.3007(1), et seq.) as amended, including but not limited to adoption and amendment of a Village Master Plan, conduct of surveys and studies, approval, modification or disapproval of plats, recommendations regarding zoning and rezoning and the conduct of all site plan review procedures for the Village of New Lothrop.

Section 6. Continuity in Terms of Office. In order to establish continuity in the terms of office of members of the Planning Commission other than the Village President and the representative from the Village Council, its members shall initially be appointed for staggered terms, three (3) of which shall expire in 1992, two (2) of which shall expire in 1993 and two (2) of which shall expire in 1994. The Village President and the Village Council representative to the Planning Commission shall, as aforesaid, not be elected to the Planning Commission for a term longer than their respective terms of office on the Village Council.

Section 7. Publication and Posting. This Ordinance shall be published once, in full, in the Gen. County, a newspaper of general circulation within the boundaries of the Village of New Lothrop and qualified under State Law to publish legal notices, and further shall be posted in three (3) public places throughout the Village, and the same shall be recorded in the Ordinance Book of the Village of New Lothrop and such recording authenticated by the signature of the President and Village Clerk.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption.

Date Introduced: _____

Date Adopted: _____

Date Published: _____

RUSSELL L. CONFER, President

Karen Maksimchuk

KAREN MAKSIMCHUK, Village
Clerk

PREPARED BY:
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ORDINANCE NO. 74

AN ORDINANCE TO REGULATE THE LOCATION AND CONDITION OF TREES WITHIN THE VILLAGE OF NEW LOTHROP; PERMIT; ENFORCEMENT; INSPECTION; PENALTY; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Definitions. As used in this Chapter the following words shall have the meanings set forth in this section:

- (1) "Street" shall mean all of the land lying between property lines on either side of all streets, highways and boulevards in the City.
- (2) "Park" shall include all public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.
- (3) "Tree" unless the context clearly indicates otherwise, means, trees, shrubs, bushes and all other woody vegetation.
- (4) "Prohibited species" shall mean any tree of the species of poplar (*Populus Sp.*), willow (*Salix Sp.*) and box elder (*Acer Negundo*).
- (5) "Commissioner" shall mean the Street Commissioner of the Village.
- (6) The terms of this Ordinance, unless otherwise specifically stated herein, shall apply only to public streets, parkways, parks and other land publicly owned or controlled by the Village.

Section 2. Enforcement. The Commissioner shall be charged with the duty of enforcing the provisions of this Ordinance in conjunction with the Police Department.

Section 3. Permits for Tree Planting, Care, Removal. The Commissioner shall have control over all trees located within the state rights of way and parks in the Village and the planting, care and removal thereof, subject to the regulations contained in this Ordinance. The owner of land abutting on any street may, upon obtaining prior written permission of the Commissioner, prune, spray, plant or remove trees in that part of the street abutting on his land not used for public travel, but no person shall otherwise prune, spray, plant or remove any tree in any

street or park. Every such permit shall specify the extent of the authorization and the conditions to which it is subject. Where an owner of the abutting property requests the removal of a tree, the Commissioner is authorized, in his discretion, to require as a condition to granting of approval for such removal, that such property owner assume all or any part of the costs of removing such tree and also to require that the tree removed be replaced at some other nearby location by planting another tree, not necessarily of the same type. No person shall plant any tree of a prohibited species.

Section 4. Tree Protection. No person shall, without authority, break, injure, kill or destroy any tree or shrub, or set any fire, or permit any fire, or the heat thereof, to injure any portion of any tree. No person, owning or using, or having control or charge of gas or other substance deleterious to tree life, shall allow such gas or other deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub or plant. No person shall attach or keep attached to any tree or shrub, or to the guard or stake intended for the protection of such tree or shrub, any rope, wires, chains, signs or other device whatsoever, except for the purpose of protecting it or the public, during an emergency.

Section 5. Public Tree Care. The Village shall have the right to plant, trim, spray, preserve, and remove trees, plants and shrubs within the lines of the streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety or to preserve the symmetry and beauty of such public grounds. The Commissioner may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers or other public improvements, or is affected with any injurious fungus, insect or other pest.

Section 6. Private Grounds. The Village shall also have power to enter upon any private grounds in the Village and to spray or otherwise treat or cause or order to be sprayed or otherwise treated, any tree or shrub or plant infected or infested by any parasite or insect pest when it shall be necessary in its opinion to do so, to prevent the breeding or scattering of any parasite or animal pests, to prevent danger therefrom to trees and shrubs planted in public streets or other public places, and whenever in the opinion of the Village, trimming, treatment or removal of any such tree or shrub located on private grounds shall be deemed otherwise, the Village shall have the power to trim, treat, or remove any such tree or shrub or cause the same to be removed, treated or trimmed.

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Section 7. Inspection. The Commissioner is authorized to inspect any tree within the Village reported or supposed to be infected with the Dutch Elm disease or the virus disease Phloem Necrosis commonly known as "Elm Blight". If upon such inspection the Commissioner determines that such tree is infected with either of said diseases, he shall, if the tree is in any public street, ground or place within the Village, immediately remove and burn the same in such manner as to prevent as fully as possible the spread of such disease. If such tree is located on private property, said Commissioner shall immediately serve upon the owner of such property a written notice that such tree is so infected and that the same must be removed and burned under the supervision of the Commissioner within five (5) days of the service of said notice. If such owner cannot be found, a copy of said notice shall be posted upon said infected tree. If said tree is not so removed and burned within five (5) days after the service or posting of said notice, the Village shall cause said tree to be so removed and burned. The cost of said removal and burning may be collected from the owner of said property in the manner specified by law for the imposition of a tax levy.

Section 8. Trimming and Corner Clearance. Every owner of any tree overhanging any street or right of way within the Village shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space above the surface of the street or right of way to allow vehicle and pedestrian traffic. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

Section 9. Interference with Commissioner. It shall be unlawful for any person to prevent, delay or interfere with the Commissioner, or any of his employees, agents or servants, while engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plants or shrubs in or upon any public highway or public place or upon any private grounds as authorized in this Ordinance.

Section 10. Penalty. Any person, firm or corporation convicted or violating any provision of this Ordinance shall be guilty of a misdemeanor and may be fined up to Five Hundred (\$500.00) Dollars and/or imprisonment for a period not to exceed ninety (90) days, or both.

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Section 11. Effective Date. This Ordinance shall become effective twenty (20) days after adoption.

Date Enacted: 12-9-92

Date Posted: 12-11-92

Date Published: _____

Russell L. Confer Pres
RUSSELL L. CONFER, President

Karen L. Maksimchuk
KAREN MAKSIMCHUK, Village
Clerk

PREPARED BY:
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ORDINANCE NO. 78

AN ORDINANCE TO PROHIBIT THE USE OF SKATEBOARDS, ROLLER SKATES AND ROLLER BLADES IN SPECIFIED AREAS OF THE VILLAGE; PENALTY; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Health, Safety and Welfare It is hereby deemed to be in the best interests for the health, safety and welfare of the citizens of the Village of New Lothrop to prohibit the use of skateboards, roller skates and roller blades in those areas of the Village as specified in Section 2 of this Ordinance.

Section 2. Specified Areas. It shall be unlawful to use skateboards, roller skates and roller blades in the following areas:

1. On the street surface of Genesee Street between the East and West Village Limits.
2. On the public sidewalks of Genesee Street between Cherry Street and Saginaw Street.
3. On all Village Parking Lots.

Section 3. Penalty. Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred (\$500.00) Dollars and incarceration in the County Jail for a period of not to exceed ninety (90) days. Any Juvenile violating this Ordinance shall be directed to the Probate Court for the County of Shiawassee.

Section 4. Effective Date. This Ordinance shall become effective twenty (20) days after adoption.

Date Enacted: June 8, 1994

Date Posted: June 24, 1994

Date Published: July 3, 1994

Russell L. Confer
RUSSELL L. CONFER, President

Karen Maksimchuk
KAREN MAKSIMCHUK, Village
Clerk

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ORDINANCE NO. 79

AN ORDINANCE TO ESTABLISH THE FEES TO BE PAID TO THE VILLAGE FOR WATER SERVICE OUTSIDE THE VILLAGE LIMITS; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Rate. The rate for water service outside the Village Limits of the Village of New Lothrop is hereby established at 1.5 times the rate for a similar use within the Village limits.

Section 2. Effective Date. This Ordinance shall become effective twenty (20) days after adoption.

Date Enacted: April 12, 1995
Date Posted: April 18, 1995
Date Published: April 23, 1995


RUSSELL L. CONFER, President


KAREN MAKSIMCHUK, Village Clerk

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