

ORDINANCE NO. 81

AN ORDINANCE TO RESTRICT THE PLACEMENT OR MAINTENANCE OF OBSTRUCTIONS IN THE STREET RIGHT-OF-WAY; NOTICE OF VIOLATION; MISDEMEANOR; EFFECTIVE DATE.

THE VILLAGE OF NEW LoTHROP ORDAINS:

Section 1. Public Purpose. It is hereby deemed necessary for the protection of the health, safety and welfare of the citizens of the Village of New Lothrop and those using its streets and sidewalks to restrict the placement, erection, planting or maintaining of objects or obstructions in the street right-of-way.

Section 2. Street Commissioner; Duty. It shall be the duty of the Street Commissioner to regulate the street rights-of-way within the Village of New Lothrop. He or she is hereby empowered to make determinations relating to the health, safety and welfare regarding said rights-of-way and any objects or obstructions placed therein.

Section 3. Notice. In the event that the Street Commissioner shall determine that any object placed or planted in the street right-of-way is a risk to the health, safety or welfare of the users of the public street or public sidewalk, he or she shall cause a written notice to be sent to the person or persons placing, planting, erecting or maintaining said object in the right-of-way, if known. In the event that the Street Commissioner does not know the identity of the person or persons placing the object in the right-of-way, then notice shall be sent to the property owner or occupant of the parcel abutting said right-of-way adjacent to the object or obstruction. Notice shall be by certified mail.

Section 4. Notice; Contents. The Notice shall contain the following information:

- A. The name and address of the person or persons notified.
- B. A description of the object or obstruction sufficient to allow the person notified to identify the object or obstruction.
- C. The reason that the object or obstruction is deemed to constitute a risk to the health, safety or welfare.
- D. A date certain by which the object or obstruction must be removed, said date being not less than ten (10) days following mailing of the notice.

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E. The fact that failure to comply may constitute a misdemeanor and the possible penalty.

Section 5. Misdemeanor. Any person or entity failing to remove an object or obstruction from the street right-of-way after receiving written notice to do so by the Street Commissioner shall be guilty of a misdemeanor punishable by a fine up to Five Hundred (\$500.00) Dollars.

Section 6. Enforcement. In the event that the object or obstruction is not removed as directed by the Street Commissioner, he or she shall report same to the Village Police Department for enforcement.

Section 7. Effective Date. This Ordinance shall become effective twenty (20) days after adoption.

Date Enacted: 9-13-95

Date Posted: 9-21-95

Date Published: 9-24-95


RUSSELL L. CONFEE, President


KAREN MAKSIMCHUK, Village Clerk

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ORDINANCE NO. 83

AN ORDINANCE TO AMEND ORDINANCE NUMBER 61 OF THE ORDINANCES OF THE VILLAGE OF NEW LOTHROP ADDING THERETO SECTION 4 (a) ESTABLISHING A METER REPLACEMENT FEE; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Public Purpose. The Village Council of the Village of New Lothrop does hereby determine that it is in the best interest of the Village to establish a plan for the replacement of water meters as they become obsolete and/or defective and to establish a fee to be billed quarterly to fund the plan.

Section 2. Amendment. Section 4 (a) of Ordinance Number 61 shall read as follows:

"Section 4 (a). Meter fee. In addition to all other fees the Village shall charge a quarterly meter fee of \$2.00 to each dwelling unit or commercial unit connected to the Village Water System."

Section 3. Effective Date. This Ordinance shall be published as soon as practicable and shall be effective May 30, 1998.

Date Enacted: May 13, 1998

Date Posted: May 14, 1998

Date Published: May 17, 1998

Jerry C. Burns
Jerry Burns, President

Karen L Maksimchuk
Karen Maksimchuk, Village Clerk

PREPARED BY:
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61 - repeats #57 & #14
repealed by #80

AN ORDINANCE TO AMEND ORDINANCE NUMBER 57; SETTING WATER SYSTEM TAP-IN FEES AND METER COSTS; EFFECTIVE DATE.

The Village of New Lothrop Ordins:

Section 1 Single Units. The tap-in fee for each single-family dwelling unit and/or each single use commercial unit shall be Three Hundred Fifty (\$350.00) Dollars.

Section 2 Multiple Units. The tap-in fee for each building constructed for and/or used for multiple dwelling or multiple commercial uses or any combination of dwelling and commercial uses shall be:

- a). Three Hundred Fifty (\$350.00) Dollars for the first such dwelling or commercial unit, and
- b). One Hundred Seventy-five (\$175.00) Dollars for each additional dwelling or commercial unit.

Section 3 Later Added Units. No additional uses of property shall be permitted without first paying an additional tap-in fee of One Hundred Seventy-five (\$175.00) Dollars per such additional use.

Section 4 Meter Costs. All costs of purchasing and installing the water meter shall be the responsibility of the land owner. Payment shall be made prior to commencing of service.

Section 5 Oversize Water Lines. In the event that a customer desires a water line in excess of three-fourth (3/4") inch in diameter, then the tap-in fee as designated above shall be increased in the following amounts:


- a). Water line 1" (one inch) \$ 50.00
- b). Water line 1 1/4" (one and one-fourth inch) 150.00
- c). Water line 1 1/2" (one and one-half inches) 200.00
- d). Water line 2" (two inches) 375.00


Section 6 Effective Date. This Ordinance shall become effective twenty (20) days after adoption.

Date Enacted July 10, 1985

Date Posted July 14, 1985

Date Published July 16, 1985


CLAIR W. STRENG, Mayor


REBECCA MARY ANN HART, Clerk

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ORDINANCE NO. 84

AN ORDINANCE TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY STREETS AND SIDEWALKS AND OTHER PLACES OPEN TO THE PUBLIC; EXCEPTIONS; PENALTY; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Violation. It shall be unlawful for any person to consume alcoholic beverages on a public street or sidewalk within the Corporate Limits of the Village of New Lothrop or to consume alcoholic beverages in a place open to the general public.

Section 2. Exceptions. The Village Council shall have the authority to grant exceptions to the above prohibition as long as said exceptions are made by Resolution and as long as said exceptions are specific as to the location whereat alcoholic beverages may be consumed and the times during which said alcoholic beverages may be consumed. No exceptions shall be granted unless the Village Council shall determine that all necessary safety precautions have been provided for in the Resolution.

Section 3. Penalty. Any person violating this Ordinance shall be guilty of a misdemeanor punishable by up to 90-days in the County Jail and a fine of \$500.00 or any combination thereof.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication.

Date Enacted: June 10, 1998

Date Posted: June 13, 1998

Date Published: June 21, 1998

Jerry Burns
Jerry Burns, President

Karen L. Maksimchuk
Karen Maksimchuk, Village Clerk

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ORDINANCE NO. 85

AN ORDINANCE TO PROHIBIT ACTS OF LARCENY, RETAIL FRAUD, THEFT OF GASOLINE AND THE ISSUANCE OF BAD CHECKS; ESTABLISHMENT OF ELEMENTS OF EACH OFFENSE; PENALTY; EVIDENCE; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Public Purpose. It is hereby deemed to be in the best interests of the health, safety and welfare of the citizens of the Village of New Lothrop to adopt an Ordinance which prohibits the crimes of larceny, retail fraud, theft of gasoline and the issuance of bad checks.

Section 2. Larceny. Any person who shall commit the offense of larceny, by stealing, of the property of another, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, or any book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, or any receipt, release or defeasance, or any writ, process or public record, regardless of value, shall be guilty of a misdemeanor.

Section 3. Retail Fraud. A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud which is hereby deemed to be a misdemeanor:

a. While a store is open to the public, alters, transfers, removes, and replaces, conceals or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

b. While a store is open to the public, steals property of the store that is offered for sale.

c. With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

Section 4. Theft of Gasoline. A person who shall, during the time that a retail establishment selling gasoline to the public, put gasoline into a motor vehicle or allow another to put gasoline into a motor vehicle who then shall drive away from the retail establishment without making payment for said gasoline with the intent to drive away without paying shall be guilty of a misdemeanor.

Section 5. Issuance of Bad Checks. A person who does any of the following is guilty to issuing a bad check and is guilty of a misdemeanor:

a. With intent to defraud, make, draw, utter or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of the making, drawing, uttering or delivering, that the maker or drawer does not have sufficient funds in or credit with the bank or other depository, for the payment of the check, draft, or order, in full, upon its presentation.

b. With intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank or other depository, unless the person has sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee, except if the lack of funds is due to garnishment, attachment, levy, or other lawful cause, and that fact was not known to the person who made, drew, uttered, or delivered the check, draft, or order at a time of making, drawing, uttering, or delivering.

c. With intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on an account or otherwise, upon any bank or other depository, if at the time of making, drawing, uttering, or delivering the check, draft, or order he or she does not have an account in or credit with the bank or other depository for the payment of the check, draft, or order upon presentation.

Section 6. Penalty – Larceny. Any person found guilty of larceny shall be guilty of a misdemeanor punishable by imprisonment for a period not more than 90 days, or a fine of not more than \$500.00, or both.

Section 7. Penalty – Retail Fraud. Any person found guilty of retail fraud shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

Section 8. Penalty – Theft of Gasoline. Any person found guilty of theft of gasoline shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both.

Section 9. Penalty – Issuing Bad Checks. Any person found guilty of issuing a bad check shall be guilty of a misdemeanor punishable as follows:

a. For a first offense by imprisonment of not more than 90 days, or a fine of not more than \$100.00, or both.

b. For a second offense which is charged as a second offense, by imprisonment for not more than 90 days, or a fine of not more than \$250.00, or both.

c. For a third offense which is charged as a third offense, by imprisonment for not more than 90 days, or a fine of not more than \$500.00, or both.

Section 10. Evidence of Intent. In prosecutions regarding the issuance of bad checks the following rules of evidence shall apply:

a. As against a maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, when presented in the usual course of business, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees, within 5 days after receiving notice that such check, draft or order has not been paid by the drawee.

b. Where such check, draft or order is protested, on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, non-payment and protest, and shall be prima facie evidence of intent to defraud, and of knowledge of insufficient funds or credit with such bank or other depository.

Effective Date. This Ordinance shall be effective 15 days after publication or posting.

Date Enacted: April 14, 1999

Date Posted: _____

Date Published: _____

Jerry Burns, Mayor

Karen Maksimchuk, Village Clerk

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ORDINANCE NO. 88

AN ORDINANCE TO PROHIBIT THE KEEPING OR HARBORING OF A DOG OR DOGS WHICH, BY LOUD OR CONTINUOUS BARKING, HOWLING OR WHINING CAUSE ANNOYANCE OR INCONVENIENCE TO PERSONS OCCUPYING OTHER PROPERTIES OR PERSONS OCCUPYING PUBLIC PLACES; DECLARATION OF NUISANCE; MISDEMEANOR; PENALTY; EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Public Nuisance. It is hereby deemed to be a public nuisance for any person to keep or harbor a dog or any number of dogs which by loud and/or continuous barking, howling and/or whining cause annoyance or inconvenience to any person or persons occupying other properties or to any person or persons occupying a place open to the public.

Section 2. Person Subject to Ordinance. The following persons are subject to the provisions of this Ordinance:

- a. The owner or owners of the dog or dogs;
- b. The owner or owners of the property upon which the dog or dogs are kept or harbored;
- c. The person or persons responsible for the dog or dogs at the time of the violation whether that person or persons are the owners of the dogs or the property upon which the dogs are kept or harbored;
- d. The lessee or tenant of the property where the dog or dogs are kept or harbored.

Section 3. Penalty. Any person violating this Ordinance shall be guilty of a misdemeanor subject to a fine of up to \$500.00 and imprisonment up to 90 days or any combination of such fine or imprisonment.

Section 4. Effective Date. This Ordinance shall become effective fifteen (15) days after date of publication or posting.

Date Enacted: 4-12-00

Date Posted: 4-13-00

Date Published: 4-23-00

Kenneth Birchmeier, Pres.

Kenneth Birchmeier, President

Karen Maksimchuk

Karen Maksimchuk, Village Clerk

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ORDINANCE NO. 89

AN ORDINANCE TO AMEND ORDINANCE NUMBER 87 TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE VILLAGE OF NEW LOTHROP UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT. NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED, EFFECTIVE DATE.

THE VILLAGE OF NEW LOTHROP ORDAINS:

Section 1. Agency Designation. Pursuant to the provision of the Michigan Building Code, in accordance with Section 86b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the Village of New Lothrop is hereby designated as the enforcing agency to discharge the responsibility of the Village of New Lothrop under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Village of New Lothrop assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. Repeals. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall be effective fifteen (15) days after adoption and after publication or posting. Enforcement shall commence upon approval by the Commission.

Date Enacted: June 14, 2000

Date Posted: August 11, 2000

Date Published: August 20, 2000

Kenneth Birchmeier
Kenneth Birchmeier, Mayor

Karen Maksimchuk
Karen Maksimchuk, Village Clerk

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