

**COMPILATION OF
GENERAL ORDINANCES**

VILLAGE OF

RAVENNA

STATE OF MICHIGAN

Published by Order of the Village Council

Adopted 1990

(Including amendments adopted through June 2, 2020)

TABLE OF CONTENTS

Page No.

Listing of Ordinancesiii

CATEGORIES:

Administration Tab 1

Part 1. Compensation; Village President, Council Members Part 1-1

Part 2. Continue the Village Planning Commission Part 2-1

Parts 3-14. Reserved Part 3-1

Business Regulations..... Tab 2

Parts 15-34. Reserved Part 15-1

Franchises Tab 3

Part 35. Michigan Consolidated Gas Company Gas Franchise. Part 35-1

Part 36. Consumers Energy Company Electric Franchise Part 36-1

Parts 37-44. Reserved Part 37-1

Traffic and Vehicles..... Tab 4

Part 45. Traffic Code, Uniform..... Part 45-1

Part 46. Snowmobiles Part 46-1

Part 47. Parking, On-Street Part 47-1

Parts 48-64. Reserved Part 48-1

Offenses..... Tab 5

Part 65. Disorderly Conduct Part 65-1

Part 66. Curfew Part 66-1

Part 67. Discharge of Weaponry Part 67-1

Part 68. Skateboards, Roller Skating and Use of Scooter..... Part 68-1

Parts 69-84. Reserved Part 69-1

Miscellaneous..... Tab 6

Part 85. Animal Control..... Part 85-1

Part 86. Pilot Tax Exemption Ordinance Part 86-1

Part 87. Downtown Development Authority Part 87-1

Part 88. Tax Increment Financing for DDA Part 88-1

Part 89. Ordinance to Authorize and Approve Gas and Oil Lease Part 89-1

Parts 90-94. Reserved Part 90-1

Environmental Protection Tab 7

Part 95. Garbage and Rubbish Part 95-1

Part 96. Inoperable Vehicles, Machinery, Equipment; Outdoor Storage Part 96-1

Part 97. Nuisances; Junk Part 97-1

Part 98. Weeds, Noxious..... Part 98-1

Part 99. Outdoor Furnaces	Part 99-1
Part 100. Jake Brakes	Part 100-1
Part 101. Open Burning	Part 101-1
Parts 102. Prohibition on Recreational Marihuana Establishments and Medical Marihuana Facilities	Part 102-1
Parts 103-114. Reserved	Part 103-1

Public Works and Utilities Tab 8

Part 115. Reserved	Part 115-1
Part 116. Water Revenue Bonds	Part 116-1
Part 117. Reserved	Part 117-1
Part 118. Reserved	Part 118-1
Part 119. Sewer Bonds	Part 119-1
Part 120. Sewer Rules and Regulations	Part 120-1
Part 121. Sewer Rate Ordinance	Part 121-1
Part 122. Park Rules and Regulations.....	Part 122-1
Part 123. Sidewalks.....	Part 123-1
Part 124. Telecommunications Rights-of-Way.....	Part 124-1
Part 125. Water Connection, Use and Rate Ordinance.....	Part 125-1
Parts 126-144. Reserved	Part 126-1

Public Safety Tab 9

Parts 145-159. Reserved	Part 145-1
-------------------------------	------------

Construction Regulations and Housing Tab 10

Part 160. BOCA National Building Code, BOCA National Plumbing Code, BOCA National Mechanical Code.....	Part 160-1
Part 161. Plumbing Code Enforcing Agency.....	Part 151-1
Part 162. National Electrical Code.....	Part 162-1
Part 163. Fire Prevention Code.....	Part 163-1
Part 164. Housing Law of Michigan.....	Part 164-1
Parts 165-179. Reserved.	Part 165-1

LISTING OF ORDINANCES

Ord. No.	Subject	Location
1	Traffic(Repealed by Ord. No. 2A)	
2	Building Code(Repealed by Ord. No. 21A)	
2A	Traffic Code, Uniform (Repealed by Ord. No. 140)	
2A.1	Amendment to Traffic Code, Uniform, Ord. 2A (Repealed by Ord. No. 140)	
3	Zoning(Superseded by Ord. No. 34)	
3A	Amendment to Zoning Ord. No. 3(Superseded by Ord. No. 34)	
4	Disorderly Persons(Superseded by Ord. No. 42)	
5	Conklin Park Rules(Superseded by Ord. No. 51)	
5A	Amendment to Conklin Park Rules Ord. No. 5(Superseded by Ord. No. 51)	
6	Water Rules and Regulations (Repealed by Ord. No. 134)	
7	Garbage(Superseded by Ord. No. 23)	
7A	Amendment to Garbage Ord. No. 7(Superseded by Ord. No. 23)	
8	Sewer Bonds(Repealed by Ord. No. 11A)	
9	Sewer Rate Ordinance 121.000	
9A	Amendment to Sewer Rate Ord. No. 9(Superseded by Ord. No. 66)	
10	Sewer Rules and Regulations 120.000	
10A	Amendment to Sewer Rules and Regulations Ord. No. 10 . (Repealed by Ord. No. 31)	
10B	Amendment to Sewer Rules and Regulations Ord. No. 10 (Superseded by Ord. No. 52)	
11	Water System Revenue Bonds (Repealed by Ord. No. 84)	
11A	Sewer Bond Ordinance (Replaced by Ord. No. 79)	
11.1	Amendments to Sewer Bond Ord. No. 11A 119.004, 119.005, 119.007	
12	Four Way Stop; Thomas and Heights Ravenna (Obsolete)	

13	Swimming Pools; Filling, Draining	(Repealed by Ord. No. 134)
14	Animal Control	(Superseded by Ord. No. 91)
15	Weeds, Noxious	98.000
16	Street Parking	(Repealed by Ord. No. 19)
17	Snowmobiles	46.000
18	Water Supply Cross Connection	(Repealed by Ord. No. 134) 117.000
19	Repeal of Ord. No. 16	(Not Included)
20	Parking on Stafford Street	(Superseded by Ord. No. 28)
21	Building Code, Uniform	(Superseded by Ord. No. 21A)
21A	Amends Building Code, Uniform, Ord. No. 21 in its Entirety	(Repealed by Ord. Nos. 67 and 70)
22	Amendment to Zoning Ord. No. 3	(Superseded by Ord. No. 34)
23	Garbage and Rubbish	95.000
24	Plumbing Code, Uniform	(Repealed by Ord. Nos. 67 and 70)
25	Planning Commission	??
26	Amendments to Weeds, Noxious, Ord. No. 15	98.002, 98.005
27	Budget, 1976	(Superseded by Ord. No. 33)
28	Parking, On-Street	47.000
29	Subdivision Ordinance	(Not Compiled; Available at Village Clerk’s Office)
30	Amendment to Swimming Pools; Filling, Draining, Ord. No. 13	118.002
31	Amendment to Sewer Rules and Regulations, Ord. No. 10	120.004
32	Amendment to Water System Revenue Bonds	(Repealed by Ord. No. 43)
33	Budget, 1977	(Superseded by Ord. No. 37)
34	Zoning Ordinance	190.000
35	Amendments to Building Code, Uniform	(Repealed by Ord. No. 67)

36	Electrical Code, National	(Repealed by Ord. No. 67)
37	Budget, 1978	(Superseded by Ord. No. 41)
38	Amendment to Plumbing Code, Uniform, Ord. No. 24	161.001
39	Inoperable Vehicles, Machinery, Equipment; Outdoor Storage	(Repealed by Ord. No. 95)
40	Nuisances; Junk	97.000
41	Budget, 1979	(Superseded by Ord. No. 45)
42	Disorderly Conduct	(Superseded by Ord. No. 89)
43	Amendment to Water System Revenue Bond Ord. No. 11 .	(Repealed by Ord. No. 50)
44	Amendments to Sewer Rate, Ord. No. 9	121.001, 121.003
45	Budget, 1980	(Superseded by Ord. No. 49)
46	Amendment to Building Code, Uniform, Ord. No. 21A	(Repealed by Ord. Nos. 67 and 70)
47	Mechanical Code, Uniform	(Repealed by Ord. No. 67)
48	Compensation; Village President, Council Members	1.000
48A	Amendment to Compensation; Village President; Council Members, Ord. No. 48	1.002
49	Budget, 1981	(Superseded by Ord. No. 56)
50	Amendment to Water System Revenue Bond, Ord. No. 11	(Repealed by Ord. No. 57)
51	Park Rules and Regulations	122.00
52	Amendment to Sewer Rules and Regulations, Ord. No. 10	120.004
53	Amendment to Zoning, Ord. No. 34	190.122, 190.126.1, 190.205, 190.206, 190.212
54	Amendment to Garbage and Rubbish, Ord. No. 23	95.007
55	Amendment to Zoning, Ord. No. 34; Amends Zoning Map	(Not Compiled; Available at Village Clerk's Office)
56	Budget, 1982	(Superseded by Ord. No. 58)
57	Amendment to Water System Revenue Bond, Ord. No. 11	(Repealed by Ord. No. 66)

58	Budget, 1983	(Superseded by Ord. No. 59)
59	Budget, 1984	(Superseded by Ord. No. 60)
60	Budget, 1985	(Superseded by Ord. No. 61)
61	Budget, 1986	(Superseded by Ord. No. 62)
62	Budget, 1987	(Superseded by Ord. No. 63)
63	Budget, 1988	(Superseded by Ord. No. 64)
64	Budget, 1989	(Not Compiled; Available at Village Clerk’s Office)
65	Amendment to Sewer Rate, Ord. No. 9	121.001
	Amendment to Water System Revenue Bond, Ord. No. 11	(Repealed by Ord. No. 84)
66	Amendment to Zoning, Ord. No. 34	190.129, 190.208, 190.213
67	BOCA Basic Building Code (1990 Edition), Uniform Plumbing Code (1991 Edition), BOCA Mechanical Code (1990 Edition), National Electric Code (1991 Edition)	(Replaced with Ord. Nos. 70 and 72)
68	Sidewalks	123.000
69	Michigan Consolidated Gas Company Gas Franchise	35.000
70	BOCA National Building Code, BOCA National Plumbing Code, BOCA National Mechanical Code, 1996 Editions	160.000
71	Enforcing Agency; Plumbing Code	161.000
72	National Electrical Code	162.000
73	Building Mechanical Code Update	(Superseded)
74	Building Mechanical Code Update	(Superseded)
75	Update Zoning Ordinance	(Superseded)
76	Amend Zoning Map	(Superseded)
77	Curfew Ordinance	66.00
78	Amend Zoning Ordinance	(Superseded)
79	Sewer Bond	119.00
80	Amendment to Zoning Ordinance	190.320, 190.322

81	1997 Uniform Mechanical Code	(Superseded)
82	Amendment to Zoning Ordinance	(Superseded)
83	Amend Park Rules and Regulations	122.010
84	Water Revenue Bond	(Paid off, see Ord. No. 135)
85	National Electric Code	(Superseded)
86	Amendment to Zoning Ordinance	190.322
87	Amendment to Zoning Ordinance	190.1606, 190.1609
88	Amendment to Zoning Map	Ch. 4
89	Disorderly Persons Ordinance	65.00
90	Fire Prevention Code	163.00
91	Animal Control Ordinance	85.00
92	Pilot Tax Exemption Ordinance	86.00
93	Amendment to Zoning Ordinance	190.201, 190.1103
94	Amendment to Zoning Ordinance	190.201, 190.503, 190.603, 190.703, 190.803 190.503D, 190.503D, 190.703D, 190.803D, 190.800, 190.809, 190.1001 190.1101, 190.1101A, 190.1201, 190.1301, 190.1303, 190.2305
95	Inoperable Vehicles	Part 96.00
96	Amendment to Zoning Ordinance Site Condo	19.2500
97	Amendment to Zoning Ordinance PUD	190.1300A
98	Amendment to Zoning Ordinance, Keeping of Animals	190.314
99	Amendment to Zoning Ordinance, Essential Service Building	190.201
100	Amendment to Zoning Map	Ch. 4
101	Amendment to Zoning Ordinance, Public Notice	190.2201A
102	Amend Sewer Rules and Regulations	120.00
103	Amendment to Zoning Ordinance, Accessory Buildings ..	190.309, 190.201, 190.1501190.320.G and H, 190.311

104	Amendment to Zoning Ordinance, Non-Conforming Uses 190.2100, 190.2007, 190.2001, 190.2003, 190.2004, 190.2008	
105	Downtown Development Authority	87.00
106	Amendment to Zoning Ordinance, Manufactured Housing 19.201, 190.400, 190.900, Table 18-1, 190.321, Table 3-1	
107	Amendment to Zoning Ordinance, Accessory BuildingsSchedule D of Ch. 15, 190.309, 190.201	
108	Amendment to Zoning Map	Ch. 4
109	Amendment to Ord. No. 6, Water Supply Rules and Regulations	115.003, 115.013
110	Amendment to Zoning Ordinance, Antennas and Towers	190.310, 190.1611
111	Amendment to Zoning Ordinance, Site Development StandardsSchedules A, B and D of Ch. 15	
112	Amendment to Zoning Ordinance, Effect of Zoning/Moving Buildings	190.106,190.326
113	Amendment to Zoning Ordinance, New Chapter for Special Land Use	190.1600
114	Amendment to Zoning Ordinance, Special Land Use 190.1003, 190.1103, 190.1103A, 190.1203, 190.1303, 190.1403	
115	Metropolitan Extension Telecommunications Oversight Act	124.00
116	Amendment to Zoning Ordinance, Principal Uses, Accessory Uses, etc.) 190.500, 190.501, 190.502, 190.503, 190.600, 190.601, 190.602 190.603, 190.700, 190.701, 190702, 190703, 190.800, 190.801 190.802, 190.803, 190.1000, 190.1001, 190.1002, 190.1100, 190.1101 1901102, 190.1101A, 190.1101A, 190.1102A, 190.1200, 190.1202 190.1202, 190.1300, 190.1301, 190.1302, 190.304, 190.305, 190.1400 190.1401, 190.1402, 190.1404, 190.1405, 190.101, 190.102, 190.103 190.105, 190.400 and 190.401, 190.319, 190.309	
117	Amendment to Zoning Ordinance, Site Plan Review	190.1700, 190.400, 190.201
118	Amendment to Zoning Ordinance, Miscellaneous 190.201, 190.505, 190.506 190.507. 190.508, 190.604, 190.804, 190.805, 190.806, 190.807 190.808, 190.304, 190.308A, 190.309A, 190.706, 190, 190.1006 190.1106, 190.1106A, 190.1206, 190.509, 190.609, 190.709 190.810, 190.1407, 190.102, 190.305, 190.701, 190.1501	
119	Amendment to Zoning Ordinance, Miscellaneous	190.2101, 190.303A

120	Amendment to Zoning Map	Ch. 4
121	Amendment to Zoning Ordinance, Wind Generator	190.1605, 190.1003 190.1103, 190.1303
122	Amendment to Ord. No. 51, Park Rules and Regulations	122.017
123	Tax Increment Financing Plan for DDA	Part 88
124	Outdoor Furnaces Ordinance	99.00
125	Amendment to Zoning Ordinance, Carports/Portable Storage	190.201, 190.309
126	Parking, Signs and Nonconforming Use	190.1906, 190.321, 190.303.A
127	Michigan Zoning Enabling Act Amendments	190.106, 190.501, 190.503, 190.601, 190.603, 190.701, 190.703, 190.801, 190.803, 190.1003, 190.1103, 190.1304, 190.1501, 190.1602. 190.1603, 190.1605, 190.2000, 190.2003, 190.2004, 190.2201, 190.2300, 190.2306,
128	Regulate the Use of Compression Release Braking Devices (Jake Brakes) within the Village	Part No 100.00
129	Adoption of the Housing Law of Michigan	Part No. 164.00
130	Regulation of the Discharge of Weaponry Within the Village	Part No. 67.00
131	Amendment to Zoning Map	Ch. 4
132	Open Burning Ordinance	Part 101.00
133	Amendment to Zoning Map	Ch. 4
134	Water Connection, Use and Rate Ordinance	Part 125.00
135	Water Revenue Bond Ordinance	Part 116-1
136	Ordinance to Regulate Skateboarding, Roller Skating and Use of Scooters	Part 68
137	Ordinance to Authorize and Approve the Sale of Village Property [3567 Main St.]	(Not part of ZO or Gen. Ord.)
138	December 2011 Update – Numerous Matters	190.311, 190.321, 190.1304A
139	Medical Marijuana Business Regulations	190.201, 190.1003, 190.1605
140	Uniform Traffic Code and Michigan Vehicle Code	Part 45

141	Oil and Gas Lease Ordinance	Part 89
142	Amendment to Signs	190.321.G(3)
143	Sign Provisions	190.321.A(35), 190.321.B(4), 190.321.E(2) 190.321.F(10), 190.321.G(1), 190.321.H(1)(5)& (6)
144	Amendments to Water Connection, Use and Rate Ordinance (No. 134)	202, 208, 210
145	Consumers Energy Company Electric Franchise Ordinance	36.00
146	Ordinance to Approve First Amendment to Tax Increment Financing Plan for Village of Ravenna DDA	Part 88
147	Ordinance to Amend Part 120 of the Ravenna Village Code	Part 120
149	Ordinance to Continue the Village Planning Commission	Part 2
155	Prohibition on Recreational Marihuana Establishments and Medical Marihuana Facilities	Part 102.001

- (2) **Representation.** To the extent practicable, the membership of the Planning Commission shall be generally representative of the diverse interests and areas in the Village.
 - (3) **Village Council Member.** One or more members of the Planning Commission may be a member of the Village Council, the Village Manager or a person designated by the Village President as ex officio members, so long as no more than one-third of the total members of the Planning Commission are ex officio members. The term of any ex officio member on the Planning Commission shall expire no later than upon expiration of his or her term as Council Member or expiration of the term of such other position making the person eligible as an ex officio member or upon expiration of the term of the President who appointed him or her, whichever occurs first.
 - (4) **Village Employees.** Village employees shall not be eligible for membership on the Planning Commission, except for the Village Manager or any other employee appointed to serve as an ex officio member of the Planning Commission.
- (c) **Officers.** At the first meeting of each year, the Planning Commission shall select a chairperson from among its members, who shall serve for a term of one year; the chairperson may be re-elected. At the same meeting, the commission shall also elect vice chairperson and a secretary from among the remaining members. The vice chairperson and the secretary shall each have a one-year term and may be re-elected. The Planning Commission shall elect such other officers as the members may determine. The term of each such officer shall be one year; each officer may be re-elected. Ex officio members may not serve as chairperson of the Planning Commission.
 - (d) **Term of Office.** Planning Commission members in office at the time of the adoption of this Ordinance shall continue in office until the expiration of their respective terms. Succeeding members shall be appointed for three-year terms. A succeeding member's term commences on the date of appointment and terminates three years from the date of appointment, unless that member is an ex officio member whose term on the Planning Commission is provided in Section 3(b)(iii) above. Despite the foregoing, a Planning Commission member shall continue to serve until his or her successor is appointed.
 - (e) **Vacancies.** The Village Council shall fill vacancies in the membership of the Commission in the same manner as provided for the initial appointments. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term or for a term that corresponds to his or her term as an elected official.

- (f) **Removal.** The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance or nonfeasance, after providing written notice to the member and an opportunity for a public hearing.
- (g) **Compensation.** Planning Commissioners may receive such compensation and expense reimbursement as the Village Council may determine.
- (h) **Zoning Board of Appeals.** One member of the Planning Commission may serve as a member of the Zoning Board of Appeals.

2.004 Powers and Duties.

- (a) **In General.** Unless otherwise reserved in this Ordinance, the Planning Commission has all the powers and duties provided by Michigan Public Act 33 of 2008, as amended, Michigan Public Act 110 of 2006, as amended and applicable Village ordinances.
- (b) **Duties and Responsibilities.** The Planning Commission shall perform the following duties and responsibilities, among others:
 - (1) **Bylaws and Other Matters.** The Planning Commission shall adopt bylaws for the transaction of its business and shall keep a public record of its resolutions, findings, determinations and other official actions. Public records shall be available to the public as provided by the Freedom of Information Act, Public Act 442 of 1976, as amended. The bylaws shall provide that members shall not participate in matters as to which they have a conflict of interest. The Planning Commission shall prepare an annual report to the Village Council.
 - (2) **Master Plan.** To guide the development of the Village, the Planning Commission shall prepare a Master Plan in accordance with applicable provisions of Michigan Public Act 33 of 2008, as amended.
 - (3) **Zoning Ordinance.** The Planning Commission shall administer the Village zoning ordinance and take such other actions with respect to zoning and land use planning as are authorized by the terms of the zoning ordinance, other applicable Village ordinances and state law.
- (c) **Capital Improvements.** The Village Council retains the responsibility of adopting a capital improvements program for the Village.

2.005 Meetings. The Planning Commission may hold meetings as frequently as it determines, subject to Village Council oversight, but may not have fewer than four regularly scheduled meetings each year. The time and place of regular meetings shall be determined by resolution adopted in accordance with the Open Meetings Act, Michigan Public Act 267 of 1976, as amended. Meetings shall be held in accordance with the Open Meetings Act.

2.006 Notice; Effective Date. This Ordinance shall become effective 63 days after it is published, or 63 days after a summary of its provisions is published in a newspaper of general circulation in the Village.

Published: February 7, 2019; Effective: April 10, 2019.

PARTS 3-14

(Reserved)

PARTS 15-34

BUSINESS REGULATIONS

There are currently no ordinances assigned to this category.

PART 35

35.000

**MICHIGAN CONSOLIDATED GAS COMPANY
GAS FRANCHISE**

Ord. No. 69

Adopted: April 5, 1994

An Ordinance, granting to Michigan Consolidated Gas Company, its successors and assigns, the right, power, and authority to lay, maintain, and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public rights-of-way and to do a local gas business in the Village of Ravenna, Muskegon County, Michigan for a period of thirty (30) years.

THE VILLAGE OF RAVENNA ORDAINS:

35.001

Grant of gas franchise and consent to laying of pipes, etc.

Sec. 1. Subject to all the terms and conditions mentioned in this Ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys and other public rights-of-ways in the Village of Ravenna, Muskegon County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Village of Ravenna for the purposes of conveying gas into and through and supplying and selling gas in said Village of Ravenna and all other matters incidental thereto.

35.002

Gas service and extension of system.

Sec. 2. If the provisions and conditions herein contained are accepted by the Company, as in Section 6 (Section 35.006) hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

35.003

Use of streets and other public places.

Sec. 3. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Village of Ravenna and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and

assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Village for all damages and costs which may be recovered against said Village arising from the default, carelessness or negligence of the Company or its officers, agents and servants.

No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Village Council, or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioner or the Village Council, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

35.004 Standards and conditions of service; rules, regulations and rates.

Sec. 4. The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Village of Ravenna under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

35.005 Successors and assigns.

Sec. 5. The words "Michigan Consolidated Gas Company" and "Company," wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

35.006 Effective date; term of franchise ordinance; acceptance by company.

Sec. 6. This Ordinance shall take effect the day following the date of publication thereof, which publication shall be made within fifteen (15) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Village of Ravenna at any time during said thirty (30) year period; provided, however, that when this Ordinance shall become effective the Village Clerk shall deliver to the Company a certified copy of the Ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after the date this Ordinance takes effect, file with the Village Clerk its written acceptance of the conditions and provisions hereof.

35.007 Effect and interpretation of ordinance.

Sec. 7. All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Ordinance are hereby rescinded. In the case of conflict between this Ordinance and any such ordinances or resolutions, this

Ordinance shall control. The catch line headings which precede each section of this Ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Ordinance.

PART 36

36.000

CONSUMERS ENERGY COMPANY

ELECTRIC FRANCHISE

ORD. NO. 145

ADOPTED: JUNE 6, 2017

EFFECTIVE: JULY 15, 2017

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the VILLAGE OF RAVENNA, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF RAVENNA ORDAINS:

36.001 Grant, Term.

Sec. 1. The VILLAGE OF RAVENNA, MUSKEGON COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the VILLAGE OF RAVENNA, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years.

36.002 Consideration.

Sec. 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

36.003 Conditions.

Sec. 3. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. Grantee agrees to notify and work with the Village if it is necessary to cut into any streets. The Village will, upon Grantee's request, supply the Grantee with a listing of all new paving projects within the Village and Grantee

will use its best efforts to minimize disturbance of the new paving projects. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities. If Grantee does trim or remove trees in residential areas or maintained yard areas during regularly scheduled work, then Grantee will remove or chip all brush and limbs and either remove or leave for the property owner any usable wood. This requirement does not apply to storm work. For any project for the revision or widening of a Village road undertaken by the Village, the Grantee agrees at Grantee's expense to relocate its facilities if required by such project. If the Village condemns any property owned (whether in fee or otherwise) by Grantee, then the Village will be responsible for the reasonable value of the property condemned; provided, however, Grantee, not the Village, shall be responsible for relocation costs of Grantee's facilities located in an existing Village right of way.

36.004 Hold Harmless.

Sec. 4. Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

36.005 Extensions.

Sec. 5. Said Grantee shall construct and extend its electric distribution system within said Village, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

36.006 Franchise Not Exclusive.

Sec. 6. The rights, power and authority herein granted are not exclusive.

36.007 Rates.

Sec. 7. Said Grantee shall be entitled to charge the inhabitants of said Village for electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Village, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village, acting by its Village council, or by said Grantee.

36.008 Revocation.

Sec. 8. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

36.009 Michigan Public Service Commission; Jurisdiction.

Sec. 9. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village.

36.010. Repealer.

Sec. 10. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Village on June 2, 1987 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF RAVENNA, MUSKEGON COUNTY, MICHIGAN for a period of thirty years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

36.011. Effective Date.

Sec. 11. This ordinance shall take effect thirty (30) days after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty (30) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

(Effective: July 15, 2017)

PARTS 37-44
(RESERVED)

PART 45

45.000 UNIFORM TRAFFIC CODE AND MICHIGAN VEHICLE CODE

Ord. No. 140

Adopted: February 7, 2012

An Ordinance enacted pursuant to MCL 257.955 and MCL 41.181 to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Acts 306, as amended (MCL 24.201 *et seq.*), and to adopt the Michigan Vehicle Code, and to adopt by reference certain other state laws; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE VILLAGE OF RAVENNA ORDAINS:

45.001 Adoption of Uniform Traffic Code by Reference.

Sec. 1. The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Acts 306, as amended (MCL 24.201 *et seq.*), is hereby adopted by reference. All references in said Uniform Traffic Code to a “governmental unit” shall mean the Village of Ravenna.

45.002 Adoption of the Michigan Vehicle Code by Reference.

Sec. 2. The Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 *et seq.*), is hereby adopted by reference.

References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Ravenna.

45.003 Adoption of Other State Laws by Reference.

Sec. 3. The following provisions of state law are hereby adopted by reference:

A. Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).

45.004 Penalties.

Sec. 4. Except as otherwise provided under state law, any violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages and expenses provided by law. Specific penalties provided by the Uniform Traffic Code or Michigan Vehicle Code shall apply; provided, however,

the Village shall not adopt or enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days. Any such provision shall be reduced to the amount permitted by law for enforcement by the Village. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provisions of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

45.005 Severability.

Sec. 5. If a court of competent jurisdiction declares any provisions of this Ordinance or the Uniform Traffic Code, the Michigan Vehicle Code or another statutory provision adopted by reference herein to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Village, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Village to impose.

45.006 Changes in Code.

Sec. 6. The following sections of the Uniform Traffic Code for Cities, Townships and Villages are hereby added as set forth below. Subsequent section numbers set forth below shall refer to the like-numbered sections of the Uniform Traffic Code.

- A. R 28.1496 Rule 496. **Driving, Due Caution Required.** Any person who drives any vehicle upon a highway or a frozen lake, stream or pond or any other place open to the general public, including any area designated for the parking of motor vehicles, within the Village, without due caution and circumspection and at a speed or in a manner so as to endanger any person or property, shall be guilty of careless driving.

- B. R 28.1825 Rule 825. **Stopped School Bus.** It shall be unlawful for the driver of any motor vehicle including motorcycles and motor scooters, within the corporate limits of the Village, to pass any school bus while it is conveying school children when a signal is given by the driver of said school bus to stop. Every such driver of a motor vehicle, either when overtaking any school bus or approaching the same from the opposite direction, shall bring his vehicle to a complete stop either before or behind such school bus when the driver of said bus gives a signal to stop and shall not again start his vehicle or pass said school bus until after the same has started to move. Provided, however, that the drivers of motor vehicles traveling on a divided highway are not required to stop when approaching a school bus traveling in the opposite direction which has come to a stop on the other half of such divided highway.

PART 46

46.000

SNOWMOBILES
Ord. No. 17
Adopted: February 6, 1973

An ordinance to regulate snowmobiles.

THE VILLAGE OF RAVENNA, MICHIGAN, ORDAINS THAT:

46.001 Definitions.

Sec. I.

- A. **“Operator”** means any person who operates or is in actual physical control of a snowmobile.
- B. **“Owner”** means any of the following:
 - (I) A person who holds the legal title to a snowmobile.
 - (II) A vendee or lessee of a snowmobile which is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
 - (III) A person renting a snowmobile or having the exclusive use of a snowmobile for more than thirty (30) days.
- C. **“Operate”** means to ride in or on and be in actual physical control of the operation of a snowmobile.
- D. **“Person”** means an individual, partnership, corporation, the state, and any of its agencies or subdivisions, and any body of persons whether incorporated or not.
- E. **“Snowmobile”** means any motor driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled type runners or skis or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated. It is not a vehicle which must be registered under Act No. 300 of the Public Acts of 1949, as amended, being Sections 257.1 to 257.923 of the Compiled Laws of 1948.
- F. **“Highway or street”** means the entire width between the boundary lines of every way publicly maintained with 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 2 or more separate roadways, the term roadway refers to any such roadway separately, but not to all such roadways collectively.
- H. **“Right-of-way”** means that portion of a highway less the roadway and any shoulder.
- I. **“Shoulder”** means that portion of a highway on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular traffic.

46.002 Operation.

Sec. II. A person shall not operate a snowmobile upon a public highway, land used as an airport or street or on a public or private parking lot not specifically designated for the use of snowmobiles except under the following conditions and circumstances:

- A. A snowmobile may be operated on the right-of-way of a public highway except a limited access highway, if it is operated at the extreme right of the open portion of the right-of-way and with the flow of traffic on the highway.
- B. A snowmobile may be operated on the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to any approaching vehicle on the highway.
- C. In any court action in this state where competent evidence demonstrates that a vehicle which is permitted to be operated on a highway pursuant to Act No. 300 of the Public Acts of 1949, as amended, is in a collision with a snowmobile on a roadway, the driver of the snowmobile involved in the collision shall be considered prima facie negligent.
- D. A snowmobile may be operated across a public highway other than a limited access highway, at right angles to the highway for the purpose of getting from one area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area. An operator shall bring his snowmobile to a complete stop before proceeding across any public highway and shall yield the right-of-way to all oncoming traffic.
- E. A duly constituted law enforcement officer of the Village may authorize use of a snowmobile on a public highway or street within the Village when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

- F. A snowmobile may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the Department of Natural Resources.

46.003 Prohibited operation.

Sec. III. A snowmobile shall not be operated within the corporate limits of the Village of Ravenna.

- A. On the right-of-way of the following streets:

- (1) Slocum Street
- (2) Main Street
- (3) Williams Street
- (4) Stafford Street
- (5) Heights Ravenna Road
- (6) Mortimer Street
- (7) Harrisburg Road
- (8) Adams Road
- (9) James Street, and
- (10) Thomas Street

provided, however, that a snowmobile may be operated across the aforesaid streets and roads at right angles to said streets and roads for the purpose of getting from one side to the other side when the operation can be done in safety and another vehicle is not crossing the street or road at the same time and in the same general area.

- B. On private property not owned, leased or under the control of the operator unless the operator has the express consent of the owner, lessee, or other person in control of said property, except in case of an emergency when other means of travel are not feasible or possible.
- C. On public school grounds, parks, playgrounds, recreational areas, golf courses and other public lands (other than state owned lands where such operation is authorized by statute) without the express consent of the public authority in charge of such lands or premises, except where such operation is

absolutely necessary in an emergency when other means of travel are not feasible or possible.

- D. At a speed greater than is reasonable and proper, having due regard for conditions then existing.
- E. While under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.
- F. Without displaying a lighted headlight and a lighted tail light.
- G. In any forest, nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or as a natural dedicated area.
- H. On the frozen surface of public waters within one hundred (100) feet of a person, including but not limited to a skater, not in or upon a snowmobile, or within one hundred (100) feet of a fishing shanty or shelter, except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen public water.
- I. Unless the snowmobile is equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA (decibels on the "A" scale) on a sound meter having characteristics defined by American Standards Association SI,4 1966 "General Purpose Sound Meter."
- J. Within one hundred (100) feet of a dwelling between 10:00 p.m. and 6:00 a.m. at a speed greater than minimum required to maintain forward movement of the snowmobile.
- K. In or upon premises which are fenced, otherwise enclosed in a manner to exclude intruders, posted in a conspicuous manner or when notice against trespass is personally communicated to the operator by the owner of the premises or other authorized persons.
- L. On or across a cemetery or burial ground.
- M. Within one hundred (100) feet of a slide, ski or skating area, except for the purpose of servicing the area or for medical emergencies.
- N. On a railroad or railroad right-of-way, except for railroad, public utility or law enforcement personnel while in the performance of their duties.
- O. Unless it has adequate brakes capable of stopping the snowmobile on packed snow, carrying an operator weighing 175 pounds or more in not more than 40

feet from an initial steady speed of 20 miles per hour or unless it has operable mechanisms capable of locking the snowmobile's traction belt or belts.

- P. Unless all travel on the roadway or shoulder of a road is single file. The operator of any snowmobile overtaking another snowmobile proceeding in the same direction shall pass only when safe to do so and at a safe distance to the left of the overtaken snowmobile. When safely clear of such overtaken snowmobile, the passing snowmobile shall take up a position as near to the right edge of the roadway or shoulder as is practicable.
- Q. By a person under the age of 14 except under the direct supervision of an adult and when on land owned or under the control of such adult.

46.004 Parking and accidents.

Sec. IV.

- A. It shall be unlawful to park or leave standing any snowmobile, attended or unattended upon the roadway or shoulder of a highway, except in an emergency or mechanical difficulty. Any police officer finding a snowmobile standing upon such roadway or shoulder is authorized to remove said snowmobile or require the operator or other person in charge of the snowmobile to move it. The necessary costs for such removal shall become a lien upon such snowmobile and the person into whose custody the snowmobile is given may retain it until the expenses involved have been paid.
- B. 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 One Hundred (\$100.00) Dollars or more shall immediately by the quickest means of communication notify a Village police officer.

46.005 Enforcement.

Sec. V. Any police officer, peace officer or ordinance enforcement officer of the Village is authorized to issue appearance tickets for violations of the within Ordinance pursuant to Sections 9A to 9E of Chapter 4 of Act No. 175 of the Public Acts of Michigan for 1927, as amended, being Sections 764.9a to 764.9e of the Compiled Laws of 1948. In any proceeding involving a violation of this Act, the registration number displayed on the snowmobile shall constitute prima facie evidence that the owner of the said snowmobile was the person operating the same at the time of the offense.

46.006 Penalties.

Sec. VI. Any violation of this Ordinance shall constitute a misdemeanor and any person, firm or corporation found guilty of such violation shall be fined in the discretion of the court up to Three Hundred (\$300.00) Dollars or imprisonment in the

county jail for up to ninety (90) days or both. Each day that a violation continues to exist shall constitute a separate offense.

Any person guilty of a violation of the within Ordinance shall also be subject to civil proceedings for damages and/or injunctive relief by the Village or any person, firm, or corporation injured or damaged by such violation, both criminal and civil proceedings may be commenced against a person violating the within Ordinance and commencement of any such proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against any such violator.

46.007 Amendment.

Sec. VII. The Village Council is hereby authorized by resolution to create, revise, amend, restrict, modify or repeal this Ordinance or any part thereof, provided that such resolution shall not take effect until published.

46.008 Savings clause.

Sec. VIII. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

46.009 Conflicting provisions.

Sec. IX. Any ordinance or part of an ordinance in conflict herewith is hereby repealed.

46.010 Effective date.

Sec. X.

- A. This Ordinance was passed: February 6, 1973.
- B. This Ordinance was published: February 14, 1973.
- C. The effective date of this Ordinance is February 14, 1973.

PART 47

47.000

**PARKING, ON-STREET
Ord. No. 28
Adopted: June 28, 1976**

An ordinance to regulate on-street parking on major streets within the Village of Ravenna and to provide penalties for the violation thereof.

THE PEOPLE OF THE VILLAGE OF RAVENNA DO ORDAIN:

47.001 On-street parking regulated.

Sec. 1. No diagonal parking shall be permitted within the public right-of-way of any Major Street designated as such by the State of Michigan and the Village of Ravenna in accordance with the statutes of the State of Michigan applicable thereto.

47.002 Penalty.

Sec. 2. Any person, firm or corporation convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine of not to exceed Five Hundred (\$500.00) Dollars or imprisonment in the county jail for a period not to exceed ninety (90) days or both such fine and imprisonment.

47.003 Conflicting ordinance repealed.

Sec. 3. Any ordinance or part of any ordinance in conflict with the provisions of this Ordinance is hereby repealed.

47.004 Severability.

Sec. 4. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

Effective date: July 7, 1976

PARTS 48-64

(Reserved)

PART 65

ORDINANCE NO. 89

DISORDERLY CONDUCT

An Ordinance to define and prohibit disorderly conduct within the Village of Ravenna, Muskegon County, Michigan including definitions of disorderly conduct and to prescribe penalties for the violation thereof.

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Name.** This Ordinance shall be known and cited as the Village of Ravenna Disorderly Conduct Ordinance.

Sec. 2. **Disorderly Definitions.**

A. No persons shall conduct himself or herself in a disorderly manner in the Village of Ravenna, Muskegon County, Michigan. For the purpose of this Ordinance, a person conducts himself or herself in a disorderly manner when he or she does any act or engages in any practice hereinafter listed, or aids or abets any person who does any such act or engages in any such practice hereinafter listed:

- (1) Engage in any indecent, immoral, or obscene conduct in any public place;
- (2) Swim or bathe in the nude in any public place or on private property without specific permission of the owner,
- (3) Utter any vile, blasphemous, vulgar or obscene language in any public place or in such a way as to subject the public to such language;
- (4) Tell or pretend to tell fortunes for hire, gain, reward, or profit whether by means of cards, token trances, inspection of the hands or skull, mind reading, consulting the movements of the heavenly bodies, or otherwise; or for hire, gain, reward, or profit, pretend to enable another to recover lost or stolen property, pretend to give success in any business enterprise, speculation or game of chance, or by improper means induce any person to dispose of property in favor of another;
- (5) Willfully destroy, damage, deface, injure, or tamper with any property of another, or without proper authority, or in any manner mar the walls of any building or any fence, tree, or pole within the Village; or take, or meddle with any property belonging to the Village, or remove the same from the building or place where it may

be kept, placed, standing, or stored, without authority from the official custodian of said property,

- (6) Collect or stand in crowds for illegal or mischievous purposes in any public place;
- (7) Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public;
- (8) Permit or suffer any place occupied or controlled by him to be unreasonably noisy, boisterous or to be occupied by persons acting in a disorderly manner as herein defined;
- (9) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct, or make, aid, give countenance to, or assist in making any improper noise, disturbance, breach of the peace or diversion tending to a breach of the peace, in any place within the Village;
- (10) Disturb any service of worship or any other assembly gathered for lawful purposes;
- (11) Permit any loud or boisterous noise, congregation, disturbance, or sound by which the peace and good order of the Village are disturbed, in or about his or her premises, or premises controlled by such person;
- (12) Gun or race the engine of any motor vehicle, including every motorcycle, or motor driven cycle or run or operate a motor vehicle, motorcycle, or motor driven cycle without a muffler in good working order (one which in constant operation prevents excessive or unusual noise and annoying smoke); a person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cut-out, bypass, or similar device upon a motorcycle or motor driven cycle in any place within the Village;
- (13) Shout, yell, hoot, whistle, sing, or make any loud noises on the public streets or public or municipal parks between the hours of 11:00 p.m. and 7:00 a.m.;
- (14) Create any loud noises or use any loud speaker, sound amplifier or other electrical or mechanical device intended to increase the volume or sound at any place or places within the Village in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort, or repose of any person or persons between the hours of 12:00 a.m. and 7:00 a.m.;

- (15) Create any loud noises by the erection, including excavation therefor, demolition, alteration, maintenance or repair of any property or the excavation of any streets or highways at any time, except between the hours of 6:00 a.m. and 9:00 p.m. or except as may be necessary for emergency construction operations or repairs;
- (16) Knowingly sell, give, or furnish liquor, wine or beer to any drunken, intoxicated or disorderly person; or do or engage in any act relating to traffic in alcoholic liquors without such licenses as may be required under the laws of the state;
- (17) Disobey any validly posted signs in any public park or other public place;
- (18) Trespass or unlawfully enter or remain on the premises of another to the annoyance or disturbance of the lawful owner or occupant thereof,
- (19) Consume alcoholic liquor in or upon any public street, or other public place, or place or parking lot open to the public, unless such place is duly licensed to sell alcoholic liquor for consumption on the premises, or furnish alcoholic liquor to any person not of the lawful age to possess it;
- (20) Enter into any place, area, or building or any part thereof, without having first paid any fee, charge, or other consideration required for admission;
- (21) Knowingly furnish to any police officer, or other official of the Village of Ravenna, Muskegon County, a false name or address in connection with an arrest for the commission of any crime or misdemeanor;
- (22) Possess any knife, dagger, dirk, razor, stiletto, or machete, with a blade over three (3) inches long, or a club, nightstick, bludgeon, weapon of the martial arts, or any other deadly weapon or instrument without a legitimate cause related to the person's occupation or business; except on the person's own private property.

Sec. 3. **Invalid Clauses.** Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the parts so declared to be invalid.

Sec. 4. **Violations.** Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be

imposed for repeated violations of this Ordinance by a person, firm, or corporation. A “repeat violation” of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than five hundred dollars (\$500.00), plus costs and other sanctions. The Village President, Village Superintendent (Village Manager), any law enforcement officer of the Muskegon County Sheriffs Department or the Michigan State Police, and the Village Attorney are authorized to issue municipal civil infractions citations for violations of this Ordinance.

Sec. 5. **Effective Date.** This Ordinance, after being duly adopted, shall become effective thirty (30) days after publication thereof. Publication date August 24, 2000.

PART 66

ORDINANCE NO. 77

CURFEW ORDINANCE

An Ordinance to protect the public from the illegal acts of minors which are committed after the curfew hour; to protect minors from improper and harmful influences that are prevalent after the curfew hour; to protect minors from criminal activity which occurs after the curfew hour; and to require parents to exercise control over their minor children.

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Title.** This Ordinance shall be known and referred to as the Village of Ravenna Curfew Ordinance.

Sec. 2. **Definitions.** As used in this Ordinance, the following words and terms shall have the definitions indicated:

- A. **“Minor”** shall mean any person under the age of seventeen (17) years;
- B. **“Parent”** shall mean, and include, the mother, father, legal guardian, or any other person who has the care or custody of a minor.
- C. **“Residence”** shall mean a home, apartment, condominium, or other dwelling and includes the cartilage of such dwelling.

Sec. 3. **Curfew Hours for Minors; Exceptions.** No minor shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place during the hours hereinafter specified, unless one of the exceptions provided in this Section applies.

- A. **Curfew Hours for minors less than Thirteen (13) years of age.** No minor under the age of thirteen (13) years of age shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place between the hours of 10:00 p.m. and 7:00 a.m.
- B. **Curfew hours for minors less than Seventeen (17) years of age, but at least thirteen (13) years of age.** No minor who is thirteen (13) years of age or older, but less than seventeen (17) years of age, shall be upon, in, or on any public street, highway, alley, park, vacant lot, or other public place between the hours of 12:00 a.m. (midnight) and 6:00 a.m.
- C. **Exceptions.** A minor shall not be in violation of this Ordinance if he or she is found upon, in, or on any public street, highway, alley, park, vacant lot, or other public place during the hours proscribed in subsections A and B, above, in any of the following circumstances:

- (1) Whenever the minor is accompanied by his or her parent, guardian, or another adult who is at least twenty-one (21) years of age to whom the parent or guardian has given permission for the minor to be in the company of the adult for a designated period of time and for a specified purpose within a specified area.
- (2) Whenever the minor is traveling through or within the Village of Ravenna and is in a motor vehicle with parental consent. However, this exception shall not apply to any minor who is sitting in a parked motor vehicle.
- (3) Whenever the minor is lawfully employed, or is in the course of traveling to or from such employment by the most direct route between his or her place of employment and his or her residence.

Sec. 4. Parental Responsibility for Curfew Violations by Minors.

The parent of a minor who is charged with a violation of this Ordinance shall also be deemed to be responsible for a violation of this Ordinance in the following circumstance:

- A. The parent has been notified by the police or sheriff department that his/her child is being detained for a curfew violation and the parent fails, neglects or refuses to pick up the child within a reasonably prompt time after the notification.
- B. Or, the parent has been previously notified of a curfew violation by his/her child on two prior occasions, and the minor child has been detained for another curfew violation. However, it shall be a defense to a charge against a parent in this circumstance if it is shown that the parent made reasonable efforts to have the child obey the requirements of this Ordinance and the child has failed, neglected or refused to comply with the parent's reasonable efforts.

Sec. 5. Responsibility of Aiders and Abettors. Any person seventeen (17) years of age or older who assists, aids, abets, allows, permits or encourages a minor under the age of seventeen (17) years to violate the provisions of this Ordinance shall be deemed to have violated the provisions of this Ordinance.

Sec. 6. Violations Constitute a Municipal Civil Infraction. Any violation of this Ordinance shall be deemed to be a municipal civil infraction. Any person which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of no more than Fifty Dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person within six months of a prior violation of this Ordinance, and for which the person admits responsibility or is

determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred, Fifty Dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than Two Hundred, Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00), plus costs and other sanctions. Each day that a violation continues after due notice has been served shall be deemed a separate violation.

Sec. 7. **Miscellaneous.** The Village President, the Village Attorney, the Muskegon County Sheriff or a duly appointed deputy sheriff, and any other police officer duly appointed by the Village of Ravenna, are hereby authorized to issue citations for violations of this Ordinance.

Sec. 8. **Effective Date.** This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

(Effective: May 3, 1997)

PART 67

ORDINANCE NO. 130

DISCHARGE OF WEAPONRY

An Ordinance to regulate the discharge of weaponry within the Village.

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Discharge of Firearms and Other Weapons Prohibited.** It shall be unlawful for any person to discharge any firearm or propel any arrow, metal ball, pellet or other projectile by use of any firearm, bow, longbow, crossbow, slingshot or similar device within the Village limits.

Sec. 2. **Definition of Firearm.** "Firearm" shall mean any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion, except any smooth bore rifle or handgun designed and manufactured exclusively for propelling BBs not exceeding .177 calibre by means of spring, gas or air.

Sec. 3. **Exceptions to Prohibition on Discharge of Firearms and Other Weaponry.** Section 1 of this Ordinance shall not apply to the discharge of a firearm or other weaponry under the following conditions:

- A. In the protection of life;
- B. A discharge by law enforcement officers in the performance of their duties;
- C. An established and lawfully permitted educational program properly supervised;
- D. Military functions, such as parades, funerals, firing blank charges, where all necessary permits have been acquired;
- E. The lawful discharge in a shooting range that is authorized and permitted under Act 269 of the Public Acts of 1989, as amended;
- F. Section 1 shall not prohibit the discharge of firearms or other weaponry where state law has preempted this authority and specifically authorized, in a hunting control area, the discharge of weapons pursuant to Act 159 of the Public Acts of 1967, as amended.

Sec. 4. **Severability.** The sections and provisions of this Ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections of provisions of this Ordinance.

Sec. 5. **Penalty.**

- A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. Any violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility and was adjudicated to be responsible.
- B. Each day during which any violation continues shall be deemed a separate offense.
- C. The foregoing penalty shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Sec. 6. **Part 67.** This Ordinance shall be included as Part 67 of the Village regulatory ordinance book.

Sec. 7. **Effective Date.** This Ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Village.

(Effective: November 12, 2007)

PART 68

ORDINANCE NO. 136

Adopted April 5, 2011

An Ordinance to regulate skateboarding, roller skating and use of scooters.

THE VILLAGE OF RAVENNA ORDAINS:

Section 1. Adoption of Ordinance. The Village Council of the Village of Ravenna hereby adopts the following Ordinance as Part 68 of the Regulatory Ordinances. The Ordinance, governing the use of skateboards, scooters and roller skates within the Village, shall read in its entirety as follows:

Sec. 1. **Purpose.** The purpose of this Ordinance is to provide for the safe and orderly operation of skateboards, scooters, skates and bicycles within the Village and to specifically prohibit their use within certain designated areas of the Village, as listed in the Ordinance.

Sec. 2. **Definitions.**

- A. **Restricted Areas.** For purposes of this Ordinance, the term Restricted Areas shall include the following areas: that part of the Village lying south of the north line of Ravenna Heights Road; west of the east line of Main Street; east of the west line of Thomas Street; and north of the south line of Stewart Street, as extended to the point where such line would intersect with Main Street.
- B. **Skateboards, Scooters, Skates and Bicycles.** Vehicles used for the propulsion of people by human power, not subject to registration under State Motor Vehicle laws, including but not limited to bicycles, scooters, skateboards, roller blades, and roller skates. This designation does not include any device operated by a person or a person directly assisting a person, who is unable to walk or otherwise ambulate without the assistance of a human powered conveyance or device.

Sec. 3. **Limits on Operations.**

- A. **Harmful Operation.** No person shall operate a skateboard, scooter, skates, or a bicycle so as to endanger any pedestrian on any public way or in such a manner as might discourage any pedestrian from the peaceful use of such public ways or in a manner as may interrupt the smooth flow of automobile traffic.
- B. **Sidewalks and Public Walkways.** No person shall operate a skateboard, scooter, skates or bicycle on any sidewalk, public walkway or municipal parking lot within the Restricted Area.

- C. **Other Prohibited Areas.** No person shall operate a skateboard, scooter, skates or bicycle, or any of them, in places where the Village has erected a sign prohibiting such use or otherwise regulating these activities, if the operation is in violation of the sign.
- D. **Attaching to Vehicles Prohibited.** No person operating a skateboard, scooter, skates or bicycle shall attach himself or herself, by hand, rope or other method, to any vehicle upon a roadway, or otherwise use such a vehicle to propel himself or herself.
- E. **Damaging Village Property.** No person shall operate a skateboard, scooter, skates or bicycle on or against any Village-owned tables, benches, structures, tennis courts, railings or other improvements in such a way as to cause damage to such improvements.
- F. **Skateboard Ramps.** No person shall use or place a ramp, jump or other device used to force a skateboard off of the pavement on the grounds of any Village-owned parking lot or park, without specific permission from the Village.
- G. **Severability.** The sections and provisions of this Ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

Sec. 4. **Penalties.**

- A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance *per se*. Any violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the Court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.
- B. Each day during which any violation continues shall be deemed a separate offense.
- C. The foregoing penalty shall not prohibit the Village from seeking injunctive relief against a violator or any other appropriate relief as may be provided by law.

Section 2. Effective Date. This Ordinance shall become effective thirty (30) days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Village.

PARTS 69-84

(Reserved)

PART 85

ORDINANCE NO. 91

ANIMAL CONTROL ORDINANCE

Adopted October 3, 2000

An Ordinance to define and regulate the keeping of animals within the Village of Ravenna, Muskegon County, Michigan.

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Name.** This Ordinance shall be known and cited as the Village of Ravenna Animal Control Ordinance.

Sec. 2. **Animal Control Requirements.** All persons who keep animals or have temporary care or control of animals which are present in the Village of Ravenna are subject to the following requirements:

- A. No person shall own, possess, harbor, shelter, keep or have custody of more than two dogs and two cats, except in a licensed kennel, veterinarian's practice, pet grooming business, or pet store. Provided, however, that this section shall not apply to a dog or cat less than six months of age, if the person who has possession or custody of the dog or cat submits proof the animal's age to the Animal Control Officer.
- B. No person shall own, possess, harbor, shelter, keep or have custody of any animal that is vicious, wild, or dangerous.
- C. No person shall own, possess, harbor, shelter, keep or have custody of any animal that has repeatedly attacked, harmed, or threatened a person or another animal.
- D. Whenever an animal has bitten a person or another animal, the person who has custody or control of the animal shall confine the animal, if possible. The person who has custody or control shall also notify the Village Clerk of the animal's name, owner, owner's address, and the name and address of the person whom the animal has bitten, or the name and address of the owner or custodian of the other animal bitten; the notice must be given regardless of whether the owner or custodian of the animal which bit has actually confined the animal or not.
- E. A dog or cat in the Village of Ravenna must be under the control of or confined to the premises of the person who has possession or custody of the dog or cat.

- F. All animals must be on a leash when it is in any public park or on any public property.
- G. No animal is permitted on private property other than that of the person who has custody or control of the animal, unless the owner of the private property consents to the animal being on their property.
- H. The person who has custody or possession of an animal must immediately remove any fecal matter that the animal deposits on any land, except the land of the person who has custody or possession of the animal.
- I. No person shall mistreat an animal, which includes but is not limited to the following: lack of food or water, overworking, tormenting, beating, abandoning, or failure to provide shelter.
- J. No person who has custody or possession of an animal shall permit it to cause or create any loud or disturbing noise which disrupts the peace and quiet of the neighbors of the person with custody or possession of the animal.

Sec. 3. **Exceptions.** Exceptions to the strict requirements of Section 2 of this Ordinance may be granted by the Village Council. A person shall submit an application for such exception, which may be granted by the Council for good cause, after a public hearing on such application. Council shall give notice of the time, date and place for the public hearing to all occupants and owners of land within four hundred (400) feet of the premises of the applicant, or within four hundred (400) feet of the location at which the animals will be kept.

Sec. 4. **Invalid Clauses.** Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the parts so declared to be invalid.

Sec. 5. **Violations.** Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A “repeat violation” of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than two hundred fifty dollars (\$250.00), plus cost and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than five hundred dollars (\$500.00), plus cost and other sanctions. The Village President, Village Superintendent (Village Manager), any law enforcement officer of the Muskegon County Sheriff’s Department, Michigan State

Police, and the Village Attorney are authorized to issue municipal civil infractions for violations of this Ordinance.

Sec. 6. **Effective Date.** This Ordinance, after being duly adopted, shall become effective thirty (30) days after publication thereof.

(Effective: November 5, 2000)

PART 86

ORDINANCE NO. 92

TAX EXEMPTION ORDINANCE

Adopted December 5, 2000

An Ordinance to provide for a service charge in lieu of taxes for dwelling units for low income elderly persons over 55 years of age pursuant to the provisions of the State Housing Development Authority Act of 1966.

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. This Ordinance shall be known and cited as the “Village of Ravenna Elderly Low Income Housing Tax Exemption Ordinance.”

Sec. 2. **Preamble.** It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Section 125.1401 *et. seq.*, MSA Section 116.114(1) *et. seq.*). The Village is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the Village will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Village acknowledges that Trinity Village Nonprofit Housing Corporation (the “Sponsor”) has offered subject to receipt of a reservation for low income housing tax credits (“LIHTC”) under Section 42 of the Code and mortgage loan financing, to erect, own and operate a housing development identified as Countryside Manor on certain property located at that part of the NW 1/4 of the SE 1/4 of Section 2, T9N, R14W, lying West of Slocum Road and within the Village to serve Elderly Persons of Low Income, and that the Sponsor has offered to pay the Village on account of this housing development an annual service charge for public services in lieu of all taxes.

Sec. 3. **Definitions.**

A. **Authority** means the Michigan State Housing Development Authority.

- B. **Act** means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.
- C. **Annual Shelter Rent** means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- D. **Code** means the Internal Revenue Code of 1986 as amended.
- E. **Housing Development** means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.
- F. **Elderly Persons of Low Income** means elderly persons over the age of 55 years or older or a household in which at least one member is 55 years of age or older and who meet the eligibility criteria set by the Authority and/or federal government.
- G. **Utilities** mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.
- H. **Sponsor** means person(s) or entities which have applied to the Authority for a reservation for low income housing tax credits to develop and/or finance a Housing Development.

Sec. 4. **Class of Housing Developments.** It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be Elderly Persons of Low Income, which are financed or assisted pursuant to the Act. It is further determined that Countryside Manor is of this class.

Sec. 5. **Establishment of Annual Service Charge.** The Housing Development identified as Countryside Manor and the property on which it is constructed shall be exempt from all property taxes from and after the commencement of construction. The Village, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a reservation of Low Income Housing Tax Credits and mortgage loan financing, to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to four percent (4%) of the difference between the Annual Shelter Rents actually collected and Utilities.

Sec. 6. **Limitation on the Payment of Annual Service Charge.** Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

The term “low income” as used herein shall be the same as found in Section 15(a)(7) of the Act.

Sec. 7. **Contractual Effect of Ordinance.** Notwithstanding the provisions of Section 15(a)(5) of the Act, to the contrary, a contract between the Village and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

Sec. 8. **Payment of Service Charge.** The service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the Village except that the annual payment shall be paid on or before April 15 of each year.

Sec. 9. **Duration.** This Ordinance shall remain in effect and shall not terminate so long as the Authority or any other governmental entity has any interest in the property or the Housing Development remains subject to income and rent restrictions pursuant to §42 of the Code, as amended, provided, that construction of the Housing Development commences within eighteen months from the effective date of this Ordinance.

Sec. 10. **Severability.** The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

Sec. 11. **Authority Participation.** The Village hereby acknowledges that the Authority participation with the Housing Development is limited solely to the allocation of Low Income Housing Tax Credits under §42 of the Code.

Sec. 12. **Effective Date.** This Ordinance shall become effective on December 5, 2000 or as otherwise provided in the Charter. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

PART 87

ORDINANCE NO. 105

**AN ORDINANCE TO ESTABLISH THE VILLAGE OF RAVENNA
DOWNTOWN DEVELOPMENT AUTHORITY AND TO
DESIGNATE THE BOUNDARIES OF AUTHORITY DISTRICT NO. 1**

Adopted August 6, 2002

NOW, THEREFORE, THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Establishment and Name.** A downtown development authority, designated the Village of Ravenna Downtown Development Authority (the "Authority"), is hereby created, established and incorporated, pursuant to and in accordance with Act 197. The Authority shall be a public body corporate which may sue and be sued in any court of the State of Michigan.

The Authority is established pursuant to Act 197 by the Village to accomplish the public purposes enumerated in Section 1a of Act 197 including, without limitation, the use of tax increment financing and other permitted means to halt property value deterioration and increase property tax valuation where possible in the District and to eliminate the causes of that deterioration and to promote economic growth in the District.

Sec. 2. **Downtown District.** The boundaries of the District within which the Authority shall exercise its powers are described on Exhibit A, attached hereto. The District shall be known as Village of Ravenna Downtown Development Authority District No. 1. The Village shall not incorporate additional property into the District without notice and public hearing pursuant to Act 197.

Sec. 3. **Powers.** To accomplish the public purposes set forth in section 1, above, the Board of the Authority may do the following:

- (a) Prepare an analysis of economic changes taking place in the District.
- (b) Study and analyze the impact of metropolitan growth upon the District.
- (c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building, or a multiple family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the District.
- (d) Plan, propose and implement an improvement to a public facility within the District to comply with the barrier free design requirements of the State Construction Code;

- (e) Develop long-range plans, in cooperation with the Village Planning Commission, designed to halt the deterioration of property values in the District and to promote the economic growth of the District, and take such steps as may be necessary to encourage property owners to implement the plans to the fullest extent possible.
- (f) Implement any plan of development in the District necessary to achieve the purposes of Act 197, in accordance with the powers of the authority as granted by Act 197.
- (g) Make and enter into contracts necessary for or incidental to the exercise of its powers and the performance of its duties.
- (h) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights and interests therein, which the Authority determines is reasonably necessary to achieve the purposes of this Ordinance, and to grant or acquire licenses, easements and options with respect thereto.
- (i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, including multiple family dwellings, and any necessary or desirable appurtenances thereto, within the District for uses permitted by Act 197.
- (j) Fix, charge and collect fees, rents and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents and charges for the payment of revenue bonds issued by the Authority.
- (k) Lease any building or property under its control, or any part thereof.
- (l) Accept grants and donations of property, labor, or other things of value from a public or private source.
- (m) Acquire and construct public facilities.
- (n) Issue bonds and otherwise finance the authorized activities of the Authority pursuant to the terms and conditions of Act 197.
- (o) In general, to exercise such other powers which are or hereafter may be conferred by law upon an authority organized pursuant to Act 197, as amended.

Sec. 4. **Board.** The Authority shall be under the supervision and control of a Board consisting of the Village President and eight members. Members shall be appointed by the Village President, subject to the approval of the Village

Council. Not less than a majority of the members shall be persons having an interest in property located in the District.

- (a) **Terms.** Each member of the Board shall serve for a term of four years except that of the members first appointed, an equal number of the members, as near as practicable, shall be appointed for 1 year, 2 years, 3 years and 4 years, respectively. A member shall hold office until the member's successor is appointed.
- (b) **Vacancies.** An appointment to fill a vacancy on the Board shall be made by the Village President for the unexpired portion of the term.
- (c) **Compensation.** Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.
- (d) **Chairperson.** The Board shall elect a chairperson.
- (e) **Oath of Office.** Before assuming the duties of office, each member shall qualify by taking and subscribing to the constitutional oath of office.
- (f) **Rules of Procedure.** The Board shall adopt rules governing its procedure and the holding of regular and special meetings, subject to the approval by the Village Council. Meetings of the Board shall be open to the public in accordance with the Michigan Open Meetings Act.
- (g) **Public Records.** The financial records of the Authority shall be open to the public in accordance with the Michigan Freedom of Information Act.
- (h) **Director.** The Board, in its discretion, may employ and fix the compensation of a Director, subject to the approval of the Village Council. The Director shall serve at the pleasure of the Board. The Director shall furnish bond in an amount prescribed by the Board. A member of the Board is not eligible to hold the position of Director.
- (i) **Treasurer.** One of the Board Members may be elected Treasurer of the Authority, or the Board may employ and fix the compensation of a Treasurer. The Treasurer shall keep the financial records of the Authority and perform other duties delegated by the Board. The Treasurer shall furnish bond in an amount prescribed by the Board.
- (j) **Secretary.** One of the Board Members may be elected Secretary of the Authority or the Board may employ and fix the compensation of a Secretary. The Secretary shall maintain custody of the records, books, documents and other papers not required to be maintained by the Treasurer. The Secretary shall attend meetings of the Board, keep a record of its proceedings and perform other duties delegated by the Board.

(k) **Legal Counsel.** The Board may retain legal counsel to advise the Board in the proper performance of its duties. The legal counsel may represent the Authority in actions brought by or against the Authority.

Sec. 5. **Fiscal Year.** The Authority shall operate on the basis of a fiscal year beginning January 1 and ending December 31.

Sec. 6. **Budget.** The Board of the Authority shall prepare and approve a budget for the operation of the Authority for the ensuing fiscal year, subject to the prior approval of the Village Council, in accordance with Section 28 of Act 197. The budget shall generally contain the types of financial information included in Village budgets.

Sec. 7. **Dissolution.** Upon completion of the purposes for which the Authority was organized, the Authority shall be dissolved by ordinance of the Village Council. The property and assets of the Authority remaining after the satisfaction of all obligations of the Authority shall belong to the Village.

Sec. 8. **Effective Date; Publication and Filing.** This Ordinance shall take effect upon (a) its publication in a local newspaper of general circulation within the Village and (b) the filing of a certified copy of the Ordinance with the Secretary of State.

EXHIBIT A

VILLAGE OF RAVENNA

DESCRIPTION OF DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT NO. 1

**ALL OF BLOCK 1 OF THE VILLAGE OF RAVENNA,
CONSISTING OF THE FOLLOWING-DESCRIBED PARCELS:**

43-725-001-0001-00 Sturtevant, Marilyn and Haddock, Thomas A.
12088 Hts Ravenna Rd
Ravenna, MI 49451

That part of Lots 1 through 5 and Lot 14, Block 1, Village of Ravenna, described as follows: Beginning at the Northwest corner of Lot 5; thence South 260 feet to Southwest corner of Lot 14; thence East 25 feet; thence North 125 feet; thence East 40 feet; thence North 135 feet; thence West 65 feet to Point of Beginning.

(Property address: 12441 Stafford Street, Map #: 43-101-001-00)

43-725-001-0002-00 Sturtevant, Marilyn and Haddock, Thomas A.
12088 Hts Ravenna Rd
Ravenna, MI 49451

That part of Lot 2 through 5, Block 1, Village of Ravenna, described as follows: Commencing at the Northwest corner of Lot 5; thence East 65 feet for Point of Beginning; thence continuing East 33 feet; thence South 50 feet; thence East 34 feet; thence South 85 feet; thence West 67 feet; thence North 135 feet to Point of Beginning.

(Property address: 12451 Stafford Street, Map #: 43-101-001-10)

43-725-001-0004-00 Stratton, Ronald and Diane
Video 1
P.O. Box 308
Ravenna, MI 49451

The North 50 feet of the East 34 feet of Lots 4 and 5, Block 1 of the Village of Ravenna.

(Property address: 12755 Stafford Street, Map #: 43-101-001-20)

43-725-001-0006-00 Fifth Third Bank
Corporate Facilities
111 Lyon Street, N.W.
Grand Rapids, MI 49503

Lots 6, 7 and 8, Block 1, except part of Lots 6 and 7 described as: Beginning at the Northwest corner of Lot 6; thence South 75 feet; thence East 30 feet; thence South 5 feet; thence East 40 feet; thence North 80 feet; thence West 70 feet to beginning. Also except the South 10 feet of Lot 8, Block 1, Village of Ravenna.

(Property address: 12401 Stafford Street, Map #: 43-101-006-00)

43-725-001-0007-00 Fifth Third Bank
Corporate Facilities
111 Lyon Street, N.W.
Grand Rapids, MI 49503

Part of Lots 6 and 7 described as: Beginning at the Northwest corner of Lot 6; thence South 75 feet; thence East 30 feet; thence South 5 feet; thence East 40 feet; thence North 80 feet; thence West 70 feet to beginning, Block 1, Village of Ravenna.

(Property address: 12351 Stafford Street, Map #: 43-101-009-50)

43-725-001-0009-00 The Missionary Society of St. Paul
Paulist General Offices
86- 11 Midland Parkway
Jamaica Estates, NY 11432

All of Lot 9 and the South 10 feet of Lot 8, Block 1, Village of Ravenna.

(Property address: 12521 Crockery Creek Drive, Map #: 43-101-009-00)

43-725-001-0010-00 Ravenna Masonic Temple Ass'n
P.O. Box 25
Ravenna, MI 49451-0025

Lot 10 and the North 32 feet of Lot 11, Block 1, Village of Ravenna.

(Property address: 12507 Crockery Creek Drive, Map #: 43-101-010-00)

43-725-001-0011-00 Alley South of Masonic Lodge
12090 Crockery Creek
Ravenna, MI 49451

The South 6 feet of Lot 11 and the North 14 feet of Lot 12, Block 1, Village of Ravenna.

(Property address: South Alley, Map #: 43-101-011-00)

43-725-001-0012-00 Kerestury Kerry
P.O. Box 54
Ravenna, MI 49451

Lot 12, except the North 14 feet thereof and the West 1/2 of Lot 15, Block 1, Village of Ravenna.

(Property address: 12491 Crockery Creek Drive, Map#: 43-101-012-00)

43-725-001-0013-00 Reed, Roger
 P.O. Box 337
 Ravenna, MI 49451

Lot 1 and Lot 2, except the Northerly 1 foot thereof; Lots 13 and 14 and the Easterly 1/2 of Lot 15, except the Westerly 25 feet of Lots 1, 2 and 14; also except the East 64 feet of Lots 1, 2, 13, 14 and 15, Block 1, Village of Ravenna.

(Property address: 3565 Main Street, Map #: 43-101-001-50)

43-725-001-0013-10 Deal, Ronald
 12045 Farr Road
 Ravenna, MI 49451

The East 64 feet of Lots 1, 2, 13, 14 and 15, except the North 1 foot more or less of Lot 2, Block 1, Village of Ravenna.

(Property address: 3567 Main Street, Map #: 43-101-001-50)

**PART OF BLOCK 2 OF THE VILLAGE OF RAVENNA,
CONSISTING OF THE FOLLOWING-DESCRIBED PARCELS:**

43-725-002-0001-00 Swanson, J. Wesley Est
 P.O. Box 211
 Ravenna, MI 49451-0211

The South 66 feet of the East 60 feet of Lot 1, Block 2, Village of Ravenna, and the South 116 feet of Lots 1 and 2, except the East 60 feet thereof; also except the West 113.2 feet thereof; also except the North 24 feet of the South 50 feet of the West 59 feet of the East 115 feet of Lot 2, Block 2, Village of Ravenna.

(Property address: 12450 Stafford Street, Map #: 43-102-001-00)

43-725-002-0001-15 Village of Ravenna
 12090 Crockery Creek
 Ravenna, MI 49451

Part of Lot 2, Block 2, described as follows: Commencing at the Southeast corner of Lot 2; thence North 26 feet for Point of Beginning; thence West 154.33 feet; thence North 24 feet; thence East 18.33 feet; thence North 115 feet; thence East 21 feet; thence South 95 feet; thence East 59 feet; thence South 10 feet; thence East 56 feet; thence South 34 feet to Point of Beginning, except the East 56 feet of the North 24 feet of the South 60 feet of Lot 2, Block 2, Village of Ravenna.

(Map #: 43-102-001-15)

43-725-002-0001-20 Dr. Land LLC
10070 Wilson
Coopersville, MI 49404

The East 24 feet of the West 113.2 feet of the South 222.7 feet of Lots 1 and 2, except the West 6 feet 5.6 inches of the South 116 feet thereof; also except the West 21 feet of the East 136 feet of the North 139 feet thereof, Block 2, Village of Ravenna.

(Property address: 12438 Stafford Street, Map #: 43-102-001-20)

43-725-002-0001-30 Jacobs, Stanley C.
P.O. Box 158
Ravenna, MI 49451-0158

The East 18 feet 4 inches of the West 95 feet 8 inches of the South 116 feet of Lots 1 and 2, Block 2, except the North 24 feet of the South 50 feet of the East 18 feet 4 inches of the West 95 feet 8 inches, Lot 2, Block 2, Village of Ravenna.

(Property address: 12434 Stafford Street, Map #: 43-102-001-30)

43-725-002-0001-40 Piccione, Joe and Joann
2454 Basswood
Jenison, MI 49428

The East 32 feet 4 inches of the West 77 feet 4 inches of the South 115 feet of Lots 1 and 2, Block 2, Village of Ravenna.

(Property address: 12430 Stafford Street, Map #: 43-102-001-40)

43-725-002-0002-00 Westbrook, Dena
3343 Blackmer
Ravenna, MI 49451

The West 88 feet of the North 106.7 feet of Lot 2 and the West 45 feet of the South 116 feet of Lots 1 and 2, Block 2, Village of Ravenna.

(Map #: 43-102-002-00)

43-725-002-0002-10 Annis, William P. Jr. and Lisa L.
12055 Pleasant Place
Ravenna, MI 49451

That part of Lots 1 and 2, Block 2, Village of Ravenna, described as: Beginning at the Southeast corner of Lot 1; thence West 79.95 feet; thence North 90.35 feet; thence East 24.81 feet; thence North 1E07'50" East 24 feet; thence East 56 feet; thence South 1E06'50" West 114.42 feet to Point of Beginning.

(Property address: 12450 Stafford Street, Map #: 43-102-002-10)

43-725-002-0002-30 Herman, George K. Trust
11826 Hts Ravenna Rd.
Ravenna, MI 49451

The North 115 feet of the East 115 feet of Lot 2, except the South 10 feet of the East 56 feet thereof; and the South 31.5 feet of the East 135.5 feet of Lot 3, Block 2, except the West 59 feet of the East 115 feet of the North 10 feet of the South 70 feet thereof; and the South 31.5 feet of the East 135.5 feet of Lot 3, Block 2, Village of Ravenna.

(Property address: 3485 Main Street, Map #: 43-102-002-30)

43-725-002-0003-00 Ravenna Chevy/Buick/Geo
3475 Main Street
Ravenna, MI 49451

The North 51 feet of Lot 3, Block 2 and the West 95.5 feet of the South 31.5 feet of Lot 3, Block 2, Village of Ravenna.

(Property address: 3475 Main Street, Map #: 43-102-003-00)

43-725-002-0004-00 Kober, Wayne
P.O. Box 12
Ravenna, MI 49451-0012

Lots 4 and 5, Block 2 and 6 feet off the South side of Lot 6, Block 2, Village of Ravenna.

(Property address: 3465 Main Street, Map #: 43-102-004-00)

43-725-002-0006-00 Goodrich, Agnes
P.O. Box 56
Ravenna, MI 49451-0056

Beginning at the Northeast corner of Lot 6, Block 2; thence South 160 feet; thence West to the West line of said lot; thence North to the Northwest corner of said lot

160 feet; thence East along the North line to beginning; also part of Lots 8 and 11, Block 2, described as follows: Beginning at the Northwest corner of Lot 6, Block 2; thence South 165 feet; thence West 132 feet; thence North 84 feet; thence East 79 feet; thence North 81 feet; thence East 53 feet to beginning, Block 2, Village of Ravenna.

(Property address: 3431 Main Street, Map #: 43-102-006-00)

43-725-002-0007-00 Stein, William and Kathy
P.O. Box 123
Ravenna, MI 49451-0123

Lot 7, except the West 47 feet of Lot 7, Block 2, Village of Ravenna.

(Property address: 3415 Main Street, Map #: 43-102-007-00)

43-725-002-0009-00 Village of Ravenna
12090 Crockery Creek
Ravenna, MI 49451

The North 177 feet of Lot 9, Block 2, and that part of Lot 9, described as follows: Beginning at the Southeast corner of Lot 9; thence West 32 feet; thence North 75 feet; thence West 4 feet; thence North 25 feet; thence West 24 feet; thence North 20 feet; thence East 60 feet; thence South 120 feet to Point of Beginning, Block 2, Village of Ravenna.

(Map #: 43-102-009-00)

43-725-002-0009-10 Westbrook, Dena
12416 Stafford Street
Ravenna, MI 49451

Commencing at the Southeast corner of Lot 9; thence West 32 feet for point of beginning; thence continuing West 28 feet; thence North 100 feet; thence East 24 feet; thence South 25 feet; thence East 4 feet; thence South 75 feet to point of beginning, Block 2, Village of Ravenna.

(Property address: 12416 Stafford Street, Map #: 43-102-009-10)

43-725-002-0009-20 Douglas, Robert and Cindy
P.O. Box 307
Ravenna, MI 49451-0307

The East 37 feet of the West 72 feet of the South 120 feet of Lot 9, Block 2, Village of Ravenna.

(Property address: 12412 Stafford Street, Map #: 43-102-009-20)

43-725-002-0009-30 Geib, Steven
884 S. Behler Road
Ravenna, MI 49451

Lot 9, Block 2, except the East 97 feet of the South 120 feet thereof; also except beginning at the Northeast corner of said Lot 9, running thence West to the Northwest corner of said Lot 9; thence South 177 feet; thence East to the East line of said Lot 9; thence North to place of beginning, Lot 9, Block 2, Village of Ravenna.

(Property address: 12406 Stafford Street, Map #: 43-102-009-30)

43-725-002-0010-00 Ely, Margaret
9861 Powerline Road
Ravenna, MI 49451

Part of Lot 10, Block 2, described as: Beginning 6 rods East of the Southwest corner of Lot 10; thence North 8 rods; thence East 19 feet; North 1 rod; thence East to the East line of Lot 10; thence South to Stafford Street; thence West 43 feet to beginning, Block 2, Village of Ravenna.

(Property address: 12404 Stafford Street, Map #: 43-102-010-00)

43-725-002-0010-10 Ely, Margaret
9861 Powerline Rd.
Ravenna, MI 49451

The East 33 feet of the West 99 feet of the South 132 feet of Lot 10, Block 2, Village of Ravenna.

(Property address: 12396 Stafford Street, Map #: 43-102-010-10)

43-725-002-0010-30 Maki, Clinton and Joanne
12392 Stafford Street, P.O. Box 146
Ravenna, MI 49451

The East 28.5 feet of the West 66 feet of the South 55 feet of Lot 10, Block 2, Village of Ravenna.

(Property address: 12392 Stafford Street, Map #: 43-102-010-30)

43-725-002-0010-40 Van Oeffelen, Robert and Marie
P.O. Box 21
Ravenna, MI 49451-0021

Beginning at the Southwest corner of Lot 10 of original plat of Village of Ravenna; thence East 37.5 feet; thence North 55 feet; thence East 28.5 feet; thence North 77 feet; thence East 51 feet; thence North 1 rod; thence East to a point 20 feet West of

the East side of Lot 10; thence North 92.5 feet; thence West to the West line of Lot 10; thence South to point of beginning, Block 2, Village of Ravenna.

(Property address: 12388 Stafford Street, Map #: 43-102-010-40)

**PART OF BLOCKS 2 AND 3 OF THE VILLAGE OF RAVENNA,
CONSISTING OF THE FOLLOWING-DESCRIBED PARCELS:**

43-725-003-0001-00 Ravenna Elementary School
Ravenna, MI 49451

Lot 1, the East 5 rods of Lot 2 and Lot 8, except the South 250 feet thereof, all in Block 3 and also Lot 11 except the East 5 rods thereof and Lot 12 of Block 2, Village of Ravenna.

(Map #: 43-103-001-00)

43-725-003-0004-00 Ravenna Public Schools
Ravenna, MI 49451

Lot 4 and the North 9 rods of Lots 5 and 6, Block 3, Village of Ravenna.

(Map #: 43-103-004-00)

Ravenna Public Schools
Ravenna, MI 49451

Lots 5 and 6, Block 3, Village of Ravenna.

43-725-003-0007-00 Methodist Episcopal Church

Lot 7, Block 3, Village of Ravenna.

(Property address: 12438 Stafford Street, Map #: 43-103-007-00)

43-725-003-0008-00 Cameron Craig, D.D.S.
P.O. Box 204
Ravenna, MI 49451

The South 250 feet of Lot 8, Block 3, Village of Ravenna.

(Property address: 12374 Stafford Street, Map #: 43-103-008-00)

**PART OF BLOCK 4 OF THE VILLAGE OF RAVENNA,
CONSISTING OF THE FOLLOWING-DESCRIBED PARCELS:**

43-725-004-0001-00 Emro Marketing Co.
Property Tax
539 S. Main Street
Findlay, OH 45840

The East 216.55 feet of Lot 1, Block 4, except the West 30.55 feet of the South 264 feet thereof, Village of Ravenna.

(Property address: 3385 Main Street, Map #: 43-104-002-20)

43-002-400-0018-00 Ring, William H. and Barbara L.
1460 Kinney Avenue N.W.
Grand Rapids, MI 49504

Part of Section 2, T9N, R14W, commencing on the centerline of Main Street at a point which is 447.94 feet North of the South line of Section 2; thence East 263 feet to point of beginning of this description; thence North 195.56 feet; thence East 182 feet; thence South 195.56 feet; thence West 182 feet to point of beginning of this description, except therefrom part of the Southwest 1/4 of the Southeast 1/4 of said section, described as beginning on the centerline of Main Street at a point which is 93 feet North of the South line of said Section 2; thence North along the centerline of Main Street 550.50 feet; thence East 263.5 feet for the point of beginning; thence South 195.56 feet; thence East 38 feet; thence North 195.56 feet; thence West 38 feet to point of beginning. Also, that part of the Southwest 1/4 of the Southeast 1/4 of Section 2, described as beginning on the centerline of Main Street at a point which is 93 feet North of the South line said Section 2; thence North along the centerline of Main Street 550.50 feet; thence East 301.50 feet; thence South 195.56 feet; thence East 49 feet for the point of beginning; thence South 74 feet; thence East 95 feet; thence North 74 feet; thence West 95 feet to the point of beginning, Village of Ravenna.

(Property address: 3340 Main Street, Map #: 43-002-022-00)

43-002-400-0019-00 RPI Real Estate LLC
4010 S Conklin
Ravenna, MI 49451-0215

Beginning 643.5 feet North of the intersection of Main and Muskegon Streets; thence East 263.5 feet; thence South 195.56 feet; thence East 182 feet; thence South 354.94 feet; thence West 445.5 feet; thence North 550.12 feet to point of beginning, Section 2, T9N, R14W, Village of Ravenna. Also, that part of the South 1/2 of the Southeast 1/4 of Section 2, described as follows: Beginning 2 rods North of the intersection of Main and Muskegon Streets; thence North 60 feet; thence East 445 1/2 feet; thence South 60 feet; thence West 445 1/2 feet to point of beginning, except the following

described parcel: Beginning on the centerline of Main Street at a point which is 93 feet North of the South line of said Section 2; thence North along the centerline of Main Street 550.50 feet; thence East 301.50 feet; thence South 195.56 feet; thence East 49 feet for point of beginning; thence South 74 feet; thence East 95 feet; thence North 74 feet; thence West 95 feet to point of beginning, Village of Ravenna.

(Property address: 3350 Main Street, Map #: 43-002-021-00)

**LOTS 1 AND 2 OF BLOCK 5 OF THE VILLAGE OF RAVENNA
CONSISTING OF THE FOLLOWING-DESCRIBED PARCELS:**

43-725-005-0001-00 Bennett, Owen and Susan
3414 Main Street
Ravenna, MI 49451

Lot 1 of Block 5, except the South 50 feet thereof, Village of Ravenna.

(Property address: 3414 Main Street, Map #: 43-105-001-00)

43-725-005-0001-50 Buway, Michael and Roberta
3434 Main Street
Ravenna, MI 49451

The South 50 feet of Lot 1, Block 5, Village of Ravenna.

(Property address: Alley Main Street, Map #: 43-105-001-50)

43-725-005-0002-00 Buway, Michael and Roberta
3434 Main Street
Ravenna, MI 49451

Lot 2, Block 5, Village of Ravenna.

(Property address: 3424 Main Street, Map #: 43-105-002-00)

**PART OF BLOCK 6 OF THE VILLAGE OF RAVENNA,
CONSISTING OF THE FOLLOWING-DESCRIBED PARCELS:**

43-725-006-0001-00 Buway, Roberta
3462 Main Street
Ravenna, MI 49451

Part of Lot 1, Block 6, described as: Beginning at the Northwest corner of Lot 1; thence East 10 rods; thence South 6 rods; thence West 10 rods; thence North 6 rods to beginning. Also, the East 28 feet of the West 193 feet of the North 99 feet of said Lot 1, Block 6, Village of Ravenna.

(Property address: 3462 Main Street, Map #: 43-106-001-00)

43-725-006-0001-50 LaFrance Michael and Beth
3474 Main Street
Ravenna, MI 49451

Part of Lot 1, Block 6, described as: Beginning at the Southwest corner of Lot 1; thence East 193 feet; thence North 65 feet; thence West 193 feet; thence South 65 feet to point of beginning, Block 6, Village of Ravenna.

(Property address: 3474 Main Street, Map #: 43-106-001-50)

43-725-006-0002-00 Portenga, Donna
P.O. Box 196
Ravenna, MI 49451

Lots 2 and 3, except the South 96 feet of Lot 3, Block 6, Village of Ravenna.

(Property address: 3492 Main Street, Map #: 43-106-002-00)

43-725-006-0004-00 Herman, George K. Trust
11826 Hts. Ravenna Rd.
Ravenna, MI 49451

The South 96 feet of Lot 3 and Lots 4, 9, 10, 11 and 12, Block 6, Village of Ravenna.

(Property address: 3524 Main Street, Map #: 43-106-003-00)

43-725-006-0005-00 Meyers, Carl and Phoebe
3181 Blackmer Rd.
Ravenna, MI 49451

Lot 6, except the South 40 feet thereof, and Lot 5, Block 6, Village of Ravenna.

(Property address: 3562 Main Street, Map #: 43-106-006-00)

43-725-006-0007-00 Place, Glenn and Claudia
1300 Algoma Highlands Dr., N.E.
Sparta, MI 49345-8354

Lots 7 and 8 and the South 40 feet of Lot 6, Block 6, Village of Ravenna.

(Property address: 3550 Main Street, Map #: 43-106-007-00)

**PART OF BLOCK 11 OF THE VILLAGE OF RAVENNA,
CONSISTING OF THE FOLLOWING-DESCRIBED PARCELS:**

43-725-011-0001-00 Oosterhouse, Jan and Patricia A.
7090 64th Avenue
Hudsonville, MI 49426

The North 126 feet of Lot 1, Block 11, Village of Ravenna.

(Property address: 12395 Stafford Street, Map #: 43-111-001-00)

43-725-011-0001-10 Beechnau, Timothy L.
P.O. Box 179 Crockery
Ravenna, MI 49451

The South 50 feet of the North 176 feet of the West 99 feet of Lot 1, Block 11,
Village of Ravenna.

(Property address: 12520 Crockery Creek Drive, Map #: 43-111-001-10)

43-725-011-0002-00 Skite Enterprises LLC
12244 Crockery Creek Drive
Ravenna, MI 49451

Part of Block 11, described as: Beginning 176 feet South of the Northwest corner of
Lot 5 of Block 11; thence North 89E41' East 360.38 feet; thence South along the
West line of James Street 240.12 feet; thence South 60E03' West along the North
line of Methany Street 358.46 feet; thence North 10E44' 22" West 143.73 feet;
thence South 89E41' West 23 feet; thence North along the West line of Lots 5 and 6;
thence 276 feet to point of beginning, Village of Ravenna.

(Property address: 12244 Crockery Creek Drive, Map #: 43-111-002-00)

43-725-011-0004-00 Linck, S.J. Jr.
P.O. Box 159
Ravenna, MI 49451

The North 176 feet of Lots 4 and 5, Block 11, Village of Ravenna.

(Property address: 12379 Stafford Street, Map #: 43-111-004-00)

43-725-011-0006-50 Averill, Penny
12412 Crockery Creek
Ravenna, MI 49451

Part of Lots 9, 10, 11 and 12, described as: Beginning at the Southeast corner of Lot
12; thence Southwesterly along the Northerly line of Adams Street 65 feet; thence

Northwesterly 132 feet to a point 78 feet West of the East line of Lot 11; thence North to the North line of Lot 9; thence East 78 feet; thence South to beginning, except the West 3 feet of the East 78 feet of Lots 9, 10 and 11; also Lot 6, except the North 178 feet thereof and also except a parcel beginning at a point on the North line of Adams Street 65 feet Northeasterly of the Southwest corner of Lot 6; thence Northwest to a point 163 feet North and 23 feet East of the Southwest corner of Lot 6; thence West 23 feet; thence North to a point 178 feet South of the Northwest corner of Lot 6; thence East to the East line of Lot 6; thence South to Adams Street; thence Southwesterly along Adams Street to place of beginning, Block 11, Village of Ravenna.

(Property address: 12412 Crockery Creek Drive, Map #: 43-111-006-50)

43-725-011-0007-00 Throop, Clark and wife
3580 Thomas Street
Ravenna, MI 49451

Lot 7, except the South 100 feet thereof, Block 11, Village of Ravenna.

(Property address: 12335 Stafford Street, Map #: 43-111-007-00)

43-725-011-0007-50 CTLT LLC
214 Church Street
Coopersville, MI 49404

The South 100 feet of Lot 7, Block 11, Village of Ravenna.

(Property address: 12205 Stafford Street, Map #: 43-111-007-50)

43-725-011-0008-00 Peterson, Michael T. and Laura E.
12311 Stafford Street
Ravenna, MI 49451

The West 1/2 of Lot 8, except the South 100 feet thereof, Block 11, Village of Ravenna.

(Property address: 12311 Stafford Street, Map #: 43-111-008-00)

43-725-011-0008-10 Throop, Clark and wife
3580 Thomas Street
Ravenna, MI 49451

The East 66 feet of Lot 8, except the South 100 feet thereof, Block 11, Village of Ravenna.

(Property address: 12321 Stafford Street, Map #: 43-111-008-10)

43-725-011-0008-20 CTLT LLC
214 Church Street
Coopersville, MI 49404

The South 100 feet of Lot 8, Block 11, Village of Ravenna.

(Property address: 3570 Thomas Street, Map #: 43-111-008-20)

43-725-011-0009-00 State of Michigan
Lands Division
Lansing, MI 48909

The East 9 feet of that part of Lots 9, 10 and 11, described as: Beginning at the Northwest corner of Lot 9; thence East 189 feet; thence South 304 feet; thence West 189 feet; thence North 304 feet to beginning, Block 11, Village of Ravenna.

(Map #: 43-111-009-00)

43-725-011-0009-10 Throop, H. L. and wife
214 Church Street
Coopersville, MI 49404

The North 154 feet of the West 180 feet of Lots 9 and 10, Block 11, Village of Ravenna.

(Property address: 3580 Thomas Street, Map #: 43-111-009-10)

43-725-011-0009-20 Bailey, Travis and Kathleen
3604 Thomas Street
Ravenna, MI 49451

The South 150 feet of part of Lots 9, 10 and 11, described as: Beginning at the Northwest corner of Lot 9; thence East 180 feet; thence South 304 feet; thence West 180 feet; thence North to place of beginning, Block 11, Village of Ravenna.

(Property address: 3604 Thomas Street, Map#: 43-111-009-20)

**PART OF BLOCK 16 OF THE VILLAGE OF RAVENNA,
CONSISTING OF THE FOLLOWING-DESCRIBED PARCEL:**

43-725-016-0001-00 American Engineering
318 Apple Ave.
Muskegon, MI 49442

Lots 1 and 2 and the North 1/2 of Lot 3, Block 16, except commencing at the Southwest corner of Lot 12, Block 11; thence Southeast at right angle to Southeasterly line of Adams Street; thence Southwest along right-of-way 30 feet for point of beginning; thence Southeasterly at right angle to Adams Street 429 feet more

or less to Crockery Creek to the point of beginning; thence Southwesterly along right-of-way 90 feet; thence Southeasterly at right angle 135 feet; thence Northeasterly at right angle 50 feet; thence Southeasterly at right angle 262 feet more or less to Crockery Creek; thence Northeasterly along said Creek 78.43 feet more or less to a point for ending, Block 16, Village of Ravenna.

(Property address: 12363 Crockery Creek Drive, Map #: 43-116-001-00)

PART 88

ORDINANCE NO. 146

**AN ORDINANCE TO APPROVE THE FIRST AMENDMENT TO THE
TAX INCREMENT FINANCING PLAN AND DEVELOPMENT PLAN OF
THE VILLAGE OF RAVENNA DOWNTOWN DEVELOPMENT AUTHORITY**

Adopted June 29, 2017

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Approval of First Amendment and Finding of Public Purpose.** In accordance with Act 197, the Village Council finds that the First Amendment, as proposed, constitutes a public purpose and will be a benefit to the Village and its residents, and accordingly, the Board hereby approves the First Amendment.

Sec. 2. **Findings in Accordance with Act 197.** In approving the First Amendment, the Village Council makes the following additional findings, in accordance with Section 19 of Act 197:

- (a) The First Amendment meets the requirements set forth in Section 17(2) of Act 197.
- (b) The proposed method of financing the activities, projects and improvements proposed in the First Amendment is feasible, and the Authority has the ability to arrange the financing.
- (c) The activities, projects and improvements proposed in the First Amendment are reasonable and necessary to carry out the purposes of Act 197.
- (d) Any acquisition of land within the Development Area by the Authority, if accomplished in accordance with the First Amendment, would be reasonably necessary to carry out the purposes of the First Amendment and of Act 197 in an efficient and economically satisfactory manner.
- (e) The activities, projects and improvements proposed in the First Amendment are in accord with the Village's Master Plan.
- (f) Public services will be adequate to service the Development Area.
- (g) Any changes in zoning, streets, street levels, intersections and utilities proposed in the First Amendment are reasonably necessary for the project and for the Village.

Sec. 3. **Transmission of Tax Increment Revenues to the Authority.** The Village Clerk is hereby authorized and directed to provide to the County Treasurer copies of all information necessary to enable the Village, Township and County Treasurers to transmit tax increment revenues to the Authority in accordance with Section 15 of Act 197.

Sec. 4. **Severability.** In the event that any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other articles, sections or provisions of this Ordinance, except so far as the article, section or portion so declared invalid shall be inseparable from the remainder of any portion thereof.

Sec. 5. **Publication; Effective Date.** This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

(Effective: July 20, 2017)

ORDINANCE NO. 123

**AN ORDINANCE TO ADOPT A TAX INCREMENT FINANCING
PLAN AND DEVELOPMENT PLAN FOR THE VILLAGE OF RAVENNA
DOWNTOWN DEVELOPMENT AUTHORITY**

Adopted May 4, 2004

NOW, THEREFORE, THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Adoption of Plans and Finding of Public Purpose.** In accordance with Act 197, the Village Council hereby finds that the Development Plan and Tax Increment Financing Plan, as proposed, constitute a public purpose and will be a benefit to the Village and its residents. It thereby approves the plans, and the provisions thereof, as attached to this Ordinance.

Sec. 2. **Other Findings.** The Village Council makes the following additional findings:

- (a) The proposed plans meet the requirements of Act 197 as set forth in Section 17 of Act 197.
- (b) The Development Plan is reasonable and necessary to carry out the purposes of the Act.
- (c) The Development Plan is in reasonable accord with the Master Plan of the Village.
- (d) Public services will be adequate to service the project area.
- (e) Changes in zoning, streets, street levels, intersections and utilities are exempt, to the extent such are planned, are reasonably necessary for the project and for the Village.
- (f) The attached plans meet all requirements of Act 197.

Sec. 3. **Notification of County.** The Village Clerk is hereby authorized to provide copies of all necessary information to the County Treasurer so that the Village and County Treasurers are able to transmit to the Downtown Development Authority all tax increment revenues.

Sec. 4. **Effective Date.** This Ordinance shall be effective immediately upon its publication, or publication of a summary thereof, in a newspaper of general circulation within the Village.

PART 89

ORDINANCE NO. 141

**ORDINANCE TO AUTHORIZE AND APPROVE
OIL AND GAS LEASE**

WHEREAS, the Village of Ravenna has received a proposal to grant an Oil and Gas Lease to Western Land Services covering the following-described property (the “Property”):

The West 1/4 of the SW 1/4 of the NE 1/4 of Section 14, T9N, R14W, EXCEPT the South 20 feet of the North 220 feet of the West 335 feet of the SW 1/4 of the NE 1/4 of said Section 14; AND the NW 1/4 of the NE 1/4 of Section 14, T9N, R14W, EXCEPT the North 20 Acres thereof; AND the SE 1/4 of the NE 1/4 of Section 14, T9N, R14W, EXCEPT the SE 1/4 thereof; AND the East 3/4 of the SW 1/4 of the NE 1/4 of Section 14, T9N, R14W and the South 20 feet of the North 220 feet of the West 335 feet of the SW 1/4 of the NE 1/4 of Section 14, T9N, R14W, Ravenna Township; AND the West 316.5 feet of the East 660 feet of the North 20 feet of that part of the NE 1/4 of the SE 1/4 lying South of & adjacent to RR right of way and the W 112 of the E 1/2 of the SE 1/4 , except the S 1/8 thereof, also except the South 650 feet of the North 683 feet of the W 1/2 of the SE 1/4, also except flowage rights, Section 10, T9N, R14W Ravenna Township; AND Lot 13, the South 14.52 feet of Lot 14, and the East Half of Lot 15, said Lots all being in Block 1 of the Plat of the Village of Ravenna as recorded in Liber 1, Page 18 of Plats, Muskegon County Records.

WHEREAS, the Village of Ravenna intends to grant such an oil and gas lease to Western Land Services, Inc. on terms contained in the attached Oil and Gas Lease; and

WHEREAS, the Village Council has reviewed the proposed Oil and Gas Lease and has determined that the proposed lease would be a public benefit to the Village, and that the property is not needed for public purposes.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. On behalf of the Village, the Village President and Village Clerk are hereby authorized, with the assistance of the Village Attorney, to enter into an Oil and Gas Lease based on the terms and provisions of the Oil and Gas Lease attached hereto, as to certain Village owned lands,

and to complete and execute such other documents as may be necessary to consummate this Oil and Gas Lease transaction.

2. The Village President and Village Clerk are hereby authorized to make minor changes to the transaction if such changes do not alter the basic terms of the transaction and if they are generally consistent with the terms of this ordinance.

3. **Publication; Effective Date.** This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

PARTS 90-94

(Reserved)

PART 95

95.000

GARBAGE AND RUBBISH

Ord. No. 23

Adopted: September 24, 1974

An ordinance to provide for the regulation of the collection and disposal of garbage and rubbish in the Village of Ravenna and to provide fees for the collection thereof.

THE PEOPLE OF THE VILLAGE OF RAVENNA DO ORDAIN:

95.001 Definitions.

Sec. 1. In the interpretation of this Ordinance, the following definitions shall apply:

- (a) **“Garbage”** shall mean animal and vegetable waste resulting from handling, preparation, cooking and consumption of foods and all other organic waste matter subject to rapid decomposition including windfall fruit.
- (b) **“Rubbish”** shall be deemed to include tin and glass food containers, waste paper, cardboard, wood crates and boxes, yard wastes, grass clippings, leaves, ashes, dirt and other mineral refuse, combustible materials.
- (c) **“Approved incinerator”** and **“approved garbage grinder”** shall mean incinerators and garbage grinders respectively, which conform in all respects to the requirements of all state, county and village requirements.
- (d) **“Residential unit”** shall mean a dwelling unit occupied by one or more persons in the village, and so designed and arranged as to provide cooking, kitchen and sanitary accommodations.
- (e) **“Commercial or industrial buildings”** shall mean any building or structure used and occupied solely for commercial or industrial purposes excluding buildings containing more than one residential unit constructed for the purpose, sale or lease of the same.
- (f) **“Regulations”** shall mean the published rules and regulations concerning the collection and disposal of garbage and refuse as adopted by the Village Council.

95.002 Collection schedule.

Sec. 2. The Village Council shall establish a schedule for the collection of garbage and rubbish throughout the Village and shall engage or provide the proper labor and equipment for carrying out such schedule. The Council may provide in the regulations for the periodic collection of certain bulk items and for the separate collection of discarded newspapers or other specific materials. Garbage and

rubbish collection services will not be offered to commercial or industrial buildings or developments. Removal of garbage and rubbish from residential units shall be in accordance with the provisions of Section 4 of this Ordinance.

95.003

Storage of garbage and rubbish and container requirements.

Sec. 3. The occupants of any premises within the Village, in which any garbage or rubbish shall be accumulated which is not disposed of by an approved incinerator or approved garbage grinder, shall maintain on said premises, one or more refuse containers, each having a capacity of not more than thirty (30) gallons, and the number of containers kept on each premises shall be sufficient to conveniently store the normal accumulation of garbage and rubbish on said premises over a period of not less than seven (7) days. Such containers shall be constructed of rigid metal or plastic with tightly fitting covers which are rodent proof and shall be kept tightly covered except when opened for the deposit or removal of garbage and rubbish. Any garbage or rubbish being stored on any premises between collections must be stored in rigid containers provided that:

- (a) Grass clippings, leaves, other yard wastes or ashes may be stored in plastic bags not exceeding thirty (30) gallons in size and seventy five (75 lbs.) pounds in weight.
- (b) Storage and collection of rubbish and garbage in packages other than rigid containers or plastic bags is permitted provided that the garbage or rubbish is packaged securely in packages not exceeding four (4') feet in length and not more than seventy five (75 lbs.) pounds in weight. Bulk items will be collected provided that the length and weight restrictions contained herein are satisfied.
- (c) Christmas trees need not be placed in any container.

Rigid containers for storage of garbage and rubbish shall be placed at the rear or side of buildings at a place which is reasonably inconspicuous and away from streets and places occupied by other persons until set out for collection as required in Section 4 hereof.

95.004

Place of collection.

Sec. 4. All garbage and rubbish collection from residential units shall be placed at the edge of a through alley to the rear of the residence or where there is no alley, in the parkway near the curb in front of the residence for collection. Such bags and containers shall be placed at that location prior to 6:00 a.m. on the day scheduled for collection, but in no case shall any be placed out for collection at the curb or edge of the alley before 7:00 p.m. of the day preceding the scheduled collection day. Until such time as said containers or bags are placed in the proper location for collection, they shall be stored in the manner provided in Section 3 hereof.

95.005 Littering and accumulation.

Sec. 5. No person shall throw or deposit any garbage or rubbish upon or into any street, alley or other property, public or private. It shall be the duty of every occupant of property and of every owner of unoccupied property at all times to maintain the premises occupied or owned by him in a clean and orderly condition, permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as specified in this Ordinance.

95.006 Disposition of garbage and rubbish.

Sec. 6. No person shall dispose of any garbage or rubbish within the Village other than by the means of an approved incinerator, approved garbage grinder, the Village collection service, or in the case of commercial or industrial buildings or developments, a private or public refuse collector duly licensed or approved by the county. No person shall allow the accumulation of any garbage or rubbish on any premises within the Village for a period of more than seven (7) days. Any person may dispose of his own rubbish, if permitted by the Council, by transporting the same to an approved landfill site, but only in accordance with the rules and regulations pertaining thereto.

No person transporting any rubbish in accordance with this section shall fail to tightly cover and secure the load so that no part of said load shall be lost while being transported.

95.007 Rate schedule.

Sec. 7. The fee for the garbage and rubbish collection within the Village shall be collected by the Village and shall be as follows:

\$3.80 per month per residential unit. In the case of apartment buildings, the owner or owners thereof shall be responsible for payment of service to each residential unit therein at the rate per unit specified in this section.

(Amended: Ord. No. 54, 10-6-81)

95.008 Enforcement.

Sec. 8. Charges for the collection of garbage and rubbish service within the Village shall be a lien upon the premises served, and during July of each year the person or agency of the Village charged with the collection of said account shall certify any such charges which, as of July 1 of that year, have been delinquent six (6) months or more to the Village Assessor who shall enter the same upon the Village tax roll of that year against the premises to which such service shall have been rendered, and said charges shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll: Garbage and rubbish collection charges delinquent for thirty (30) days or more shall bear

interest at the rate of six (6%) percent per annum from the date of the invoice until paid in full.

95.009 Penalty.

Sec. 9. Any person or persons who violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of up to Five Hundred (\$500.00) Dollars or to imprisonment for a term of up to ninety (90) days or shall be subject to both fine and imprisonment. Each act or violation and every day upon which any violation shall occur shall constitute a separate offense.

95.010 Severability.

Sec. 10. It is the legislative intent of the Village Council in adopting this Ordinance that all provisions and sections of this Ordinance be literally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Village of Ravenna and should any provision or section of this Ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining sections or provisions, it being the intent that this Ordinance shall stand, notwithstanding the invalidity of any provision or section thereof.

The provisions of this section shall apply to the amendment of any section of this Ordinance whether or not the wording of this section is set forth.

PART 96

ORDINANCE NO. 95

INOPERABLE VEHICLES

Adopted June 5, 2001

AN ORDINANCE TO REGULATE THE OUTDOOR STORAGE OF DISMANTLED, PARTIALLY DISMANTLED, DISABLED, OR INOPERABLE MOTOR VEHICLES, MACHINERY, AND EQUIPMENT, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Definitions.** The following words and phrases in this Ordinance are defined as stated in this section.

- (a) **“Motor vehicles”** are defined as any wheeled vehicles which are or are intended to be operable as self-propelled vehicles.
- (b) **“Inoperable motor vehicles”** are defined as motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power or are unsafe for operation on the streets and highways of the state because they do not comply with the State Motor Vehicle Code.
- (c) **“Dismantled and partially dismantled motor vehicles”** are defined as motor vehicles from which some component has been removed or is missing.
- (d) **“Disabled motor vehicle”** is defined as a motor vehicle which is dismantled, in whole or in part, or which is mechanically unable to operate as a result of a defect, malfunction, or state of disrepair. For the purpose of this Ordinance, the term also includes any vehicle which is not currently licensed, or for which the motor vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets, alleys, or highways under the provisions of the State Motor Vehicle Code; provided, however, that the term does not include any of the following:
 - (1) A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased, or consigned to a duly licensed new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for the purpose of sale or delivery; and
 - (2) A motor vehicle which is stored on the premises of a duly licensed auto repair shop, provided that the auto repair shop has all licenses or registrations required by the State of Michigan and all zoning approvals required by the Village of Ravenna; provided, further, that

all vehicles stored on the premises of the auto repair shop must be stored either entirely within a building or a completely enclosed area with fences not less than seven (7) feet in height, and so that any disabled motor vehicle cannot be seen from any public right of way or from any adjacent building.

- (e) **“Inoperable machinery and equipment”** is defined as any item or piece of machinery or equipment which by reason or dismantling, disrepair, or other cause is incapable of functioning or being operated as it was intended to function or be operated.
- (f) **“Dismantled or partially dismantled machinery and equipment”** is defined as machinery and equipment from which some part or parts which are ordinarily a component of such machinery or equipment have been removed or are missing.

Sec. 2. **Storage or Parking Prohibited on Streets.** Inoperable, dismantled, partially dismantled or disabled motor vehicles, equipment or machinery, or any parts thereof, shall not be stored or parked on any public right of way of any street, alley, highway or other public way in the Village, except that disabled motor vehicles may be parked in such locations for a period of not more than forty-eight (48) hours immediately after the vehicle first becomes a disabled motor vehicle within the meaning of this Ordinance.

Sec. 3. **Storage or Parking Prohibited in Any Yards.** Inoperable, dismantled, partially dismantled or disabled motor vehicles, equipment or machinery, or any parts thereof, are prohibited from being stored for any length of time in the front, side or rear yard of any parcel of land in the Village. All such items or parts thereof shall be stored entirely within an enclosed garage or other enclosing structure, unless otherwise permitted under the terms of the Village Zoning Ordinance.

Sec. 4. **Penalties.** A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$100 for the first offense and not less than \$250 nor more than \$500 for a subsequent offense, in the discretion of the court, and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of this Ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was determined to be responsible. Each day that such violation occurs shall constitute a separate offense.

Sec. 5. **Severability.** Should any portion of this Ordinance be declared invalid, the remaining portions hereof shall nevertheless remain in full force and effect.

Sec. 6. **Non-Exclusivity.** The prohibitions and penalties provided for in this Ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by any other Village Ordinance or other applicable law or regulation.

Sec. 7. **Repeal.** Village of Ravenna Ordinance No. 39 titled “Inoperable Vehicles, Machinery, Equipment; Outdoor Storage,” is hereby repealed, as of the effective date of this Ordinance.

Sec. 8. **Publication/Effective Date.** This Ordinance shall take effect 30 days after its publication or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

PART 97

97.000

NUISANCES; JUNK¹
Ord. No. 40
Adopted: December 5, 1978

A regulation to protect the public health and safety respecting nuisances, sources of filth and cause of sickness and further respecting articles which are capable of containing or conveying infection or contagion, or of creating sickness, and to provide for penalties for the violation thereof.

THE PEOPLE OF THE VILLAGE OF RAVENNA DO ORDAIN:

97.001

Drainage of water, liquid, or polluted substance.

Sec. 1. No person, firm or corporation shall drain or cause to be drained any water, liquid, sewage or polluted substance from any sink, septic tank or any other thing, onto the surface of any land or into any open ditch, creek, or stream, or into any pipe or conduit which directly or indirectly empties or deposits any such substance onto the surface of any land or into any open ditch, creek or stream. Not only shall such person, firm or corporation be liable for violation of this Ordinance, but in addition any owner, part owner, lessee, occupant or person, firm or corporation having control of any premises from, through or onto which said substance is drained, who authorizes, permits or acquiesces therein shall be liable for the violation of this Ordinance.

97.002

Dumping of junk, garbage, debris; exception.

Sec. 2. No person, firm or corporation shall throw, dump, store or accumulate empty or partially filled cans, food containers, broken or whole bottles, trash, garbage, litter, junk, rags, glass, debris, rubbish, boxes, barrels, lumber, scrap metal, crockery or utensils of any kind, automobile bodies or parts of automobiles (except in a duly licensed junk yard) old stoves, appliances, parts of machinery, flammable matter or substances, offal, industrial by products or waste substances or objects of similar nature, upon any land in said Village, or permit any such things or substances to accumulate on land over which he occupies, owns, leases or has control of, other than in a place designated as a public dumping ground by the Village or licensed junk yard.

97.003

Accumulation of unwholesome, offensive substances.

Sec. 3. No owner, lessee, occupant or any other person, firm or corporation having right of control or in charge of any premises shall permit the accumulation of materials which provide rat harborage or which may serve as food for rats accessible to such rodents or in or around which flies, insects, rodents or

¹Cross references – Inoperable vehicles, machinery, equipment; outdoor storage, Pt. 96.

vermin may exist, breed or multiply or to suffer or permit upon any premises stagnant or filthy water, dead animals or unwholesome meat, decayed fruit or vegetable or any other unwholesome, filthy, deleterious or offensive thing or substance.

97.004 **Penalty.**

Sec. 4. Violation of this Ordinance shall be a misdemeanor punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for a period of not to exceed ninety (90) days or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation of the provisions of this Ordinance.

97.005 **Severability.**

Sec. 5. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

97.006 **Effective date.**

Sec. 6. This Ordinance shall be effective thirty (30) days after passage of this Ordinance by the Village Council.

PART 98

98.000

**WEEDS, NOXIOUS
Ord. No. 15
Adopted: June 6, 1972**

An ordinance to provide for the care of lots and land within the Village of Ravenna.

THE PEOPLE OF THE VILLAGE OF RAVENNA DO ORDAIN:

98.001 Definition.

Sec. 1. The term noxious weeds shall include Canada thistle, dodders mustard, will carrot, bind weed, perennial sow thistle, hoary allyssum, ragweed, poison ivy, poison sumac, and any other weeds which may create a condition detrimental to the public health and welfare.

98.002 Noxious weeds prohibit and notice to abate.

Sec. 2. It shall be unlawful for the owner and occupant of any lots or lands within the Village to allow to be maintained or maintain on any portion of such lot or lands any growth of noxious weeds as herein defined. Whenever it appears that any person is violating the provisions of this Ordinance, the President of the Council shall notify, in writing, the owner, agent of such owner, or occupant of any such lots or lands to cut, destroy, and/or remove such noxious weeds within five (5) days after the receipt of such notice. Said notice shall be sent certified mail, return receipt requested, to the last known address of the owners of such lots as shown on the last tax assessment roll of the Village.

(Amended: Ord. No. 26, 8-5-75)

98.003 Removal by village.

Sec. 3. Upon failure, neglect or refusal by the owner to comply with the written notice issued by the President of the Council pursuant to Section 2 hereof, the Village is authorized and empowered to enter upon the premises of the owner to cut, destroy, and/or otherwise remove said noxious weeds. If the owner requests that the work be performed by the Village and agrees to pay for the same, the Village may proceed to perform said work.

(Amended: Ord. No. 26, 8-5-75)

98.004 Charge to owner.¹

Sec. 4. When the Village of Ravenna has cut, destroyed, and/or otherwise removed said noxious weeds or has paid for the cost of said cutting, destroying, and/or removal, the actual cost thereof, including all overhead, plus accrued interest at the rate of six (6%) percent per annum from the date of completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to the owner by the Village and said charge shall be due and payable by the owner at the time of the payment of such tax bill and shall become a lien upon the property enforceable in the same manner as a lien for taxes as provided under the General Property Tax Act.

(Amended: Ord. No. 26, 8-5-75)

98.005 Penalty.

Sec. 5. Any person or persons who violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of up to Five Hundred (\$500.00) Dollars or to imprisonment for a term of up to ninety (90) days or shall be subject to both fine and imprisonment. Each act or violation and every day upon which any violation shall occur shall constitute a separate offense. The provisions of this section shall be in addition to any procedures established hereunder for the removal of noxious weeds.

(Amended: Ord. No. 26, 8-5-75)

Effective: July 21, 1972

¹**Editor's note** – A motion carried 9-10-75 “to charge a minimum of \$40.00 per hour for the first hour and \$30.00 per hour after to mow lots in Village.”

PART 99

ORDINANCE NO. 124

**AN ORDINANCE TO REGULATE THE INSTALLATION
AND USE OF OUTDOOR FURNACES**

Adopted February 1, 2005

IT IS THEREFORE ORDAINED:

Sec. 1. **Purpose.** The purpose of this Ordinance is to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Village of Ravenna so as to secure and promote the public health, safety and welfare of the Village and its inhabitants. Outdoor furnaces can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion, particularly when restricted airflow and low operating temperatures are present. These products can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property. These regulations are intended to eliminate noxious and hazardous conditions caused by outdoor furnaces.

Sec. 2. **Outdoor Furnaces Defined.** For purposes of this Ordinance, the term "outdoor furnace" shall mean a wood fired furnace, stove, or boiler that is not located within a building or structure intended for habitation by humans or domestic animals, but that provides heat or hot water for such building or structure.

Sec. 3. **Regulations.** An outdoor furnace shall not be permitted within the Village unless it complies with each of the following regulations:

- A. **Setback.** The outdoor furnace shall be located no less than 340 feet from the nearest building which is not on the same property as the outdoor furnace and no less than 300 feet from the nearest property line of another property.
- B. **Chimney Height.** If there are any residences within 300 feet of the outdoor furnace, the chimney of the outdoor furnace shall be no lower than the height, above the ground surface, of the height of all roofs of such residences. Further, all chimneys shall have a minimum height of 20 feet and shall have a spark arrester installed on the top of the chimney.

The Zoning Administrator may approve a lesser height on a case by case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. Insulated chimneys are recommended.

- C. **Open Ground Area.** An area with a radius of 10 feet around the outdoor furnace shall be free of vegetation, except grass not exceeding four (4) inches in length.

- D. **Appropriate Furnace Size.** Outdoor furnaces shall be appropriately designed for the size of the structure to be heated. An outdoor furnace designed to heat structures more than ten percent greater than the size of the structure to be heated shall not be permitted.
- E. **Fuel.** No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:
- (1) Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - (2) Waste oil or other oily wastes.
 - (3) Asphalt and products containing asphalt.
 - (4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - (5) Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (6) Rubber, including tires and synthetic rubber-like products.
 - (7) Newspapers, corrugated cardboard, container board or office paper.
- F. **Zoning District.** An outdoor furnace shall only be permitted in the R 1 Zoning District.

Sec. 4. **Permit.** The owner of an outdoor furnace shall obtain an annual permit from the Zoning Administrator, according to the following provisions:

- A. **Application Information.** The applicant for a permit shall submit the following information:
- (1) Verification that the outdoor furnace will comply with the manufacturer's specifications for such outdoor furnace.
 - (2) Verification that the outdoor furnace will comply with all applicable state and federal statutes.
 - (3) A drawing providing the location of the proposed outdoor furnace and of nearby residences, together with the height of all applicable

roofs, so as to establish compliance with all regulations contained in this Ordinance.

- B. **Application Permit; Fee.** The Zoning Administrator shall review each application, on an annual basis, and issue a permit to such applicants as meet the requirements contained in this Ordinance. The Village Council may establish by resolution a fee for the processing of outdoor furnace permit applications.

Sec. 5. **Liability.** A person using or maintaining an outdoor furnace shall be responsible for all fire suppression, costs and other liability resulting from damage caused by the outdoor furnace. Compliance with this Ordinance shall not be a defense to any civil claims. Nothing in this Ordinance shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith.

Sec. 6. **Severability.** The sections and provisions of this Ordinance are severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

Sec. 7. **Penalty.**

- A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.
- B. Each day during which any violation continues shall be deemed a separate offense.
- C. The foregoing penalty shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Sec. 8. **Effective Date.** This Ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Village.

PART 100

ORDINANCE NO. 128

AN ORDINANCE TO REGULATE THE USE OF COMPRESSION RELEASE BRAKING DEVICES (JAKE BRAKES) WITHIN THE VILLAGE

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Purpose.** The purpose of this ordinance is to establish and impose restrictions upon the use of compression release engine braking devices (commonly referred to as “Jake Brakes”) by drivers of motor vehicles within the Village limits, so as to secure and promote the public health, safety and welfare of the Village and its inhabitants. Compression release engine braking devices create excessively loud, persistent noise that can be disruptive of the peace and tranquility enjoyed by Village residents.

Sec. 2. **Definition.** “Compression Release Engine Braking Device” means a device primarily used, applied or engaged on trucks or motor homes or other large motor vehicles for the conversion of the engine (usually a diesel engine) from an internal-combustion engine to an air compressor or power-absorbing retarding mechanism for the purpose of slowing down or braking the motor vehicle, including, but not limited to, so-called Jake Brakes, Jacobs Brakes or Jacobs Engine Brakes™.

Sec. 3. **Use Prohibited.** It shall be unlawful for any person to apply, use or engage a Compression Release Engine Braking Device within the Village limits. This provision shall not apply to authorized emergency vehicles or where breaking by compression is necessary for the prevention of imminent danger to person or property.

Sec. 4. **Signage.** Appropriate signs prohibiting the application, use or engagement of Compression Release Engine Braking Devices may be erected at all public highway or roadway entrances as determined by the Village Council.

Sec. 5. **Violations.** A violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

Sec. 6. **Effective Date.** This ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Village.

PART 101

ORDINANCE NO. 132

AN ORDINANCE TO REGULATE OPEN BURNING WITHIN THE VILLAGE

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Purpose.** Unregulated open burning creates a risk to the health, safety and welfare of the residents of the Village of Ravenna. Open burning is a fire risk which may create hazardous byproducts that can irritate eyes and lungs, obscure visibility, create odors and pose other health threats. Open burning may substantially increase the discomfort of residents who suffer from asthma, chronic bronchitis and other respiratory ailments. Because of the relatively close proximity of residences within the Village, open burning within the Village can affect adjacent properties. This Ordinance is intended to reduce the adverse effects of unregulated open burning throughout the Village.

Sec. 2. **Definitions.**

- A. “Yard Clippings” means leaves, grass clippings, vegetable or other garden debris, shrubbery, brush, twigs or tree trimmings containing foliage.
- B. “Open Burning” means the burning of any flammable material that is not done within a structure or building. Open burning shall not include use of internal combustion engines, or the use of properly installed and maintained smokeless, odorless incinerators.

Sec. 3. **Open Burning.** Open burning within the Village of any material is hereby prohibited. The prohibition on open burning includes, but is not limited to the following:

- A. Open burning of yard clippings is prohibited.
- B. Burning barrels, whether used for the burning of residential waste or used for the burning of other materials, are prohibited.

Sec. 4. **Exceptions to Prohibition on Open Burning.**

- A. The provisions of this Ordinance shall not apply to agricultural burning, including the burning of brush, trees and crop fields, on farms when performed in accordance with generally accepted agricultural and management practice (“GAAMPS”). Similarly, the Ordinance shall not apply to the open burning of beekeeping equipment and products, when burned for bee disease control.

B. Open fires used solely for cooking for immediate human consumption, or for recreation or ceremonial purposes, shall not be prohibited if the following conditions are satisfied:

- (1) The open fire may not exceed four feet in diameter.
- (2) The open fire shall not be composed, in whole or in substantial part, of yard clippings, paper or residential waste or trash.
- (3) The open fire shall use non-processed wood as fuel and shall not burn garbage or other material.
- (4) The open fire shall be tended and maintained in such a manner so as to not permit smoke or noxious odors to carry onto adjacent properties.
- (5) The open burning must be under the constant supervision of a responsible person, who must be 18 years of age or older.
- (6) Open burning under this subpart shall not be permitted during the hours from 11:00 p.m. through 8:00 a.m. Prior to this time, all fires shall be extinguished and all smoke issuing therefrom shall be doused so as to not permit such smoke to travel to neighboring properties.
- (7) The burning of tires, plastics or other material that may result in noxious odors or other seriously offensive conditions is prohibited under all circumstances. It shall be a violation of this Ordinance to burn any substance which emits in substantial concentration, smoke or gas which is toxic to plant or animal life, noxious or offensive in odor, or creates a lasting condition of thick smoke.

Sec. 5. **Liability.** A person who burns in violation of the conditions of approval contained in this Ordinance shall be liable for all fire suppression costs, emergency response expenses and other costs or liability resulting from damage that may be caused or that were created by the person's activities in violation of this Ordinance. Liability for these expenses will also apply to a property owner who permits or consents to another's burning in violation of this Ordinance. Nothing in this Ordinance shall authorize any activity or use that is a public or private nuisance, regardless of compliance with this statute.

Sec. 6. **Severability.** The sections and provisions of this Ordinance are severable and any portion which is declared inoperative or invalid for any reason by a Court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance.

Sec. 7. **Penalty.**

- A. Failure to comply with the requirements of this Ordinance is hereby declared to be a nuisance per se. A violation of this Ordinance is a municipal civil infraction, for which the fine shall not be less than \$100.00 nor more than \$500.00 for the first offense and not less than \$200.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.
- B. Each day during which any violation continues shall be deemed a separate offense.
- C. The foregoing penalty shall not prohibit the Village from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Sec. 8. **Effective Date.** This Ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Village.

Effective: December 17, 2007

PART 102

ORDINANCE NO. 155

**PROHIBITION ON RECREATIONAL MARIHUANA ESTABLISHMENTS
AND MEDICAL MARIHUANA**

THE VILLAGE OF RAVENNA ORDAINS:

Section 102.001 Marihuana Establishments Prohibited

Sec. 1. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are completely prohibited in the Village, and may not be established or operated within the Village limits or in any zoning district, by any means, including by way of a variance. Further, the Village specifically prohibits the operation and licensing of “marihuana facilities” as that term is defined and used in Public Act 281 of 2016, regarding the licensing of certain facilities. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana facility or a marihuana establishment, and unless this ordinance is amended, nothing in the ordinances of the Village of Ravenna shall be construed as satisfying the requirement in Section MCL 333.27205(1)(a), which requires that prior to issuance of a license, a copy of the local ordinance authorizing a marihuana facility be submitted to the State of Michigan. The Village of Ravenna has determined that the licensing of marihuana facilities or establishments within the Village should not be permitted for policy reasons, including public safety, law enforcement concerns and the limited amount of appropriately zoned space for certain of these facilities and establishments. Pursuant to this ordinance, the Village specifically prohibits, and does not in any way authorize or permit, the issuance of licenses authorizing State-licensed marihuana facilities or marihuana establishments to locate or operate within the Village, except as to such limited activities as are mandated by those statutes or associated statutes (such as a transporter crossing through the Village). This prohibition shall include all marihuana establishment licenses and activities established by rules promulgated under the Initiated Law 1 or associated statutes and marihuana facilities under Public Act 281 of 2016 or associated statutes. The Village Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana establishment or marihuana facility.

This Section 102.001 does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq or the Michigan Regulation and Taxation of Marihuana Act, nor does it amend or alter the prohibition on medical marihuana facilities on the provisions of Zoning Ordinance Section 190.325, which also prohibits Medical Marihuana Facilities within the Village. Further, it is hereby confirmed that the Village Zoning Board of Appeals shall not have jurisdiction to consider a use variance that would allow the licensing or operation of a marihuana facility with respect to the Michigan Medical Marihuana Act.

PARTS 103-114

(Reserved)

PART 115
WATER RULES AND REGULATIONS
Ord. No. 6

(Repealed by Ord. No. 134)

PART 116

ORDINANCE NO. 135

Adopted August 12, 2008

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE ISSUANCE OF WATER REVENUE BONDS; TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, INCLUDING A PLEDGE OF VILLAGE FULL FAITH AND CREDIT; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Definitions.** Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

a. “Act 94” means Act 94 of the Public Acts of Michigan of 1933, as amended.

b. “Additional Bonds” means any additional bonds of equal standing with the Series 2008 Bonds issued pursuant to Section 20 of this Ordinance.

c. “Adjusted Net Revenues” means for any operating year the excess of revenues over expenses for the System determined in accordance with generally accepted accounting principles, to which shall be added depreciation, amortization, interest expense on Bonds, and any payments to the Village in lieu of taxes, to which may be made the following adjustments:

(1) Revenues may be augmented by the amount of any rate increases adopted prior to the issuance of Additional Bonds or to be placed into effect before the time principal or interest on the Additional Bonds becomes payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect;

(2) Revenues may be augmented by amounts which may be derived from rates and charges to be paid by new customers of the System.

The adjustment of revenues and expenses by the factors set forth in (1) and (2) above shall be reported upon by professional engineers or certified public accountants or other experts not in the regular employment of the Issuer.

d. “Bond Registrar” means the Village Treasurer who shall initially act on behalf of the Village as paying, registration and bond registrar with respect to the Bonds, or a bank or trust company qualified to act as a paying agent and registrar in the State of Michigan and designated by resolution of the Council..

e. “Bond Reserve Requirement” means generally an amount equal to the lesser of (i) 10% of the stated principal amount of the Bonds, (ii) an amount equal to the maximum annual principal and interest requirements on the Bonds or (c) 125 percent (125%) of the average annual principal and interest requirements on the Bonds. The Bond Reserve Requirement shall be applied to all Bonds, except for the Series 2008 Bonds.

f. “Bonds” means the Series 2008 Bonds, including the bonds delivered to the initial purchaser thereof and any individual bonds exchanged therefor, and, when issued and delivered, any Additional Bonds.

g. “Council” or “Village Council” means the Village Council of the Village.

h. “Depository Bank” shall mean a financial institution qualified under Section 15 of Act 94 and designated to act as depository pursuant to this Ordinance by resolution of the Council.

i. “Government Obligations” means direct obligations of (including obligations issued or held in book entry form on the books of) the United States of America.

j. “Investment Obligations” means the investments permitted by the Village investment policy.

k. “Net Revenues” means the Revenues remaining after deducting the reasonable expenses of administration, operation, and maintenance of the System, exclusive of depreciation.

l. “Ordinance” means this Ordinance and any other ordinance amendatory to or supplemental to this Ordinance and shall include any ordinance authorizing the issuance and sale of Additional Bonds.

m. “Outstanding Bonds” means Bonds authenticated and delivered under this Ordinance except:

- (1) Bonds canceled by the Bond Registrar at or prior to such date;
- (2) Bonds (or portions of Bonds) for the payment or redemption of which moneys or Government Obligations, equal to the principal amount or redemption price thereof, as the case may be, with interest to the date of maturity or redemption date, shall be held in trust under this Ordinance and set aside for such payment or redemption (whether at or prior to the maturity or redemption date), provided that if such Bonds (or portions of Bonds) are to be redeemed, notice of such redemption shall have been given as provided in this Ordinance or provision satisfactory to the Bond Registrar shall have been made for the giving of such notice; and

(3) Bonds in lieu of or in substitution for which other Bonds shall have been authenticated and delivered hereunder.

n. “Registered Owner” means the owner of a Bond as shown by the registration records kept by the Bond Registrar.

o. “Revenues” means the income derived from the rates charged for the services, facilities, and commodities furnished by the System, including income derived by reason of future improvements, enlargements, extensions or repairs to the System. Revenues shall include earnings on investment of funds and accounts of the System required to be deposited in the Receiving Fund pursuant to this Ordinance and other revenues derived from or pledged to operation of the System.

p. “Series 2008 Bonds” means the Village’s Water Revenue Bonds (General Obligation Limited Tax), Series 2008, in the amount of \$1,340,000 as authorized by this Ordinance.

q. “Series 2008 Project” means the additions, extensions and improvements to the System together with appurtenances and attachments thereto, being the acquisition and construction of a new water treatment plant, with chemical feed systems, a new water supply well, a new generator, the replacement of pumps on existing wells and related improvements and interests in land in the Village, as described in the plans and specifications prepared by OMM Engineering, Inc.

r. “Sufficient Government Obligations” means direct obligations of the United States of America or obligations the principal of and interest on which are fully guaranteed by the United States of America, the principal and interest payments upon which without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the Bond Registrar.

s. “System” means the complete public water supply and distribution system of the Village intended to serve the Village of Ravenna and adjacent lands, including the supply, treatment, transmission and distribution facilities together with all plants, works, instrumentalities and properties, used or useful in connection with the supply and distribution of public drinking water and all additions, extensions and improvements existing or hereafter acquired, including the Series 2008 Project.

t. “Village” and “Issuer” mean the Village of Ravenna, Muskegon County, Michigan.

Sec. 2. **Necessity; Approval of Plans and Specification.** It is hereby determined to be a necessary public purpose of the Village to acquire and construct the Series 2008 Project in accordance with the proposals and descriptions presented

to the Council by OMM Engineering, Inc., which plans and specifications are hereby approved.

Sec. 3. **Costs; Useful Life.** The total cost of the Series 2008 Project is estimated to be One Million Three Hundred Forty Thousand Dollars (\$1,340,000) including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Series 2008 Project is estimated to be not less than twenty-one (21) years.

Sec. 4. **Payment of Cost; Bonds Authorized.** To pay the cost of acquiring and constructing the Series 2008 Project, including payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2008 Bonds, the Village shall borrow the sum of One Million Three Hundred Forty Thousand Dollars (\$1,340,000) and issue its Series 2008 Bonds therefor pursuant to the provisions of Act 94. The remaining cost of the Series 2008 Project shall be defrayed from investment earnings on bond proceeds and Issuer funds on hand and legally available for such use.

Sec. 5. **Series 2008 Bond Details, Registration and Execution.** The Series 2008 Bonds shall be issued in the amount of \$1,340,000 and shall be designated WATER REVENUE BONDS (GENERAL OBLIGATION LIMITED TAX), SERIES 2008, substantially in the form attached to this Ordinance as Exhibit A. The Series 2008 Bonds shall be sold to the Michigan Municipal Bond Authority (the "Authority") in accordance with Section 25 pursuant to the terms of a Purchase Contract by and between the Authority and the Village (the "Purchase Contract"), the form of which has been approved by the Council, and a Supplemental Agreement by and between the Village, the Authority and the State of Michigan acting through the Department of Environmental Quality (the "Supplemental Agreement"), the form of which has been approved by the Council. The Series 2008 Bonds shall be dated as of the date of delivery to the Authority; shall bear interest at the rate of 2.50% per annum, payable on April 1, 2009, and semi-annually thereafter on each April 1 and October 1 until payment of the principal of the Series 2008 Bonds has been made or duly provided for. The Series 2008 Bonds shall be issued in one or more certificates in \$1.00 denominations or any integral multiple thereof up to the aggregate principal amount of the Series 2008 Bonds, shall be numbered from R-1 upwards in order of authentication and shall be fully registered. The Series 2008 Bonds shall mature serially on October 1 in each year in the amounts as follows:

<u>Date</u>	<u>Principal installment</u>	<u>Date</u>	<u>Principal Installment</u>
2010	\$55,000	2020	\$65,000
2011	\$55,000	2021	\$70,000
2012	\$55,000	2022	\$70,000
2013	\$55,000	2023	\$70,000
2014	\$60,000	2024	\$75,000
2015	\$60,000	2025	\$75,000
2016	\$60,000	2026	\$80,000

2017	\$60,000	2027	\$80,000
2018	\$65,000	2028	\$80,000
2019	\$65,000	2029	\$85,000

The Series 2008 Bonds shall not be sold for less than 100% of par value.

Interest shall be payable by check or draft mailed to each Registered Owner at the registered address, as shown on the registration books of the Village maintained by the Bond Registrar. Interest shall be payable to the Registered Owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The principal of the Bonds shall be payable by the Bond Registrar at the principal office of the Bond Registrar upon presentation and surrender thereof.

Principal of and interest on the Bonds shall be payable in lawful money of the United States.

The Series 2008 Bonds may be subject to redemption prior to maturity by the Village only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding the foregoing or any other provision of this Ordinance:

- a. The President and Clerk are hereby authorized and directed to approve the final terms of the sale of the Series 2008 Bonds as evidenced by the Purchase Contract or otherwise, including the date of delivery, the purchase price, the aggregate principal amount, which shall in no event exceed \$1,340,000, the principal amount and annual maturity dates of individual maturities, the rate or rates of interest payable on the Series 2008 Bonds, which shall not exceed 2.50% per annum, minimum principal denominations and the date of the first interest payment, subject in all respects to the limitations of Act 94 and Act 34.
- b. The Series 2008 Bonds may be delivered in one or more installments of principal in accordance with the Purchase Contract and the Supplemental Agreement.
- c. The Village promises to pay to the Authority the principal amount of the Series 2008 Bonds or so much thereof as shall have been advanced to the Village pursuant to the Purchase Contract and the Supplemental Agreement.
- d. So long as the Authority is the owner of the Series 2008 Bonds, (i) the Series 2008 Bonds shall be payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Village by the Authority (the "Authority's Depository"); (ii) the Village agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on the Series 2008 Bonds in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Village's deposit by 12:00 noon on the scheduled day, the Village shall immediately pay to the

Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (iii) written notice of any redemption of the Series 2008 Bonds shall be given by the Village and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

e. In the event of a default in the payment of principal or interest on the Series 2008 Bonds when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase the Series 2008 Bonds but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Village's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase the Series 2008 Bonds fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Village shall and hereby agrees to pay on demand only the Village's pro rata share (as determined by the Authority) of such deficiency as additional interest on the Series 2008 Bonds.

f. It is understood and agreed by the Village that during the time funds are being drawn down by the Village in accordance with the Purchase Contract and the Supplemental Agreement, the Authority will periodically provide the Village a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Village of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the Series 2008 Bonds. The Village acknowledges that in the event the principal amount of the loan evidenced by the Series 2008 Bonds is reduced by the Authority in accordance with Schedule I to the form of the Series 2008 Bonds attached hereto as Exhibit A or the Supplemental Agreement, the Authority will prepare a revised Schedule I to the Series 2008 Bonds that is calculated so that the principal payments are rounded to the nearest dollar and which revised Schedule I shall be effective upon receipt by the Village.

The Bonds shall be signed by the original or facsimile signature of the President and countersigned by the original or facsimile signature of the Village Clerk. The Bonds shall have the corporate seal of the Village affixed thereto or printed thereon in facsimile form. No Bond shall be valid until authenticated by the

Bond Registrar. The Series 2008 Bonds shall be delivered to the Bond Registrar for authentication and upon authentication shall be delivered to the purchaser in accordance with instructions from the Village upon payment of the purchase price for the Series 2008 Bonds. Executed blank Series 2008 Bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Bond Registrar for safekeeping.

Any Bond, upon surrender of the Bond to the Bond Registrar by the Registered Owner thereof, accompanied by delivery of a duly executed written instrument of transfer satisfactory to the Bond Registrar, may be exchanged for Bonds of any other authorized denominations of the same aggregate principal amount, maturity date and interest rate as the surrendered Bond.

Any Bond may be transferred upon the books of the Village maintained by the Bond Registrar by the Registered Owner thereof, in person or by his duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Bond Registrar. Whenever any Bond or Bonds shall be surrendered for transfer, the Bond Registrar shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount, maturity, interest rate and series. The Bond Registrar shall require the payment by the Registered Owner requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

The Village shall have the right to designate a successor to the Bond Registrar and, in such event, a notice shall be mailed to the Registered Owners by the Bond Registrar not less than sixty (60) days prior to the change in Bond Registrar.

Sec. 6. **Replacement of Bonds.** Upon receipt by the Bond Registrar of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity which complies with applicable law and is satisfactory to the Bond Registrar, the Bond Registrar may deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Village may authorize the Bond Registrar to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Bond Registrar for each new bond delivered or paid without presentation as provided above, shall require the payment by the bondholder of expenses, including counsel fees, which may be incurred by the Bond Registrar and the Village in connection therewith. Any bond delivered pursuant to the provisions of this Section 6 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond originally issued.

Sec. 7. **Payment of Bonds; Creation and Priority of Lien; Defeasance.** The Bonds and the interest thereon shall be payable solely from the Net Revenues, except with respect to the Series 2008 Bonds which shall also be

additionally secured by the pledge of the Village's full faith and credit in the manner provided by Section 8 of this Ordinance and to secure such payment, there is hereby created a first priority statutory lien upon the Net Revenues which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all principal and interest on Bonds of a series then outstanding to maturity, or, if called for redemption, to the date fixed for redemption, together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the preceding sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the funds so deposited, and the Bonds of that series shall be considered to be defeased and shall no longer be considered to be outstanding under this Ordinance.

Sec. 8. **Pledge of Village Full Faith and Credit as Additional Security for Series 2008 Bonds.** As additional security for the payment of the principal of and interest on the Series 2008 Bonds, the Village, by a majority vote of the elected members of the Village Council, hereby pledges the full faith and credit of the Village. If the Net Revenues primarily pledged to the payment of the principal of and interest on the Series 2008 Bonds are insufficient to make a payment of principal of and interest on the Series 2008 Bonds when due, after taking into account on a ratable basis all payments then due on Bonds of equal standing, the Village shall be obligated to pay the principal of and interest on the Series 2008 Bonds in the same manner and to the same extent as the other general obligation bonds of the Village, including the levy, when necessary, of a tax on all taxable property in the Village in addition to all other taxes which the Village is authorized to levy, but not in excess of the rate or amount necessary to make the payment and subject to the constitutional, charter and statutory limitations on the taxing powers of the Village. Accordingly, the payment of the principal of and interest on the Series 2008 Bonds shall constitute the limited tax general obligation of the Village. If the Village makes payment from taxes or general funds pursuant to its full faith and credit pledge, the Village shall be reimbursed from Net Revenues subsequently received which are not otherwise pledged or encumbered for the payment of Bonds and the interest thereon.

Sec. 9. **Management.** The operation, repair and management of the System and the acquisition and construction of the Series 2008 Project shall be under the supervision and control of the Village Council. The Village may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient administration of the System. The Village may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Sec. 10. **Rates.** The rates to be charged for service furnished by the System and the methods of collection and enforcement of the collection of the rates including late payment fees and penalties applicable to users of the System who fail

to pay, in a timely fashion, the rates and charges that have been billed for the use of the System, shall be those permitted by law and established by the Council on or before the date of adoption of this Ordinance and thereafter as established by resolution of the Council. In the event that a user of the System does not timely pay the rates and charges that have been billed to such user, the Village Council shall take the necessary action, in accordance with applicable Michigan statutes, to add such delinquent rates and charges to the user's ad valorem property tax bills.

Sec. 11. **No Free Service.** No free service shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Village.

Sec. 12. **Rate Covenant.** The rates charged in accordance with Section 9 of this Ordinance are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, and when taken together with Net Revenues, to provide for (i) an amount equal to the annual principal and interest requirements on all of the Bonds as the same become due and payable, (ii) the maintenance of the Bond Reserve Account, and (iii) all other obligations, expenditures and funds for the System required by law and this Ordinance. In addition, the Village covenants that the rates shall be set from time to time so that there shall be produced, in each fiscal year of the Village, Net Revenues, based upon the Village's reasonable expectations and historical operating trends, in an amount equal to 100% of the principal of and interest coming due in each fiscal year on the Bonds. The rates shall be fixed and revised from time to time as may be necessary to produce these amounts, and the Village hereby covenants and agrees to fix and maintain rates in accordance with Act 94 for services furnished by the System at all times sufficient to provide for the foregoing.

Sec. 13. **Operating Year.** The System shall be operated on the basis of an operating year which corresponds to the fiscal year of the Village which currently commences on January 1 and ends on the last day of the following December.

Sec. 14. **Funds and Accounts, Flow of Funds.** The Village Treasurer shall be custodian of all funds belonging to or associated with the System. Such funds shall be deposited in the Depository Bank. The Village Treasurer is hereby directed to create and maintain for the Village the funds and accounts into which the proceeds of the Series 2008 Bonds and the Revenues shall be deposited in the manner and at the times provided in this Ordinance, which accounts shall be established and maintained so long as any of the Bonds remain unpaid, except as otherwise provided by this Ordinance. The proceeds of the Series 2008 Bonds shall be deposited in the manner provided by Section 17. All Revenues of the System shall be set aside as collected and credited to a separate depository account to be designated WATER SUPPLY SYSTEM RECEIVING FUND (the "Receiving Fund"). The Revenues credited to the Receiving Fund are pledged for the purpose of the following funds and shall be transferred within or debited from the Receiving

Fund periodically in the manner and at the times and in the order of priority hereinafter specified:

a. *Operation and Maintenance Fund.* Out of the Revenues credited to the Receiving Fund there shall be first set aside in, or credited to, a fund designated OPERATION AND MAINTENANCE FUND (the "Operation and Maintenance Fund"), monthly, a sum sufficient to provide for the payment of the next month's current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

The Village Council, prior to the commencement of each operating year, shall adopt a budget covering the foregoing expenses for such year. During the course of the operating year, the total of such expenses shall not exceed the total amount specified in the budget, except by a majority vote of the members-elect of the Village Council.

b. *Bond and Interest Redemption Fund.* There shall be established and maintained a separate depository account designated BOND AND INTEREST REDEMPTION FUND (the "Redemption Fund"), the moneys on deposit therein from time to time to be used solely for the purpose of paying the principal of, redemption premiums (if any) and interest on the Bonds.

The Redemption Fund shall be divided for accounting purposes into separate sinking fund accounts for each series of Bonds issued pursuant to this Ordinance. Each such sinking fund subaccount shall be entitled "Series [year] Sinking Fund." The creation of such subaccounts shall not in any way prevent payment of any series of Bonds from moneys held in any and all of such subaccounts. Each sinking fund subaccount shall be held by the then bond registrar for the Bonds.

Out of the Revenues remaining in the Receiving Fund, after provision for the Operation and Maintenance Fund, there shall be set aside each month commencing the first day of the month immediately following delivery of an authorized series of Bonds in the Redemption Fund and credited to the sinking fund account for that series of Bonds a sum proportionately sufficient to provide for the payment when due of the current principal of and interest on the Bonds, less any amount in the Redemption Fund representing accrued interest on the Bonds or investment income on amounts on deposit in the applicable sinking fund subaccount and the Bond Reserve Account (to the extent attributable to said sinking fund subaccount) not previously used to reduce such amounts.

There is hereby established in the Redemption Fund the Series 2008 Sinking Fund. Commencing October 1, 2008, the amount set aside in the Series 2008 Sinking Fund each month for interest on the Series 2008 Bonds shall be 1/6 of the total amount of interest on the Bonds next coming due, less any interest earnings on the Series 2008 Sinking Fund and the Bond Reserve Account not previously used to reduce such amounts. Commencing October 1, 2009, and thereafter, the amount set

aside each month in the Series 2008 Sinking Fund for principal on the Series 2008 Bonds shall be an amount equal to 1/12 of the amount of principal next coming due by maturity, less any interest earnings on the Series 2008 Sinking Fund not previously used to reduce transfers to pay interest and less any amounts representing unexpended bond proceeds which are transferred to the Series 2008 Sinking Fund in accordance with Section 17. If there is any deficiency in the amount previously set aside, that deficiency shall be added to the next succeeding monthly requirements. The Village reserves the right to amend the set aside requirements for the Redemption Fund from a monthly basis to a quarterly basis.

The amount to be set aside for principal and interest on any date shall not exceed the amount which, when added to the money on deposit in the applicable sinking fund subaccount of the Redemption Fund, including investment income thereon, is necessary to pay principal of and interest due on the Bonds on the next succeeding interest payment date or principal and interest payment date. The Village shall provide in each ordinance authorizing Additional Bonds for the timing and method of transfers from the Receiving Fund to the sinking fund subaccount for such series of Bonds.

c. *Bond Reserve Account.* There is hereby established in the Redemption Fund a separate account to be known as the BOND RESERVE ACCOUNT (the “Bond Reserve Account”) as additional security for the Bonds. The Bond Reserve Account shall not be funded for the Series 2008 Bonds. All investment earnings in the Bond Reserve Account shall be transferred to the Redemption Fund and set aside on a pro rata basis in each sinking fund subaccount for payment of current principal and interest on the Bonds. If at any time there is a deficiency in the Redemption Fund and it shall be necessary to use moneys credited to the Bond Reserve Account for the payment of principal and interest on the Bonds, then the moneys so used shall be replaced over a period of not more than five (5) years from the Net Revenues first received thereafter which are not required for payment of the current principal and interest requirements on the Bonds. If at any time there is any excess in the Bond Reserve Account over the Bond Reserve Requirement, such excess shall be transferred to the related sinking fund subaccount and used to pay principal and interest on the related series of Bonds.

No further payments need be made into the Redemption Fund after enough principal on the Bonds has been paid so that the amount then held in the Redemption Fund (or its respective sinking fund subaccounts), including the Bond Reserve Account, is equal to the entire amount of principal and interest which will be payable at the time of maturity of the Bonds and the monies so held shall be used solely to pay the principal of and interest on the Bonds, including prepayment premium, if any, as the Bonds become due.

d. *Replacement and Improvement Fund.* There shall next be established and maintained a separate account, designated REPLACEMENT AND IMPROVEMENT FUND (the “Replacement and Improvement Fund”). The Replacement and Improvement Fund shall be used only for the purpose of making

repairs, replacements, additions, improvements, enlargements or extensions to the System, and when necessary, for the purpose of making payments of principal and interest on the Bonds, in the event moneys in any sinking fund subaccount of the Redemption Fund on any interest or interest and principal payment date is insufficient to pay such principal and interest coming due on such date. Out of the Revenues and moneys of the System remaining in the Receiving Fund each month after provision has been made for the deposit of moneys in the Operation and Maintenance Fund and the Redemption Fund (including the Bond Reserve Account), there may be deposited in the Replacement and Improvement Fund such additional funds as the Village Council may deem advisable. If at any time it shall be necessary to use moneys in the Replacement and Improvement Fund for the purpose for which the Replacement and Improvement Fund was established, the moneys so used shall be replaced from any moneys in the Receiving Fund which are not required by this Ordinance to be used for the Operation and Maintenance Fund or the Redemption Fund (including the Bond Reserve Account).

e. *Surplus Moneys.* Any Revenues in the Receiving Fund after satisfying all the foregoing requirements of this section may, at the discretion of the Issuer, be used for any of the following purposes:

- (1) Transfer to the Replacement and Improvement Fund.
- (2) Transfer to the Redemption Fund and used for the purchase of Bonds on the open market at not more than the fair market value thereof, or if applicable, used to redeem Bonds prior to maturity.
- (3) Any other use permitted by law.

Sec. 15. **Depository Bank.** Moneys in the several funds and accounts established pursuant to this Ordinance, except moneys in the Redemption Fund, including the Bond Reserve Account, and moneys derived from the proceeds of sale of the Bonds and deposited to the Construction Fund in accordance with Section 17, below, may be kept in one bank account with the Depository Bank, in which event the moneys in the bank account shall be allocated on the books and records of the Village and deposited to the funds and accounts herein established, in the manner and at the times provided in this Ordinance and law.

Sec. 16. **Reverse Flow of Funds; Surplus Moneys.** In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, the Redemption Fund (including the Bond Reserve Account), or the Replacement and Improvement Fund, any moneys and/or securities in the funds of the System, except for proceeds of the sale of the Series 2008 Bonds held in the Construction Fund in accordance with Section 17, shall be transferred first, to the Operation and Maintenance Fund, second, to the accounts in the Redemption Fund in the order of priority indicated above, and third, to the Replacement and Improvement Fund, to the extent necessary to satisfy the requirements for each such fund as provided in this Ordinance.

Sec. 17. **Bond Proceeds.** The proceeds of the sale of the Series 2008 Bonds shall be deposited in the Depository Bank in an account designated SERIES 2008 CONSTRUCTION FUND (the "Construction Fund"). Money in the Construction Fund shall be applied solely in payment of the cost of the Series 2008 Project, including any engineering, legal and other expenses incident thereto and to the financing thereof. No proceeds of the Series 2008 Bonds shall be used to pay capitalized interest. Payment for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the Village Council a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor, that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance of the proceeds of the sale of the Series 2008 Bonds remaining after completion of the Series 2008 Project in the Construction Fund may, at the discretion of the Village, be used for further improvements, enlargements and extensions of the System, if, at the time of such expenditures, such use is approved by the Michigan Department of Treasury, if such permission is then required by law. Any remaining balance after such expenditure shall be paid to the Series 2008 Sinking Fund and may be used for the purpose of purchasing Series 2008 Bonds on the open market at not more than the fair market value thereof or used for the purpose of paying principal of the Series 2008 Bonds upon maturity. The foregoing is subject to the terms and conditions of the Purchase Contract and the Supplemental Agreement.

After completion of the Series 2008 Project and disposition of remaining proceeds, if any, of the Series 2008 Bonds pursuant to the provisions of this Section, the Construction Fund shall be closed.

Sec. 18. **Investments.** Moneys in the funds and accounts established herein may be invested by the Village Treasurer on behalf of the Village in Investment Obligations. Investment of moneys in the Redemption Fund being accumulated for payment of the next maturing principal or interest payment on the Bonds shall be limited to Government Obligations bearing maturity dates prior to the date of the next maturing principal or interest payment respectively on the Bonds. Investments of moneys in any other funds or accounts, including moneys derived from the proceeds of sale of the Bonds, shall be limited to obligations bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than the time estimated by the Village when the moneys from such investments will be required. Any securities representing investments shall be kept on deposit with the bank or trust company having on deposit the fund or funds or account from which such purchase was made. Earnings or profits on any investment of funds in any fund or account established in this Ordinance shall be deposited in or credited to the fund or account to which the investment belongs unless otherwise provided in this Ordinance.

Sec. 19. **Covenants.** The Village covenants and agrees with the Registered Owners of the Bonds that so long as any of the Bonds are Outstanding Bonds and unpaid as to either principal or interest:

a. The Village will maintain the System in good repair and working order and will operate the same efficiently and will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State of Michigan and this Ordinance.

b. The Village will keep proper books of record and account separate from all other records and accounts of the Village, in which shall be made full and correct entries of all transactions relating to the System. The Village shall have an annual audit of the books of record and account of the System for the preceding operating year made each year by an independent certified public accountant. The auditor shall comment on the manner in which the Village is complying with the requirements of the Ordinance with respect to setting aside and investing moneys and meeting the requirements for acquiring and maintaining insurance. The audit shall be completed and so made available not later than six (6) months after the close of each operating year.

c. The Village will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System and liability insurance, of the kinds and in the amounts normally carried by municipalities engaged in the operation of Water Supply systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of redeeming or purchasing Bonds.

d. The Village will not sell, lease or dispose of the System, or any substantial part, until all of the Bonds have been paid in full, both as to principal and interest, or provision made therefor, as herein provided. The Village will operate the System as economically as possible, will make all repairs and replacements necessary to keep the System in good repair and working order, and will not do or suffer to be done any act which would affect the System in such a way as to have a material adverse effect on the security for the Bonds.

e. The Village will not grant any franchise or other rights to any person, firm or corporation to operate a system that will compete with the System and the Village will not operate a system that will compete with the System.

f. The Village will cause the Series 2008 Project to be acquired and constructed promptly and in accordance with the plans and specifications therefor.

g. With respect to the Series 2008 Bonds, the Village shall comply with all terms and conditions of the Purchase Contract and the Supplemental Agreement.

Sec. 20. **Additional Bonds.** The Village shall not issue Additional Bonds payable from the Revenues of the System which shall be of equal standing

and priority of lien on the Net Revenues of the System with the Bonds except for the following purposes and under the following terms and conditions:

a. To complete the Series 2008 Project, in accordance with the plans and specifications therefor. Such Bonds shall not be authorized unless the engineers in charge of construction shall execute a certificate evidencing the fact that additional funds are needed to complete the Series 2008 Project in accordance with the plans and specifications therefor and stating the amount that will be required to complete the Series 2008 Project. If such certificate shall be so executed and filed with the Village, it shall be the duty of the Village to provide for and issue additional revenue bonds in the amount stated in this certificate to be necessary to complete the Series 2008 Project in accordance with the plans and specifications plus an amount necessary to issue such bonds and deposits which may be required to be made to the Bond Reserve Account necessary for such Additional Bonds or to provide for part or all of such amount from other sources.

b. For subsequent repairs, extensions, enlargements and improvements to the System and paying costs of issuing such Additional Bonds, including deposits which may be required to be made to the Bond Reserve Account. Bonds for such purposes shall not be issued pursuant to this subparagraph (b) unless the Adjusted Net Revenues of the System for the last two (2) preceding twelve-month operating years or the Adjusted Net Revenues for the last preceding twelve-month operating year, if the same shall be lower than the average, shall be equal to at least one hundred percent (100%) of the maximum amount of principal and interest thereafter maturing in any operating year on the then outstanding Bonds, and on the Additional Bonds then being issued. For purposes of this subparagraph (b), the Village may elect to use as the last preceding operating year any operating year ending not more than sixteen months prior to the date of delivery of the Additional Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months from the date of delivery of the Additional Bonds. Determination by the Village as to existence of conditions permitting the issuance of Additional Bonds shall be conclusive. No Additional Bonds of equal standing as to the Net Revenues of the System shall be issued pursuant to the authorization contained in this subparagraph if the Village shall then be in default in making its required payments to the Operation and Maintenance Fund or the Redemption Fund.

c. For refunding a part of the Outstanding Bonds and paying costs of issuing such Additional Bonds including deposits which may be required to be made to the Bond Reserve Account.

Notwithstanding the foregoing, the Village may issue bonds which shall be junior and subordinate to the Bonds.

Sec. 21. **Appointment of Receiver and Statutory Rights.** In the event of a default in the punctual payment of principal of and interest on the Bonds when due, any Court having jurisdiction in any proper action may appoint a receiver of the System in accordance with the provisions of Act 94. The Registered Owners

of Bonds representing in the aggregate principal amount not less than twenty percent (20%) of all Outstanding Bonds, may protect and enforce the statutory lien and pledge of the funds and accounts and Net Revenues created by Act 94, and enforce and compel the performance of all duties of the officials of the Village and the Council, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of Revenues, and the proper application of Revenues. In addition to the rights conferred to Registered Owners by the Ordinance, the Registered Owners shall have all the rights conferred by Act 94. The statutory lien upon the Net Revenues, however, shall not be construed to compel the sale of the System or any part thereof.

Sec. 22. **Remedies Not Exclusive.** No remedy by the terms of the Ordinance conferred upon or reserved to the Registered Owners is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Ordinance or existing at law or in equity or by statute on or after the date of the Ordinance.

Sec. 23. **Effect of Waiver and Other Circumstances.** No delay or omission of any Registered Owner to exercise any right or power arising upon the happening of an event of default shall impair any right or power or shall be construed to be a waiver of any such event of default or be an acquiescence therein and every power and remedy given by this Ordinance to the Registered Owners may be exercised from time to time and as often as may be deemed expedient by the Registered Owners.

Sec. 24. **Tax Covenant; Qualified Tax Exempt Obligation.** The Village covenants to comply with all requirements of the Code necessary to assure that the interest on the Series 2008 Bonds will be and will remain excludable from gross income for federal income taxation (as opposed to alternative minimum or other indirect taxation). The Village hereby designates the Series 2008 Bonds as “qualified tax exempt obligations” for purposes of deduction of interest expense by financial institutions under the provisions of Section 265(b)(3) of the Code, it being reasonably anticipated that the aggregate amount of qualified tax exempt obligations which will be issued by the Village and all subordinate entities to the Village shall not exceed \$10,000,000 during calendar year 2008. In addition, the Series 2008 Bonds and the interest thereon shall be exempt from taxation by the State of Michigan or by any taxing authority within the state of Michigan.

Sec. 25. **Negotiated Sale of Bonds.** The President and Clerk are hereby authorized to sell the Series 2008 Bonds at a negotiated sale to the Authority, in accordance with the Purchase Contract, the Supplemental Agreement and applicable state law and to do all other things necessary to effectuate the sale, issuance, delivery, transfer and exchange of the Series 2008 Bonds in accordance with the provisions of this resolution. The Series 2008 Bonds shall be sold at a negotiated sale instead of a competitive sale to take advantage of the terms and conditions of the Authority’s Drinking Water Revolving Fund Loan Program,

including the fixed rate of interest of 2.50% per annum for all maturities of the Series 2008 Bonds, which is below prevailing open market interest rates.

Sec. 26. **Disclosure of Information.** The Village agrees to provide the Authority in a timely manner with all information and documents regarding the Village and the Series 2008 Bonds, including an official statement that the Authority or its bond underwriters need to meet any Securities and Exchange Commission regulation, any industry standard or other federal or state regulation which imposes a disclosure requirement or continuing disclosure requirement relating to any Authority bond issue which was used or is needed to provide monies to the fund used to purchase the Series 2008 Bonds or relating to any other Authority bond issue which was used by the Authority to purchase an obligation of the Village. In furtherance of the above, the Village also agrees that upon the request of the Authority it will promptly execute and deliver a continuing disclosure undertaking in form and substance determined by the Authority to be necessary or desirable to assist the Authority or its underwriters in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission. If required, such continuing disclosure undertaking shall be executed by the President and the Clerk.

Sec. 27. **Michigan Department of Treasury.** The Village, acting with the assistance of Bond Counsel for the Series 2008 Project, shall obtain approval from the Michigan Department of Treasury for the issuance of the Series 2008 Bonds either by filing a municipal finance qualifying statement or submitting a prior approval application in accordance with Act 34 of the Public Acts of Michigan of 2001, as amended, and the Village President is hereby authorized and directed to file any required documents.

Sec. 28. **Delivery of Series 2008 Bonds.** The Series 2008 Bonds shall be executed in the manner provided by Section 5 in substantially the form approved with such necessary variations, omissions, corrections and insertions as the President and Village Clerk deem appropriate and are required for and on behalf of the Village. Upon execution of the Series 2008 Bonds, the Village Treasurer is hereby authorized and directed to deliver or cause to be delivered the Bonds to the Bond Registrar for authentication and, in turn to the purchaser thereof, upon receipt of the purchase price therefor. The proceeds of the Series 2008 Bonds shall be deposited into the Receiving Fund and the Construction Fund as provided in Section 17, above.

The President, Clerk and Treasurer are authorized and directed to execute and deliver on behalf of the Village such other certificates, affidavits, investment agreements or other documents or instruments as may be required by the purchaser of the Series 2008 Bonds or bond counsel or convenient to effectuate the execution and delivery of the Series 2008 Bonds.

The Village shall furnish the Series 2008 Bonds ready for execution without expense to the purchaser. The Village shall also furnish without expense to the purchaser at the time of delivery of the Series 2008 Bonds, the approving opinion of Mika, Meyers, Beckett & Jones, PLC, Attorneys, Grand Rapids, Michigan,

approving the legality of the Series 2008 Bonds. The Series 2008 Bonds will be delivered at the expense of the Village in the manner and at the location as agreed upon with the purchaser thereof.

Sec. 29. **Ordinance to Constitute Contract.** In consideration of the purchase and acceptance of any and all of the Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this Ordinance shall be deemed to be and shall constitute a contract between the Village and the Registered Owners from time to time of the Bonds and the lien and pledge made in this Ordinance and the covenants and agreements herein set forth to be performed on behalf of the Village shall be for the equal benefit, protection and security of the Registered Owners of any and all of the Bonds, all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction of any of the Bonds over any other thereof except as expressly provided in or permitted by this Ordinance.

Sec. 30. **Conflicting Ordinances.** All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are repealed.

Sec. 31. **Severability and Paragraph Headings.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provisions shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

Sec. 32. **Publication and Recordation.** This Ordinance shall be published in full in the *Coopersville Observer*, a newspaper of general circulation in the Village qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the President and the Village Clerk.

Sec. 33. **Effective Date.** In accordance with Act 94, this Ordinance shall become effective immediately upon its adoption.

Passed and adopted by the Village Council of the Village of Ravenna, County of Muskegon, Michigan, on August 12, 2008, and approved by me on August 12, 2008.

Steve Dodson, President
Village of Ravenna

ATTEST:

Sandra Rollenhagen
Village Clerk

EXHIBIT A

REGISTERED

REGISTERED

UNITED STATES OF AMERICA

STATE OF MICHIGAN

COUNTY OF MUSKEGON

VILLAGE OF RAVENNA

WATER REVENUE BONDS (GENERAL OBLIGATION LIMITED TAX), SERIES 2008

No. R-1

REGISTERED OWNER: Michigan Municipal Bond Authority

PRINCIPAL AMOUNT:

INTEREST RATE: Two and one-half percent (2.50%) per annum

DATE OF ORIGINAL ISSUE AND REGISTRATION: The date each installment portion of the Principal Amount was delivered to the Registered Owner in accordance with the Purchase Contract and Supplemental Agreement.

KNOW ALL MEN BY THESE PRESENTS, that the Village of Ravenna, County of Muskegon, State of Michigan (the "Village" or "Issuer"), acknowledges itself indebted and for value received, hereby promises to pay the Principal Amount shown above to the Registered Owner specified above or its registered assigns shown as the owner of record of this bond on the books of the Village Treasurer, Ravenna, Michigan, as bond registrar (the "Bond Registrar") on the applicable date of record, in installments in the amounts and on the dates as set forth in Schedule I, attached hereto and made a part hereof, with interest thereon from the Date of Original Issue and Registration specified above until paid at the Interest Rate per annum specified above, first payable April 1, 2009 and semi-annually thereafter and principal is payable on the first day of October commencing October 1, 2010 (as identified in the Purchase Contract) and annually thereafter. Payment of principal and interest shall be paid to the Registered Owner hereof by the Bond Registrar by first class mail. The date of record shall be each March 15 and September 15 with respect to the payments due on each April 1 and October 1, respectively. Principal and interest are payable in lawful money of the United States of America.

The Village promises to pay to the Michigan Municipal Bond Authority (the "Authority") the principal amount of the Bond or so much thereof as shall have been advanced to the Village pursuant to a Purchase Contract between the Village and the Authority and a Supplemental Agreement by and among the Village, the Authority and the State of Michigan acting through the Department of Environmental Quality.

During the time funds are being drawn down by the Village under this Bond, the Authority will periodically provide the Village a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Village of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond. The Village acknowledges that in the event the principal amount of the loan evidenced by the Bonds is reduced by the Authority in accordance with Schedule I attached hereto or the Supplemental Agreement, the Authority will prepare a revised Schedule I to the Bond that is calculated so that the principal payments are rounded to the nearest dollar and which revised Schedule I shall be effective upon receipt by the Village.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the “additional interest”) at a rate equal to the rate of interest which is two percent above the Authority’s cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Village’s default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Village shall and hereby agrees to pay on demand only the Village’s pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

Bonds may be subject to redemption prior to maturity by the Village only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company N.A. or at such other place as shall be designated in writing to the Village by the Authority (the “Authority’s Depository”); (b) the Village agrees that it will deposit with the Authority’s Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority’s Depository has not received the Village’s deposit by 12:00 noon on the scheduled day, the Village shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority’s administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the Village and received by the Authority’s Depository at least 40 days prior to the date on which such redemption is to be made.

The revenues of the Village of Ravenna Water Supply System (the “System”), including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration of the System, exclusive of depreciation (the “Net Revenues”), are irrevocably pledged for the prompt payment of principal and interest on this Bond on a parity basis with bonds of equal standing and a first priority statutory lien thereon has been created. The principal of and interest on this Bond shall be payable in lawful money of the United States.

This bond is issued pursuant to Ordinance No. _____ (the “Ordinance”), duly adopted by the Village Council of the Village and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94 of the Public Acts of Michigan of 1933, as amended, for the purpose of paying a portion of the cost of improvements.

This bond is a self liquidating bond payable, both as to Principal Amount and interest, primarily from the Net Revenues of the System. The Principal Amount and interest thereon are secured by a first priority statutory lien on the Net Revenues of the System on a parity basis with bonds of equal standing. In addition, the Village has pledged its full faith and credit as additional security for the payment of the Principal Amount and the interest hereon.

The Village has covenanted and agreed, and does hereby covenant and agree to fix and maintain at all times while any bonds payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient, when taken together with Net Revenues, to provide for payment of the principal of and interest on the bonds of this issue and any other bonds payable from the Net Revenues as and when the same shall become due and payable, and to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance. In addition, the Village has covenanted to operate the System so as to provide Net Revenues equal to at least 100% of debt service on all bonds payable from the Net Revenues of the System in each year.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued, the rights and limitations on the owners of the bonds and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.

This bond is transferable only upon the registration books of the Village kept by the Bond Registrar by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

This bond is not valid or obligatory for any purpose until the Certificate of Registration and Authentication on this bond has been executed by the Bond Registrar.

IN WITNESS WHEREOF, the Village of Ravenna, County of Muskegon, State of Michigan, by its Village Council, has caused this bond to be executed by its President and its Village Clerk and its corporate seal to be affixed on this bond all as of the Date of Original Issue.

VILLAGE OF RAVENNA

By _____
Steve Dodson
Its President

[SEAL]

By _____
Sandra Rollenhagen
Its Clerk

CERTIFICATION OF REGISTRATION AND AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Bond Authorizing Resolution and has been registered in the name of the payee designated on the face hereof in the Register maintained for the issuer thereof.

_____ as Bond Registrar

Date of Authentication: _____

By _____ Authorized Representative

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto _____, the within bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program

NOTICE: The signature(s) to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

The Bond Registrar will not affect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if this Bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OF OTHER IDENTIFYING NUMBER OF TRANSFEREE

(Insert number for first-named transferee if held by joint account)

DEQ Project No.

DEQ Approved Amt: \$ _____

SCHEDULE I

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

Due	Amount of Principal
Date	Installment Due

Interest on the Bond shall accrue on principal disbursed by the Authority to the Issuer from the date principal is disbursed, until paid, at the rate of 2.5% per annum, payable _____, 20____, and semi-annually thereafter.

The Issuer agrees that it will deposit with The Bank of New York Mellon Trust Company, N.A., or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

CERTIFICATE OF VILLAGE CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Ravenna, County of Muskegon, State of Michigan, at a special meeting held on August 12, 2008, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the President and the Village Clerk.

Sandra Rollenhagen
Village Clerk

CERTIFICATE OF PUBLICATION

I, Sandra Rollenhagen, Village Clerk of the Village of Ravenna, County of Muskegon, State of Michigan, hereby certify that the Ordinance No. 135 was published in *The Coopersville Observer* on September 1, 2008.

Sandra Rollenhagen
Village Clerk

PART 117
WATER SUPPLY CROSS CONNECTION
Ord. No. 18

(Repealed by Ord. No. 134)

PART 118

**SWIMMING POOLS; FILLING, DRAINING
Ord. No. 13**

(Repealed by Ord. No. 134)

PART 119

119.000

SEWER BONDS¹

Ord. No. 11A

Adopted: December 2, 1969

An ordinance authorizing the issuance of sewage disposal system revenue bonds by the Village of Ravenna, Michigan, for the purpose of constructing a municipal sewage disposal system; prescribing the form of bonds; providing for the collection of revenue from said system sufficient for the purpose of paying the costs of operation and maintenance thereof, providing an adequate reserve fund therefor, and providing for the payment of said bonds and further providing for the segregation and distribution of said revenues; and, providing for the rights of the holders of said bonds in enforcement thereof, and the repeal of Ordinance No. 8.

THE VILLAGE OF RAVENNA ORDAINS:

119.001 Necessity; plans, specifications.

Sec. 1. It is hereby determined to be necessary for the public health and welfare of the Village of Ravenna, County of Muskegon, Michigan, (herein sometimes called Village) to acquire and construct, in accordance with detailed maps, plans and specifications therefor prepared by Williams and Works, registered engineers of Grand Rapids, Michigan, a sewage treatment plant and sewage collection system together with the necessary appurtenances and attachments thereto.

119.002 Cost; period of usefulness.

Sec. 2. The cost of said public improvements has been estimated by said engineers to be Seven Hundred Seventy Nine Thousand Nine Hundred Ten (\$779,910.00) Dollars including the payment of incidental expenses as specified in Section 3 of this Ordinance which estimate of cost is hereby approved and confirmed, and the period of usefulness of said public improvements is estimated to be not less than forty (40) years.

119.003 Payment of costs; definitions.

Sec. 3. The Village of Ravenna [shall] now proceed with the construction of a Sanitary Sewer System and furnish the Village and its inhabitants with an adequate system and that said construction be carried out in accordance with plans and specifications and estimates referred to above. Said system shall include a sewage treatment lagoon, sewer mains and laterals, pump and lift stations, all attachments, sites, easements and rights-of-way and all necessary appurtenances. The Village hereby finds and determines the total estimated cost of the system is \$779,910, and that when said system is installed, it shall be operated as a public

¹Cross references – Sewer rules and regulations, Pt. 120; sewer rates, Pt. 121.

utility including all extensions and improvements to said system; that prior to the issuance of the Sewage Disposal System Revenue Bonds, rates and charges for the services of said utility will be fixed in an amount sufficient to pay the costs of operation and maintaining the said system and to leave an amount of revenues adequate for the principal and interest, debt services, reserve, replacements and improvement requirements and all other requirements provided, and that it is necessary to sell the Sewage Disposal System Revenue Bonds (herein called bonds) in the principal amount of Five Hundred Thousand (\$500,000.00) Dollars, and having the terms provided herein, the proceeds to be used for the purpose of construction of the system and purposes incidental thereto and incidental to the issuance of said bonds, and for such other purposes as may be described herein.

Whenever the words “**the System**” are referred to in this Ordinance, they shall be understood to mean the complete Sanitary Sewage Disposal System of the Village of Ravenna and all extensions and improvements thereto hereafter made.

Whenever the words “**public improvements**” are used in this Ordinance, they shall be understood to mean the improvements authorized to be acquired and constructed under the provisions of this Ordinance.

Whenever the words “**revenues**” and “**net revenues**” are used in this Ordinance, it shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Whenever the word “**government**” is used in this Ordinance it shall be understood to mean the United States Government.

119.004 Bond date; redemption.

Sec. 4. The revenue bonds shall be issued in a fully registered form with interest coupons, shall be dated the date of delivery, shall be in the denomination of One Thousand (\$1,000.00) Dollars each and shall be numbered 1 to 500, both inclusive. The bonds shall be negotiable. The bonds and coupons will be payable to bearer or at the option of the purchaser the bonds may be fully registered on the books of the Village, kept for that purpose by the Bond Registrar upon presentation thereof which registration shall be noted thereon by the registrar after which no transfer shall be valid unless made on said book and similarly noted on the bonds. No charge shall be made for registration. The Treasurer of Municipality shall act as the Bond Registrar. Said bonds once registered are exchangeable at the request of the registered owner thereof and at his sole expense, for a negotiable coupon bond payable to bearer upon surrender of said bond to the borrower at the office of the Treasurer of the Village of Ravenna.

The bonds will bear interest not exceeding five (5%) percent per annum as may be fixed by supplemental resolution. All interest to be payable on July 1, 1970, and semiannually thereafter on January 1 and July 1 until payment of the principal

amount of each bond. Said bonds shall be scheduled to become due and payable in numerical order on January 1 in the respective years as follows:

Number	Year	Amount
1/5	1972	\$5,000
6/10	1973	5,000
11/15	1974	5,000
16/20	1975	5,000
21/26	1976	6,000
27/32	1977	6,000
33/38	1978	6,000
39/45	1979	7,000
46/52	1980	7,000
53/59	1981	7,000
60/67	1982	8,000
68/75	1983	8,000
76/84	1984	9,000
85/93	1985	9,000
94/102	1986	9,000
103/112	1987	10,000
113/122	1988	10,000
123/133	1989	11,000
134/144	1990	11,000
145/156	1991	12,000
157/169	1992	13,000
170/182	1993	13,000
183/196	1994	14,000
197/211	1995	15,000
212/226	1996	15,000
227/242	1997	16,000
243/259	1998	17,000
260/277	1999	18,000
278/296	2000	19,000
297/316	2001	20,000
317/337	2002	21,000
338/359	2003	22,000
360/382	2004	23,000
383/406	2005	24,000
407/431	2006	25,000
432/456	2007	25,000
457/481	2008	25,000
482/500	2009	19,000

Said bonds will be signed by the Village President and countersigned by the Village Clerk and shall have the corporate seal of the Village of Ravenna impressed thereon and shall have interest coupons attached bearing the facsimile signature of the Treasurer.

Both principal and interest shall be payable in lawful money of the United States of America at Security First Bank and Trust Company, Ravenna, Michigan, or at the option of the holder at a bank or trust company to be designated by the original purchaser of the bonds with approval of the Village Council. In the event that the bonds are registered, then payment of principal and interest shall be made at the address of the registered holder as shown on the registration books and no paying agent shall be designated.

Bonds numbered 1 to 59, inclusive, maturing in the years 1972 to 1981, inclusive, will not be subject to redemption prior to maturity.

Bonds numbered 60 to 500, inclusive, maturing in the years 1982 to 2009, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Village of Ravenna on any interest payment date on or after January 1, 1981, at par and accrued interest to the date fixed for redemption.

Thirty (30) days' notice of the call of any bonds for redemption shall be given by publication in a newspaper or publication circulated in the State of Michigan which carries, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty (30) days' notice shall be given by mail to the registered holder at the registered address and no publication shall be necessary. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

(Amended: Ord. No. 11.1, 1-21-70)

119.005 Bond form.

Sec. 5. The form and tenor of said bonds shall be substantially as follows:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF MUSKEGON
VILLAGE OF RAVENNA

SEWAGE DISPOSAL SYSTEM REVENUE BOND

No. _____ \$1,000.00

KNOW ALL MEN BY THESE PRESENTS that the Village of Ravenna, County of Muskegon, State of Michigan, for value received hereby promises to pay to the bearer hereof, or if registered, to the registered holder hereof, but only out of the revenues of the Sewage Disposal System of the Village of Ravenna, including all appurtenances, additions, extensions and improvements thereto, the sum of

ONE THOUSAND DOLLARS

on the first day of _____, A. D., 19____, with interest thereon from the date hereof until paid at the rate of ____ percent (___ %) per annum, payable on July 1, 1970, and semi annually thereafter on the first day of January and July of each year. Both principal of and interest on these bonds are payable in lawful money of the United States of America at _____ or at the option of the holder at a bank or trust company to be designated by the original purchaser of the bonds with approval of the Village of Ravenna or if registered, to the registered holder at the address shown on the registration books of the Village of Ravenna and for the prompt payment thereof, the gross revenues of the Sewage Disposal System of the Village of Ravenna, including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This bond is one of a series of five hundred (500) bonds of even date and like tenor, except as to date of maturity _____, aggregating the principal sum of Five Hundred Thousand (\$500,000.00) Dollars, numbered consecutively in direct order of maturity from one (1) to five hundred (500), inclusive, issued pursuant to Ordinance No. 11A, duly adopted by the Village of Ravenna, on December 2, 1969, and under and in substantial compliance with the constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying part of the cost of acquiring and constructing a sewage disposal system consisting of a sewage treatment lagoon, sanitary sewer mains including trunks and laterals and lift station together with the necessary appurtenances and equipment related thereto.

For a complete statement of the revenues from which, and the conditions under which this bond is payable, a statement of the conditions, under which the additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above described Ordinance.

Bonds numbered 1 to 59, inclusive, maturing the years 1972 to 1981, inclusive, will not be subject to redemption prior to maturity.

Bonds numbered 60 to 500, inclusive, maturing in the years 1982 to 2009, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the option of the Village of Ravenna on any interest payment date on or after January 1, 1981, at par and accrued interest to the date fixed for redemption.

Thirty (30) days' notice of the call of any bonds for redemption shall be given by publication in a paper circulated in the State of Michigan which carries, as part of its regular service, notices of sale of municipal bonds, and in case of registered bonds, thirty (30) days' notice shall be given by mail to the registered holder at the registered address. Bonds so called for redemption shall not bear interest after the

date fixed for redemption, provided funds are on hand with the paying agent to redeem said bonds.

Said bonds may be registered as to principal and interest on the books kept by the Treasurer of the Village of Ravenna as registrar in the name of the holder after which it shall be transferable only upon presentation to such registrar with a written transfer by the registered holder or his attorney in fact, such transfer shall be noted upon the bond and upon the books of the Village of Ravenna kept for that purpose. Said bonds once registered are exchangeable at the request of the registered owner hereof and at his sole expense for a negotiable coupon bond payable to the bearer, upon surrender of this bond to the borrower at the office of the Treasurer of the Village of Ravenna.

This bond is a self liquidating bond and is not a general obligation of the Village of Ravenna and does not constitute an indebtedness of said Village of Ravenna within any constitutional or statutory limitation, but is payable, both as to principal and interest, solely from the revenues of the Sewage Disposal System of the Village of Ravenna. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Village Council hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding, such rates for service furnished by said Sewage Disposal System as shall be sufficient to provide for payment of the interest upon and the principal of all such bonds as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of said Sewage Disposal System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said System as are required by said Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which [this bond] is one have been done and performed in regular and due tire and form as required by law.

IN WITNESS WHEREOF, the Village of Ravenna, County of Muskegon, State of Michigan, by its Village Council, has caused this bond to be signed in the name of said Village by its Village President and to be countersigned by its Village Clerk, and its corporate seal to be hereunto affixed and has caused the annexed interest coupons to be executed with the facsimile signature of said Village Treasurer, all as of the _____ day of _____, A. D., 1969.

VILLAGE OF RAVENNA
COUNTY OF MUSKEGON
STATE OF MICHIGAN

By Donald L. Pigors
Village President

(Seal)

Countersigned:

Ethel Nutt
Village Clerk

REGISTRATION
 NOTHING TO BE WRITTEN HEREON EXCEPT
 BY THE TREASURER AS REGISTRAR

		Name of
Date of Registration:	Registered Owner:	Registrar
_____:	_____:	_____:
_____:	_____:	_____:
_____:	_____:	_____:

(Form of Coupon)

No. _____ \$ _____

On the first day of _____, A. D., _____, the Village of Ravenna, County of Muskegon, State of Michigan, will pay to the (bearer) (registered holder of the bond) hereof the sum of _____ Dollars, in the manner and out of the revenues described in said bond at _____ being the semi annual interest due that date on its Sewage Disposal System Revenue Bond.

Dated _____, 1969, No.

This coupon is not a general obligation of the Village of Ravenna but is payable out of certain revenues as set forth in the bond to which it pertains.

 Village Treasurer

(Amended: Ord. No. 11.1, 1-21-70)

119.006 Payment of bonds.

Sec. 6. The bonds hereby authorized, together with interest thereon, shall be payable from the net income and revenues to be derived from the operation of the Sewer System, to pay such principal and interest as and when the same shall become due, is hereby pledged and shall be set aside for the purpose and identified as the "Sewer System Revenue Bond and Interest Redemption Fund Account," as hereinafter specified.

119.007 Funds.

Sec. 7. The Treasurer of said Village shall be custodian of all funds belonging to and/or associated with the Sewer System and such funds shall be deposited in the Security First Bank and Trust Company, Ravenna Branch, Ravenna, Michigan, which bank is a member of the Federal Deposit Insurance Corporation.

All monies in excess of Fifteen Thousand (\$15,000.00) Dollars in the supervised bank account shall be secured by the depository bank in advance in accordance with United States Treasury Department Circular No. 176. In the event that the government is a holder of any of the bonds herein authorized, then the Treasurer shall execute a fidelity bond in an amount not less than Twenty Thousand (\$20,000.00) Dollars with a surety company approved by the government, and the United States and the Village of Ravenna shall be named as co-obligees in such bond and the amount thereof shall not be reduced without the prior written consent of the government. The Treasurer is hereby directed to create the following funds and accounts into which the bond proceeds and the revenues and income from the Sewage Disposal System shall be deposited, which accounts shall be established and maintained, except as otherwise provided, so long as any of the bonds hereby authorized remain unpaid.

- A. **Construction Account.** The proceeds of the bonds hereby authorized shall be deposited in the Construction Account in the Security First Bank and Trust Company, Ravenna Branch, Ravenna, Michigan, a bank insured by the Federal Deposit Insurance Corporation. In the event the government is a holder of any of the bonds herein authorized, then said account shall be established as a supervised bank account and such proceeds shall be withdrawn on the orders of the Village Council of the Village of Ravenna only on checks signed by the Treasurer of the Village and countersigned by the County Supervisor of the Farmers Home Administration. Said monies shall be used solely for the purposes for which the bonds were issued. Interest on the bonds shall be capitalized for a period of eighteen months which is the estimated time for completion of construction, and there shall be set aside from the proceeds of the bonds the amount of interest which will accrue during such period at the interest rate specified in the bonds into the Redemption Fund to be used to pay capitalized interest only. Any unexpended balance of the proceeds of sale remaining after completion of the project herein authorized shall be used as authorized by Section 16, Act 94, Public Acts of Michigan, 1933, as amended, and in the event that the government is a holder of any of the bonds, said use shall be subject to the approval of the government.
- B. **Sewage Disposal System Receiving Fund Account.** As soon as the system becomes operative and revenue producing, the gross income and revenue shall be set aside into a separate account to be designated the Sewage Disposal System Receiving Fund Account, and monies so deposited therein shall be expended and used only in the manner and order as follows:
- (1) **Operation and Maintenance Account.** When the system becomes revenue producing, there shall be set aside and deposited each quarter pursuant to the budget a sufficient portion of the income and revenue in the Operation and Maintenance Account to pay the reasonable and necessary current expenses of administering, operating and maintaining said system for the ensuing quarter.

- (2) **Sewer System Revenue Bond and Interest Redemption Fund.** After the transfer required in 1) above, there shall be transferred each month from the Sewage Disposal Receiving Fund Account, before any other expenditures or transfer therefrom, and deposited in the Sewer System Revenue Bond and Interest Redemption Fund Account for payment of principal and interest on the bonds a sum equal to at least one sixth (1/6) (or such larger amounts as is necessary) of the amount equal to the interest due on the next ensuing interest due date and not less than one twelfth (1/12) of the principal maturing on January 1, 1972 and January 1, of each year thereafter. If for any reason there is a failure to make such monthly deposit then an amount equal to the deficiency shall be set aside and deposited in the Redemption Fund Account of the net revenues in the ensuing month or months, which amount shall be in addition to the regular monthly deposit required during such succeeding month or months.

Whenever there shall accumulate in the Redemption Fund Account amounts in excess of the requirements during the next eighteen months for paying the principal of bonds falling due and interest on outstanding bonds, and in excess of the requirements of the Operation and Maintenance Account and the Reserve Account hereinafter established, such excess may be used by the Village of Ravenna for redemption of bonds in the manner set out in Section 4 above.

- (3) **General Purpose Account.** Out of the balance of income and revenue after the transfers required in 1) and 2) above have been made, there shall be set aside and deposited in the General Purpose Account the sum of \$260 each month until there is accumulated in such fund the sum of Thirty One Thousand Two Hundred (\$31,200.00) Dollars after which no further deposits need to be made into said account except to replace withdrawals. The General Purpose Account shall be used and disbursed only for the purpose of paying the cost of repairing or replacing any damage to the system which may be caused by any unforeseen catastrophe, for making extensions or improvements to the System, and when necessary for the purpose of making payments of principal and interest on the bonds hereby authorized if the amount in the Redemption Fund Account is not sufficient to meet such payments, then these funds shall be transferred to the Redemption Fund. Whenever disbursements are made from said account, monthly payments shall be resumed until there is again accumulated the maximum amount of Thirty One Thousand Two Hundred (\$31,200.00) Dollars at which time payments may be again discontinued. The funds in the General Purpose Account may be invested in obligations of the United States. Any such investment will be a part of the General Purpose Account.

- (4) **Surplus Monies.** All monies remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements shall be transferred to the Bond and Interest Redemption Fund and used to call bonds for redemption, or at the option of the Village Council transferred to the General Purpose Account and used for the purpose of which said Account was established: Provided, however, that if there should be a deficit in the Operation and Maintenance Fund, Bond and Interest Redemption Fund or the General Purpose Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such funds remaining in the Receiving Fund to such funds in the priority and order named, to the extent of such deficits. Surplus monies may be used to retire junior bond issues.

(Amended: Ord. No. 11.1, 1-21-70)

119.008 Rates and charges.

Sec. 8. The rates and charges for all services and facilities rendered by the system shall be reasonable and just, taking into consideration the costs and value of said system and the cost of maintaining, repairing, and operating the same and the amounts necessary for the retirement of all bonds and accruing interest, on all bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this and the preceding section. Charges for all service furnished to any premises shall be a lien thereon as provided in Section 21, Act 94 Public Acts of Michigan, 1933, as amended. Any proposed rate schedule or change thereof must be submitted for audit by the Michigan Municipal Finance Commission.

119.009 Covenants; additional bonds; refunding of bonds.

Sec. 9. The Village covenants and agrees that so long as any of the bonds hereby authorized remain unpaid as follows:

- (a) It will comply with applicable state laws and regulations and continually operate and maintain the system in good condition.
- (b) No customer of the system, individual, corporation or municipality shall receive free services or any services without being charged the following rates prescribed in the rules and regulations of said system.

(c)

(I) It will maintain complete books and records relating to the operation of the system and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, as long as the government is the holder of any of the bonds, will furnish Farmers Home Administration, without request, a copy of each audit report and will furnish any other holder of any bonds a copy of such upon

written request. As long as the government is the holder of any of the bonds herein authorized, the Farmers Home Administration shall have the right to inspect the system and the records, accounts, and data relating thereto at all reasonable times.

(II) It will file with the Municipal Finance Commission each year not later than ninety (90) days after the close of the fiscal year, a report, on forms prepared by the commission, made in accordance with the accounting method of the municipality, completely setting forth the financial operation of such fiscal year for its own purposes. A copy of such report shall be concurrently furnished the Farmers Home Administration as long as the government is a holder of any of the bonds herein authorized.

- (d) The Village will maintain and carry, for the benefit of the holders of the bonds, insurance on all physical properties, of the system, of the kinds and in the amounts normally carried by municipalities engaged in the operation of sanitary sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling bonds. As long as the government is a holder of any of the bonds herein authorized then said insurance shall be approved by the Farmers Home Administration.
- (e) It will not borrow any money from any source or enter into any contract or agreement to incur any other liabilities that may in any way be a lien upon the revenues or otherwise encumber the system so as to impair revenues therefrom, without obtaining the prior written consent of the Government if the government is a holder of any of the bonds authorized herein, nor shall it transfer or use any portion of the revenues derived in the operation of the system for any purpose not herein specifically authorized.

The Village may issue additional parity bonds for the following purposes and on the following conditions:

(a) To complete construction of the project according to the plans set forth in Section 1, bonds in the amount necessary may be issued.

(b) For the purpose of making reasonable repair, replacement or extension of the system parity bonds may be issued if:

(I) The net revenues of the system for the fiscal year preceding the year in which such parity bonds are to be issued were one hundred twenty (120%) percent of the average annual debt service requirements on all bonds then outstanding and those proposed to be issued; or,

(II) The holders of at least seventy five (75%) percent of the then outstanding indebtedness consent to such issue in writing.

The funds herein established shall be applied to all parity bonds issued pursuant to this section as if said bonds were part of the original bond issue and all revenue from any such extension or replacement constructed by the proceeds of a parity bond issue shall be paid to the Sewage Disposal Receiving Fund Account mentioned in this Ordinance and this provision shall be controlling over any provisions of this Ordinance to the contrary.

- (f) It will not voluntarily dispose of or transfer its title to the system or any part thereof, including lands and interest in lands, by sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of the government if the government is a holder of any of the bonds herein authorized.
- (g) Except as otherwise specifically provided so long as any of such bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said system shall be incurred or issued by the Village unless the same shall be junior and subordinate in all respects to the bonds herein authorized.
- (h) Prior to the beginning of each fiscal year the Village will prepare an annual budget of said system for the ensuing fiscal year itemized on the basis of monthly requirements, a copy of such budget shall be mailed without request to the Farmers Home Administration as long as the government is holder of any of said bonds prior to adoption for review and upon written request to any other bond holders.
- (i) The provisions of the ordinance shall constitute a contract between the Village and the bond holders and after the issuance of such bonds this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders nor shall the Village adopt any law, ordinance or resolution in any way adversely affecting the rights of the holders so long as said bonds or interest thereon remains unpaid.
- (j) If at any time it shall appear to the Government that the Village is able to refund, upon call for redemption or with consent of the Government the then outstanding bonds by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the Village will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government and will take all such actions as may be required in connection with such loans.
- (k) Any extensions or improvements of the system shall be engineeringly sound, and plans and specifications shall be submitted to the Government for prior review, only so long as it is holder of any of the bonds.

119.010 Default of Village.

Sec. 10. If there shall be default in the Redemption Fund, provisions of this Ordinance or in the payment of principal or interest of any of the bonds, upon the filing of a suit by twenty (20%) percent of the holders of the bonds any court having jurisdiction of the action may appoint a receiver to administer said system on behalf of the Village with power to charge and collect rates sufficient to provide for the payment of the bonds and for the payment of operation expenses and to apply income and revenues in accordance with this Ordinance and the laws of Michigan.

The Village hereby agrees to transfer to any bona fide receiver or other subsequent operator of the system, pursuant to any valid court order in a proceeding brought to enforce collection or payment of village obligations, all contracts and other rights of the Village conditionally, for such time only as such receiver or operator shall operate by authority of the court.

The holders of twenty (20%) percent of the bonds in the event of default may require by mandatory injunction the raising of rates in a reasonable amount.

119.011 Ordinance subject to Michigan Law and FmHA regulations.

Sec. 11. The provisions of this Ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the Farmers Home Administration not inconsistent with the express provisions hereof and Michigan Law.

119.012 Fiscal year.

Sec. 12. The fiscal year for operating the system shall be from January 1 to December 31 each year.

119.013 Village subject to loan agreement.

Sec. 13. So long as the government is holder of any of the bonds, the Village of Ravenna shall be subject to the loan agreement with the Farmers Home Administration, form F.H.A. 442-47.

119.014 Repeal; validity; effective date.

Sec. 14. Ordinance No. 8, dated September 10, 1969, is hereby repealed and all other ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PART 120

120.000

SEWER RULES AND REGULATIONS¹

Ord. No. 10

Adopted: October 28, 1969

An ordinance regulating the use of public and private sewers and drains; the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; and providing penalties for violations of sections thereof in the Village of Ravenna, Michigan.

THE VILLAGE OF RAVENNA ORDAINS:

120.001 Definitions.

Sec. I. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. **“Sewage Works”** shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- B. **“Superintendent”** shall mean the Superintendent of the Municipal Sewage Works of the Village of Ravenna, Michigan, or his authorized deputy, agent, or representative.
- C. **“Inspector”** shall mean any person or persons duly authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.
- D. **“Sewage”** shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- E. **“Sewer”** shall mean a pipe or conduit for carrying sewage.
- F. **“Public Sewer”** shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- G. **“Combined Sewer”** shall mean a sewer receiving both surface runoff and sewage.
- H. **“Sanitary Sewer”** shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

¹Cross references – Sewer bonds, Pt. 119; sewer rates, Pt. 121.

- I. “**Storm Sewer**” or “**Storm Drain**” shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- J. “**Industrial Wastes**” shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- K. “**Garbage**” shall mean solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
- L. “**Properly Shredded Garbage**” shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- M. “**Building Drain**” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- N. “**Building Sewer**” shall mean the extension from the building drain to the public sewer or other place of disposal.
- O. “**B.O.D.**” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in parts per million by weight.
- P. “**pH**” shall mean the logarithm of the reciprocal of the weight of hydrogenions in grams per liter of solution.
- Q. “**Suspended Solids**” shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- R. “**Natural Outlet**” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- S. “**Watercourse**” shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- T. “**Person**” shall mean any individual, firm, company, association, society, corporation, or group.
- U. “**Shall**” is mandatory; “**May**” is permissive.

120.002 Use of public sewers required.

Sec. II.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of Ravenna, Michigan, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
- B. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial waste, or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, where such public sewer is located within 100 feet of the property line of the premises. As a matter of public health, all connections to the public sewer system required hereunder shall be completed no later than twelve (12) months after the last to occur of the date of official notice by the Village to make said connections. Newly constructed structures required to connect shall be connected prior to occupancy thereof. Persons who fail to complete a required connection to the public sewer system within such twelve (12) month period shall be liable for a civil penalty equal in amount to the Service Charge that would have accrued and been payable had the connection been made as required. (Amended: Ord. No. 147, 08-01-2017)

120.003 Public sewage disposal.

Sec. III.

- A. Where a public sanitary or combined sewer is not available under the provisions of Section II.D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.
- B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village.

- C. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section II.D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.
- E. Extension of Public Sewer System by Property Owner. If connection to the Public Sewer System is required by Section 120.002.D. of Part 120 of the Code, but there is no public sewer adjacent to the premises, or if a property owner elects to extend the public sewer, such extension shall be in accordance with the following requirements, unless modified by the terms of a written agreement between the Village and the property owner pursuant to Section 120.003.F. of Part 120 of the Code:
 - (1) The sewer main shall be extended to the premises in a public right-of-way, or in an easement owned by the public to the premises in question. If the sewer is to be extended for the purpose of serving a new development, including but not limited to a site condominium, subdivision, or division of land which involves the installation of a new public or private road, the sewer main shall be extended throughout such new road so that the sewer abuts all units or lots within the development, within an easement dedicated to the public if not located in a public street right-of-way.
 - (2) If a sewer main is extended to a premises, the main shall be installed across the entire frontage of the premises served, to the border of the adjacent premises. For developments for which a new public or private road is constructed, the sewer main shall be extended across the entire frontage of the development on the existing adjacent public or private road, in addition to being extended within the new road to all lots or units within the development. All sewer main extensions shall be located within an easement dedicated to the public, if not located in a public street right-of-way.
 - (3) The sewer main shall be constructed in accordance with specifications approved by the Village.
 - (4) The design, planning and construction of the sewer main and related facilities shall comply with all State and County requirements and approval procedures.

- (5) Upon completion of the sewer main, verification by the Village's inspector that it has been properly constructed, and proof that all contractors have been paid for the cost thereof (including lien waivers if requested), the sewer main shall be dedicated to the Village, without cost to the Village. Upon acceptance of dedication, the Village shall thereafter be responsible for maintenance of the sewer main. The Village shall be assigned, or be a third party beneficiary of, all construction contracts and material and equipment warranties.
- (6) The person responsible for installing the sewer shall reimburse the Village for the cost to review plans and specifications of the sewer extension including, but not limited to, costs of the Village's engineer to review said plans and specifications, and the cost of acquisition of right-of-way, if necessary, including attorney fees, appraisal fees, cost of land title research and all other expenses of any condemnation proceedings. The person responsible for installing the sewer shall pay an amount to the Village, in advance, at least equal to the estimated fees for such review and acquisition. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.
- (7) The entire cost of installation of the sewer main, including but not limited to engineering, construction, permits and restoration shall be paid by the owner or owners of the premises to whom sewer is being extended.
- (8) In addition to the extension of a sewer main as required, the owner of premises to be connected to the System shall, in the Village's sole discretion, either (a) reimburse the Village for the cost of making improvements to downstream facilities, which are necessary as a result of the additional connections proposed to be made by the owner of the premises or by a development which will be provided with public sewer including, but not limited to, increasing the size of downstream sewer mains to provide sufficient capacity, increase in the capacity of lift stations, and increase in treatment capacity of the Wastewater Treatment Plant ("Downstream Improvements"), or (b) undertake and make the Downstream Improvements in accordance with the Village's specifications. In the event the Village determines that the owner is to reimburse the Village for the Downstream Improvements, the responsible party and the Village shall enter into an agreement whereby the responsible party pays to the Village, in advance, an amount equal to at least the estimated cost of making such improvements. Any excess not required to complete the improvements shall be refunded to the responsible party; any shortfall shall be paid before connection of any premises is permitted.

(9) In the Village Council's sole discretion, the Village Council may require the person requesting the sewer extension or required to construct a sewer extension to provide at the sole expense of said person an engineering report by a consulting engineer acceptable to the Village addressing the cost and feasibility of the proposed extension in the context of the foregoing conditions.

F. Sewer Extension Agreements. The Village shall have the authority to negotiate agreements for sewer extensions with landowners, developers and other municipalities, which agreements may take into consideration issues of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 15 years and similar matters.

(Amended: Ord. No. 147, 08-01-2017)

120.004 Building sewers and connections.

Sec. IV.

A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village. Before a permit may be issued for excavating for plumbing in any public street, way, or alley the person applying for such permit shall have executed into the Village of Ravenna and deposited with the Treasurer a corporate surety in the sum of One Thousand (\$1,000.00) Dollars conditioned that he will perform faithfully all work with due care and skill and in accordance with the laws, rules, and regulations established under the authority or any ordinances of the Village of Ravenna pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of Ravenna and the owner of the premises against all damages, costs, expenses, outlays, and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims, and demands that may have accrued thereunder prior to such expiration.

B. There shall be two (2) classes of building sewer permits: (1) for residential service and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a special form furnished by the said Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of Fifty (\$50.00) Dollars for a residential or commercial building sewer permit, and Seventy Five (\$75.00) Dollars for an industrial building sewer permit shall be paid to the Village Clerk at the time the application is filed.

- C. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be construed to the rear through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the superintendent.
- E. Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said Inspector to meet all requirements of this Ordinance.
- F. The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:
 - a. Plastic (ABS) ASTM D 1527 SDR 35 D-235 Schedule 40
 - b. Plastic (PVS) ASTM D 1785 SDR 35-D3034 Schedule 40
 - c. Plastic (Polyethylene) ASTM D 2239 SDR 11.5-D3261
 - d. Asbestos Cement (AC) ASTM C-428 C1-2400
 - e. Cast Iron Extra Heavy ASTM A-74
 - f. Vitrified Clay (VC) ASTM C-700 Extra Strength
 - g. Non-reinforced Concrete ASTM C 14 Extra Strength
 - h. PVC grinder pump force line ASTM D1784, Class 12453 B, Schedule 40, solvent welded joints
 - i. Polyethylene grinder pump force line ASTM D2239, SDR 7, heat butt fused

If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or cradle as approved by the inspector.

- G. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made: Resilient Compression Joints meeting the current ASTM "Specifications for Vitrified Clay Pipe Joints having Resilient Properties" (Designation C425). Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

- H. The size and slope of the building sewers shall be subject to the approval of the said Inspector, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall not be less than one eighth (1/8) inch per foot.
- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said inspector. Pipe laying and backfill shall be performed in accordance with current ASTM. Specifications except that no backfill shall be placed until the work has been inspected by the Inspector or his representative.
- J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.
- K. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed by the said Inspector.
- L. The applicant for the building sewer shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.
- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in manner satisfactory to the said Village.

(Amended: Ord. No. 10A, 12-2-69; Ord. No. 31, 2-1-77; Ord. No. 52, 10-7-80)

120.005 Use of the public sewers.

Sec. V.

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage, or hazard to structures, equipment,

and personnel of the sewage works, or other interference with the proper operation of the sewage works.

- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the said Superintendent and of the Michigan State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- E. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

120.006 Protection from damage.

Sec. VI. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

120.007 Powers and authority of inspectors.

Sec. VII. The superintendent, inspector, and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Ordinance.

120.008 Penalties.

Sec. VIII.

- A. Any person found to be violating any provision of this Ordinance except Section 6 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section VIII.A shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than Twenty Five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Ordinance shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

120.009 Conditions of service.

Sec. IX.

- A. The Village shall install and maintain at its expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at his expense that portion of the service from said lot or easement line to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the Village but in no event shall the diameter be less than six (6) inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.
- B. Applications may be cancelled and/or sewer service discontinued by the Village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
 - (1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

- (2) Nonpayment of bills.
 - (3) Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.
- C. Bills and notices relating to the conduct of the business of the Village will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the Village; and the Village shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.
 - (1) Bills for sewer service are due and payable at the business office of the Village or to any designated agent, on their date of issue. The past due date shall be the 30th day of the month after the period of service. Bills will be dated and mailed each month.
 - (2) All bills not paid on or before the past due date shall be termed delinquent, and the Village shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within thirty (30) days after date due, the water and/or sewer service to the user will be subject to discontinuance or other measures as state law will allow.
- E. Where the water or sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Village reserves the right to request a nominal sum be placed on deposit with the Village for the purpose of establishing or maintaining any customer's credit. The reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the Village have been paid.
- F. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re establish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- G. The Village shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or service pipes or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- H. The premises receiving sanitary service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village.

- I. Special terms and conditions may be made where sewer service is used by the Village or community for public purposes such as public parks, etc.
- J. These rules may be changed or amended.

Sec. IX-A. Notice and Claim Procedures Applicable to Overflow or Backup of the Public Sewer. This section has been adopted in accordance with Act 222 of the Public Acts of Michigan of 2001 (“Act 222”) to set forth the notice and claim procedures applicable to an overflow or backup of the Public Sewer, which, as defined in Act 222, shall be referred to for purposes of this Section as a “Sewage Disposal System Event.” To afford property owners, individuals and the Village greater efficiency, certainty and consistency in the provision of relief for damages or physical injuries caused by a Sewage Disposal System Event, the Village and any Person making a claim for economic damages, which, as defined in Act 222, shall be referred to for purposes of this Section as a “Claimant,” shall follow the following procedures:

- A. A Claimant is not entitled to compensation unless the Claimant notifies the Village of a claim of damage or physical injury, in writing, within 45 days after the date the damage or physical injury was discovered by the Claimant, or in the exercise of reasonable diligence should have been discovered by the Claimant.
- B. The written notice under subsection A shall contain the Claimant’s name, address, and telephone number, the address of the affected property, the date of discovery of any property damages or physical injuries, and a brief description of the claim. As part of the description of the claim, the Claimant shall submit an explanation of the Sewage Disposal System Event and reasonable proof of ownership and the value of any damaged personal property. Reasonable proof of ownership and the purchase price or value of the property may include testimony or records. Reasonable proof of the value of the property may also include photographic or similar evidence.
- C. The written notice under subsection A shall be sent to the Village Clerk, who is hereby designated as the individual at the Village to receive such notices pursuant to Section 19 of Act 222.
- D. If a Claimant who owns or occupies affected property notifies the Village orally or in writing of a Sewage Disposal System Event before providing a notice of a claim that complies with subsections A, B and C, the Village Clerk shall provide the Claimant with a written explanation of the notice requirements of subsections A, B and C sufficiently detailed to allow the Claimant to comply with said requirements.
- E. If the Village is notified of a claim under subsection A and the Village believes that a different or additional governmental agency may be responsible for the claimed property damages or physical injuries, the Village

shall notify the contacting agency of each additional or different governmental agency of that fact, in writing, within 15 business days after the date the Village receives the Claimant's notice under subsection A.

- F. If the Village receives a notice from a Claimant or a different or additional governmental agency that complies with this Section, the Village may inspect the damaged property or investigate the physical injury. A Claimant or the owner or occupant of affected property shall not unreasonably refuse to allow the Village or its duly authorized representatives to inspect damaged property or investigate a physical injury.
- G. Prior to a determination of payment of compensation by the Village, the Claimant shall provide to the Village additional documentation and proof that:
 - (1) At the time of the Sewage Disposal System Event, the Village owned or operated, or directly or indirectly discharged into, that portion of the Public Sewer that allegedly caused damage or physical injury;
 - (2) The Public Sewer had a defect;
 - (3) The Village knew, or in the exercise of reasonable diligence, should have known, about the defect in the Public Sewer;
 - (4) The Village, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect in the Public Sewer; and
 - (5) The defect in the Public Sewer was a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event and the property damage or physical injury.
- H. Prior to a determination of payment of compensation by the Village, the Claimant shall also provide to the Village additional documentation and proof that neither of the following were a proximate cause that was 50% or more of the cause of the Sewage Disposal System Event:
 - (1) An obstruction in a Building Drain or a Building Sewer that was not caused by the Village; or,
 - (2) A connection on the affected premises, including, but not limited to, a footing drain, sump system, surface drain, gutter, down spout or connection of any other sort that discharged any storm water, surface water, ground water, roof runoff, sub surface drainage, cooling water, unpolluted air conditioning water or unpolluted industrial process waters to the Public Sewer.

- I. If the Village and a Claimant do not reach an agreement on the amount of compensation for the property damages or physical injury within 45 days after the receipt of notice under subsection A, the Claimant may institute a civil action in accordance with Act 222.
- J. To facilitate compliance with this section, the Village shall make available to the public information about the notice and claim procedures under this Section.
- K. The notice and claim procedures set forth in this Section shall be applicable to a Sewage Disposal System Event involving the Public Sewer.
- L. In the event of a conflict between the notice and claim procedures set forth in this Section and the specific requirements of Act 222, the specific requirements of Act 222 shall control.
- M. As provided in Section 19(7) of Act 222, the notice and claim procedures of this Section do not apply to claims for non-economic damages (as defined in Act 222) arising out of a Sewage Disposal System Event.
- N. Any word, term or phrase used in this Section, if defined in Act 222, shall have the same meaning provided under Act 222.

(Section IX-A added by Ord. No. 102)

120.010 Validity.

Sec. X. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

120.011 Ordinance in force.

Sec. XI. This Ordinance to be in full force and effect from and after its passage, approval, and publication according to the law of the State of Michigan.

PART 121

121.000

SEWER RATE ORDINANCE¹

Ord. No. 9

Adopted: October 28, 1969

An ordinance establishing rates and charges for the use and service of the municipal sewer system of the Village of Ravenna, Michigan.

THE VILLAGE OF RAVENNA ORDAINS:

121.001 Service charge.

Sec. 1. The charge which all customers shall pay for sewer services and other charges incurred in connection with such service shall be established from time to time by resolution of the Village Council. No free service shall be provided by the System to any person, firm or corporation, or to any public agency or instrumentality.

(Amended: Ord. No. 9A, 12-2-69; Ord. No. 44, 10-11-79; Ord. No. 66, 2-7-89)

121.002 Billing.

Sec. 2. Bills for the rates and charges as herein established by the municipality shall be sent monthly. All bills shall be payable on the fifteenth (15) day of the month following the period of service and shall be paid at the office of the Village Clerk. If any charge for the services of the system shall not be paid by the last day of the month in which it shall become due and payable, a charge of ten (10%) percent of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after thirty (30) days following the rendition of the bill therefor, the water supply for the lot, parcel of land, or premise affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefor, in addition to the payment of a charge of Ten (\$10.00) Dollars.

¹Cross references – Sewer bonds, Pt. 119; sewer rules and regulations, Pt. 120.

121.003 Application; fee.

Sec. 3. Applications for sewer service shall be filed with the Clerk upon a form to be supplied by the Village. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a fee of Five Hundred Fifty (\$550.00) Dollars, payable to the Treasurer of the municipality for the connection charge.

(Amended: Ord. No. 44, 10-11-79)

121.004 Tenant deposit, liability.

Sec. 4. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises. A deposit of Fifteen (\$15.00) Dollars shall be required from all tenants. The deposit shall be applied to any bill for sewer service delinquent more than thirty (30) days. Upon the disconnection of the sewer service any balance of such deposit shall be returned to the applicant without interest.

121.005 Duty of Village Clerk.

Sec. 5. It is hereby made the duty of Village Clerk to render bills for sewer service and all other charges in connection therewith and to collect all moneys due therefrom.

121.006 Sewer system fund account.

Sec. 6. All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the Treasurer separate and apart from all other funds of the municipality and all of said sums and all other funds and moneys incident to the operation of said system as may be delivered to the Treasurer shall be deposited in a separate fund designated the "Sewer System Fund Account" and said Treasurer shall administer said fund in every respect in a manner provided by the Statutes of Michigan pertaining thereto.

121.007 Records; audit.

Sec. 7. The Village Clerk shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system, and at regular annual intervals the Village Council shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

121.008 Repeal.

Sec. 8. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

121.009 Effective date.

Sec. 9. This Ordinance shall be in full force from and after its passage.

Passed and adopted by the Village Council of the Village of Ravenna, Michigan, on the 28th day of October, 1969.

122.006 Motor vehicle speed.

Sec. 6. Motor vehicles shall not be driven in excess of ten (10) miles per hour on any roads within any park, except where otherwise posted. Motor vehicles shall be operated within any park in accordance with the state laws and local ordinances and rules applicable thereto.

122.007 Vending prohibited.

Sec. 7. No vending or peddling shall be allowed in any park within the Village. The Village Council of Ravenna may grant concessions to be operated in duly established concession stands within parks under such terms and conditions as it may impose from time to time.

122.008 Water facilities.

Sec. 8. No person shall wash or dispose of waste in or about any well or water facilities located within any park except where designated.

122.009 Camping prohibited.

Sec. 9. No person shall use the picnic grounds or playground areas of any park for camping or driving automobiles thereon.

122.010 Use of controlled substances.

Sec. 10. Sale, Possession or Use of Controlled Substances; Sale, Possession or Consumption of Alcoholic Beverages.

- A. No person shall sell, possess or use any controlled substance in any Park. The term “controlled substance” shall mean any drug, substance or immediate precursor, as defined in the Michigan Uniform Controlled Substances Act, MCLA 333.7101, *et. seq.*, as amended from time to time.
- B. No person shall sell, possess or consume any alcoholic beverage in any Park; except, that the sale, possession or consumption of alcoholic beverages in any Park is allowed when a person sells, possesses or consumes an alcoholic beverage in a Park while attending an event sponsored by a non-profit organization to which the Village Council has issued a permit. In determining whether to grant a permit for an event sponsored by a non-profit organization, the Village Council shall consider the following: whether the organization’s event will primarily benefit the organization and/or its members, or whether the event will have some significant public benefit; the duration of the proposed event; whether the event will have some significant public benefit; the duration of the proposed event; whether the organization has appropriate insurance; and past record, if any, of problems resulting from the conduct of such events. The Council shall have discretion to approve or deny the organization’s request, and in approving a request the Council may

include conditions or requirements pertaining to clean-up of the Park, police protection, and any other requirement or condition relating to the public health, safety and welfare.

(Amended by Ord. No. 83)

122.011 Park hours.

Sec. 11. Parks within the Village of Ravenna shall be open to the public between the hours of 7:00 a.m. and 10:00 p.m. daily. No person shall be permitted within said parks at any time other than during the hours specified herein except duly authorized officers and employees of the Village and law enforcement officers while in the performance of their official duties.

122.012 Rules and regulations.

Sec. 12. The Village Council of the Village of Ravenna shall have the power to adopt rules and regulations concerning the use of the parks by the public. Such rules and regulations are and shall be incorporated herein by reference.

122.013 Penalty for violation.

Sec. 13. Any person who shall violate the provisions of this Ordinance and rules and regulations adopted pursuant hereto shall, upon conviction, be subject to punishment by a fine not to exceed Five Hundred (\$500) Dollars or imprisonment in the county jail for a period not to exceed ninety (90) days or by both fine and imprisonment.

122.014 Severability.

Sec. 14. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared to be void or ineffective for any reason, it shall not affect any other part or portion thereof.

122.015 Repeal.

Sec. 15. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

122.016 Effective date.

Sec. 16. This Ordinance shall become effective immediately upon adoption for the preservation of the public health, safety and welfare.

122.017 Signs.

Sec. 17. No sign, plaque, advertisement, billboard or flyer shall be displayed, posted, placed, installed or otherwise permitted in a Village park; provided, however, this section shall not apply to signs authorized or installed by the Village for the following purposes:

- (a) Enhancing or benefiting public safety, traffic control, identification and directions.
- (b) Recognizing matters of historical or cultural significance.
- (c) Recognizing significant park or community contributions by means of a Village-installed sign at a central location.
- (d) Temporary signs identifying or used in connection with an event, gathering or activity that has been authorized by the Village; provided such signs shall not exceed eight (8) square feet in size, shall not be displayed for more than seven (7) days and shall be removed immediately upon completion of the event, gathering or activity.

All signs, plaques, advertisements, billboards or flyers shall be removed from the parks unless specifically permitted by this section.

(Amended by Ord. No. 122)

PART 123

123.000

**SIDEWALKS
Ord. No. 68
Adopted: July 2, 1991**

An Ordinance to establish regulations for the construction and repairs of sidewalks within the Village, to establish a procedure for determining the necessity of repair to sidewalks, to regulate the use and maintenance of sidewalks, and to provide penalties for violations of this Ordinance.

THE VILLAGE OF RAVENNA, MUSKEGON COUNTY, MICHIGAN ORDAINS:

123.001 Standards; rules and regulations.

Sec. 1. All sidewalks shall be constructed and repaired in accordance with standard practices in the industry and rules and regulations as established from time to time by Council. Such rules and regulations shall be in writing and filed with the Clerk. Copies of the rules and regulations shall be available for purchase at a cost established by the Clerk.

123.002 Determination of need of repair; notices.

Sec. 2. Whenever the designated inspector and Council concur that a sidewalk is unsafe for use, written notice thereof shall be given to the owner of the abutting premises by mail to the last known addition [address] of such owner. If such order [owner] is not known, the notice may be addressed to "occupant" or be delivered to a person of suitable age at the premises. If all these options are unavailable, the notice may be posted in a conspicuous place on the premises. The notice shall specify the condition to be repaired and the nature of the repair, along with any other relevant information that Council deemed appropriate.

123.003 Hearings.

Sec. 3. A hearing before Council shall be granted to a property owner notified under Section 2 [Section 123.002], provided that such hearing is requested within fifteen (15) days of the date of the notice. The purpose of the hearing shall be solely to determine if the need for sidewalk repair and/or replacement actually exists.

The hearing shall be requested through the office of the Clerk, who shall make every effort to resolve the dispute. If the Clerk and the property owner are unable to resolve the matter, the Clerk shall schedule the hearing as part of the regular Council agenda and shall notify the property owner of the hearing date as soon as possible.

123.004 Repairs by property owner.

Sec. 4. A property owner notified under Section 2 [Section 123.002] who elects to repair his or her own sidewalk shall notify the Clerk within ten dates [days] of the date of the notice. Any repair completed by the property owner must follow the guidelines outlined in Section 2 [Section 123.002], and the completed work must meet the approval of the designated inspector. A property owner who elects to complete the work himself or herself automatically releases the Village from any financial obligation outlined in Section 6 [Section 123.006].

123.005 Repairs by Village.

Sec. 5.

- (a) **Action.** Following the twentieth (20) day after the date of the notice specified in Section 2 [Section 123.002], it will be assumed that the property owner will not complete the necessary work, and the Village shall immediately take action to do so, except during the pendency of an appeal pursuant to Section 3 [Section 123.003]. To complete such work, the Village may use Village employees or contract through an independent contractor.
- (b) **Records.** The Village shall keep an accurate record of the costs of any such repair. The record shall include a description of the lots or premises upon which the expense occurred, the name of the property owner and any other relevant information that Council deems necessary. A copy of such record, along with a bill as provided for in subsection (c) hereof, shall be forwarded to the property owner as soon as the report becomes available.
- (c) **Cost.** All sidewalks repaired by the Village shall be paid for by both the property owner and the Village at large. Upon completion of the project, the Village shall forward to the property owner the report outlined in subsection (b) hereof and a bill for fifty (50%) percent of the total cost of construction or repair. The property owner shall have thirty (30) days to pay the amount of the bill without further action by the Village. At the time the report and bill are mailed, the owner's share of the cost becomes a lien upon the property.

If the property owner fails to pay the bill within the specified thirty (30) day period, the Clerk shall forward the cost to the Assessor. The Assessor shall then add an additional ten (10%) percent to the cost and place the total amount as an assessment upon the property

At any time following such thirty (30) day period, the property owner may pay the assessment in full.

123.006 Damage from trees or public vehicles.

Sec. 6. If the designated inspector determines that a sidewalk needing repair was damaged by abutting trees in the public right-of-way or by public vehicles, the Village shall arrange for the repairs to be made at the Village's expense.

123.007 Excavations; changes in grade, slope or line.

Sec. 7. No person shall construct or use any opening in a sidewalk, or change the grade, slope or line in a sidewalk, without first obtaining written permission therefore from the Council.

123.008 Obstructions, encumbrances and nuisances, snow removal.

Sec. 8.

- (a) No person shall place or maintain any obstruction, encumbrance or other nuisance upon a sidewalk in the Village without first obtaining permission therefore from the Council.
- (b) Property owners shall keep the sidewalk free and clear of snow, debris, and all other obstructions to clear passage.

123.009 Costs of new construction.

Sec. 9. The division of the cost for new construction of sidewalks, in areas where no sidewalks exist, shall be as set forth for repairs in Section 5(c) [Section 123.005(c)].

123.010 Corner lots.

Sec. 10.

- (a) In the case of the repair of a sidewalk on a corner lot, the property owner shall pay the cost of the repairs on both sides of the property in accordance with Section 5(c) [Section 123.005(c)].
- (b) In the case of the construction of a new sidewalk on a corner lot, the property owner shall pay the cost of the construction on the long side of the premises. Such cost shall be determined in accordance with Section 5(c) [Section 123.005(c)].

123.011 Penalty.

Sec. 11. Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than sixty (60) days, or both. A separate offense shall be

deemed committed each day during or on which a violation or noncompliance occurs or continues.

123.012 Severability.

Sec. 12. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared to be void or ineffective for any reason, it shall not affect any other part or portion thereof.

123.013 Repeal.

Sec. 13. All ordinances or resolutions, or any part thereof, which conflict with the provisions of this Ordinance are hereby repealed.

123.014 Effective date.

Sec. 14. This Ordinance shall become effective thirty (30) days after its publication in the manner provided by law.

PART 124

ORDINANCE NO. 115

**AN ORDINANCE TO IMPLEMENT THE
METROPOLITAN EXTENSION TELECOMMUNICATIONS
RIGHTS-OF-WAY OVERSIGHT ACT**

Adopted January 7, 2003

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. **Purpose.** The purpose of this Ordinance is to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) (the "Act") and other applicable law, and to ensure that the Village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

Sec. 2. **Conflict.** Nothing in this Ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

Sec. 3. **Terms Defined.** The terms used in this Ordinance shall have the following meanings:

Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC means the Michigan Public Service Commission.

Permit means a non-exclusive permit issued pursuant to the Act and this Ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication Facilities or Facilities means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and Telecommunications Services mean those terms as defined in the Michigan Telecommunications Act, being Public Act 179 of 1991, as amended. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this Ordinance only, a provider also includes all of the following:

- (a) A cable television operator that provides a telecommunications service.
- (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (c) A person providing broadband internet transport access service.

Village means the Village of Ravenna.

Village Clerk means the Village Clerk or his or her designee.

Village Council means the Village Council of the Village of Ravenna, or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

Sec. 4. **Permit Required.**

- (a) **Permit Required.** Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this Ordinance.
- (b) **Application.** Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk. Upon receipt, the Village Clerk shall distribute copies of the application to the Village President and Village

Attorney. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

- (c) **Confidential Information.** If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Michigan Freedom of Information Act, 1976 PA 442, the telecommunications provider shall prominently so indicate on the face of each map.
- (d) **Application Fee.** Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of Five Hundred (\$500.00) Dollars.
- (e) **Additional Information.** The Village Clerk may request an applicant to submit such additional information which the Village Clerk deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Clerk.
- (f) **Previously Issued Permits.** Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this Ordinance.
- (g) **Existing Providers.** Pursuant to Section 5(3) of the Act, within one hundred eighty (180) days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this Ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the Five Hundred (\$500.00) Dollar application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional one hundred eighty (180) days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Sec. 5. **Issuance of Permit.**

- (a) **Approval or Denial.** The authority to approve or deny an application for a permit is hereby delegated to the Village Clerk. Pursuant to Section 15(3) of the Act, the Village Clerk shall approve or deny an application for a permit within forty five (45) days from the date a telecommunications provider files an application for a permit under Section 4.B of this Ordinance for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village Clerk shall notify the MPSC when the Village Clerk has granted or denied a permit, including information regarding the date on which the application was filed and the date on which the permit was granted or denied. The Village Clerk shall not unreasonably deny an application for a permit.
- (b) **Form of Permit.** If an application for permit is approved, the Village Clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.
- (c) **Conditions.** Pursuant to Section 15(4) of the Act, the Village Clerk may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
- (d) **Bond Requirement.** Pursuant to Section 15(3) of the Act, and without limitation on subsection C above, the Village Clerk may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Sec. 6. **Construction/Engineering Permit.** A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Village without first obtaining a construction or engineering permit for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

Sec. 7. **Conduit or Utility Poles.** Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this Ordinance does not give a telecommunications provider a right to use conduit or utility poles.

Sec. 8. **Route Maps.** Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within ninety (90) days after the substantial completion of construction of new telecommunications facilities in the Village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village.

Sec. 9. **Repair of Damage.** Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing

telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

Sec. 10. **Establishment and Payment of Maintenance Fee.** In addition to the non-refundable application fee paid to the Village set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Sec. 11. **Modification of Existing Fees.** In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee with a copy of this Ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.

Sec. 12. **Savings Clause.** Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Sec. 13. **Use of Funds.** Pursuant Section 9(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

Sec. 14. **Annual Report.** Pursuant to Section 10(5) of the Act, the Village Clerk shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

Sec. 15. **Cable Television Operators.** Pursuant to Section 13(6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002,

the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

Sec. 16. **Existing Rights.** Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this Ordinance shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the Village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.

Sec. 17. **Compliance.** The Village hereby declares that its policy and intent in adopting this Ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The Village shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (a) Exempting certain route maps from the Michigan Freedom of Information Act, 1976 PA 442, as provided in Section 4(c) of this Ordinance.
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this Ordinance.
- (c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the Five Hundred (\$500.00) Dollar application fee, in accordance with Section 4(g) of this Ordinance.
- (d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 5(a) of this Ordinance.
- (e) Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 5(a) of this Ordinance.
- (f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this Ordinance.
- (g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this Ordinance.
- (h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this Ordinance.
- (i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its

original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this Ordinance.

- (j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this Ordinance.
- (k) Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this Ordinance, in accordance with Section 11 of this Ordinance.
- (l) Submitting an annual report to the Authority, in accordance with Section 14 of this Ordinance.
- (m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this Ordinance.

Sec. 18. **Reservation of Police Powers.** Pursuant to Section 15(2) of the Act, this Ordinance shall not limit the Village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety, and welfare of the public.

Sec. 19. **Severability.** The various parts, sentences, paragraphs, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this Ordinance.

Sec. 20. **Municipal Civil Infraction.** A violation of this Code shall be punishable as a municipal civil infraction. Any person who violates a provision of this Code shall upon conviction thereof be subject to a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for the first offense and shall be subject to a fine of not less than Two Hundred (\$200.00) nor more than One Thousand (\$1,000.00) Dollars for each subsequent offense. For purposes of this section, a subsequent offense shall mean an offense occurring within one year after the previous offense. Each day that a violation continues shall be deemed to be a separate offense.

Sec. 21. **Repealer.** All ordinances and portions of ordinances inconsistent with this Ordinance are hereby repealed.

Sec. 22. **Effective Date.** This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation.

PART 125

**WATER CONNECTION, USE AND RATE ORDINANCE
Ord. No. 134**

An Ordinance to administer, regulate and provide for connection to and use of the Village Public Water System, installation of service connections, rate and charges for water services, cross connection control, and penalties for violation thereof in the Village of Ravenna, County of Muskegon, Michigan.

THE VILLAGE OF RAVENNA ORDAINS:

**ARTICLE 1
SHORT TITLE; FINDINGS**

Section 101. Short Title. This Ordinance shall be known as the “Water Connection, Use and Rate Ordinance” and may be cited as such.

Section 102. Finding Re: Measure of Water Use by Metering of Water Supply. The Village hereby finds that the metering of domestic water supply is the best available technology and preferred method for measuring with relative precision the use of the Water System. The Village declares, as its goal, the eventual use of metering of domestic water supply for all users of the Water System at that time when (a) all or substantially all Customers of the Water System are connected to a public water supply system and/or (b) in the opinion of the Village, the costs for using and maintaining the metering technology is practical and cost effective for residential users of the Water System.

**ARTICLE 2
DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning for the terms used in this Ordinance shall be as follows:

Section 201. “Approved” means approved by the Village.

Section 202. “Backflow” is the undesirable flow of water of questionable quality, wastes or other contaminants into the Water System from any source.

Section 203. “Backflow Preventer” is a device to prevent Backflow.

Section 204. “Commercial Customer” means a Customer whose Premises are used to offer services and/or products such as retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, hospitals, warehouses, private clubs, theaters, and governmental buildings.

Section 205. “Commodity Fee” is a periodic charge levied on Customers for use of the System on the basis of water consumption. The charge represents a portion of (a) that Customer’s proportionate share of the Operation, Maintenance and Replacement Costs of the System and (b) the benefit to that Customer derived from the use of the System.

Section 206. “Connection Charge” is the charge imposed by the Village to regulate the connection of a Service Line to a Service Connection. This fee represents (a) the proportional cost attributable to each Premises which requires the use of Potable Water to regulate access to the Water System and ensures that sufficient capacity exists to accommodate the additional use without overburdening the Water System or adversely affecting the Village’s ability to provide service to the Water System’s existing customers and (b) the benefit to the owner of a Premises which requires the use of Potable Water derived from the connection to the Water System including, but not limited to, eliminating or reducing the risk of failure of private water wells and the contamination of ground water accessed by private water wells.

Section 207. “Contamination” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to pollute or degrade the quality of the water so as to constitute a Health Hazard or to render the water Nonpotable.

Section 208. “Cross Connection” is any connection or arrangement of piping or appurtenances through which a Backflow could occur.

Section 209. “Customer” means each Person who owns or, subject to the limitations of Section 1111 below, leases any Premises which are connected to the Water System.

Section 210. “Fire Hydrant Fee” is the charge made by the Village to an applicant for use of Public Water from a fire hydrant. Such use, for example, would include the filling of a swimming pool.

Section 211. “Health Hazard” is any condition, device or practice in the Water System and its operation which creates, or, in the judgment of the Village, may create by Contamination or otherwise, a danger to the health and well-being of any Person. An example of a Health Hazard is a structural defect in the Water System, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be contaminated.

Section 212. “Industrial Customer” means a Customer whose Premises are used for a manufacturing or process facility which is engaged in producing a product, and facilities related thereto including offices, warehousing and research and development.

Section 213. “Inspection Fee” means the amount charged to each applicant by the Village at the time an application is made to the Village for connection to the System to cover the routine cost of inspecting the installation of a Service Connection, Service Line and Meter, approving the physical connection of a Service Line to a Service Connection and the issuance of a connection permit.

Section 214. “Inspector” means a person authorized by the Village to inspect connection of Service Lines to Service Connections.

Section 215. “May” is permissive.

Section 216. “Meter” means an instrument for measuring the rate of flow of Public Water.

Section 217. “Meter Fee” means the fee charged to cover the cost of the Public Water Meter and its installation.

Section 218. “Miscellaneous Customer Fee” means an amount charged to Customers for miscellaneous services and related administrative costs associated with the Water System and not covered by the Water Supply Rates and Charges, including additional fees for non-routine inspections required by the Village, expenses of plan review, damages caused by violation of this Ordinance, unauthorized connections, reimbursement for unauthorized water usage, and professional fees related to such matters, and similar expenses authorized by this Ordinance.

Section 219. “Nonpotable” refers to water that is not safe for human consumption or that is of questionable potability.

Section 220. “Operation, Maintenance and Replacement Costs” means all costs, direct and indirect, necessary to provide adequate water supply on a continuing basis to conform with all federal, state and local water management requirements and to assure optimum long-term management of the Water System and shall include an amount for the replacement of the equipment and appurtenances necessary to maintain the intended performance of the Water System.

Section 221. “Person” means any individual, firm, company, association, society, corporation, or group.

Section 222. “Plumbing System” includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; Service Line, including their respective connections, devices and appurtenances and water-treating or water-using equipment; all as located within the property lines of the Premises.

Section 223. “Potable” refers to water intended for human consumption or prolonged bodily contact which is free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the applicable requirements of the Federal Drinking Water Standards and to the regulations of the Muskegon County Health Department and the Michigan Department of Environmental Quality.

Section 224. “Premises” means the lands included within the boundaries of a single description as set forth, from time to time, on the general tax rolls of the Village as a single taxable item in the name of the taxpayer or taxpayers at one address but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot as to make the same a single description for purposes of assessment or conveyance now or hereafter.

Section 225. “Public Water” is water provided by the Water System.

Section 226. “Readiness to Serve Fee” is a periodic charge levied on Customers based upon Units and represents a portion of (a) that Customer’s proportionate share of the Operation, Maintenance and Replacement Costs of the System, (b) the benefit to that Customer derived from the availability of the System, and (c) debt service on debt incurred to pay for the System.

Section 227. “Receiving Fund” means that certain depository account designated as the “WATER SUPPLY SYSTEM RECEIVING FUND” established pursuant to Village Ordinance for the deposit of all Water Rates and Charges imposed in accordance with this Ordinance.

Section 228. “Reduced Pressure Principle Backflow Preventer” is an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent Backflow under conditions of pressure reversal.

Section 229. “Safe Air Gap” or “Air Gap” means the minimum distance of a water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which Public Water is furnished which must be at least two times the inside diameter of the water inlet pipe but must not be less than one inch and need not be more than twelve inches.

Section 230. “Secondary Water Supply” means a water supply system maintained in addition to the Water System, including water systems from ground or surface sources or water from a Public Water supply system which, in any way, has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

Section 231. “Service Connection” means the corporation cock, service lateral, and curb stop that conveys Public Water from the Village mains to the property line.

Section 232. “Service Connection Fee” shall mean the amount charged by the Village to an applicant for water service to cover the cost of the installation of a Service Connection.

Section 233. “Service District” shall mean those portions of the Village and adjacent areas in the Township of Ravenna which may be reasonably serviced by the Water System taking into account the capacity of the System and the System’s components, engineering feasibility and other factors determined in the discretion of the Village pertinent to providing public water supply service to specific lands.

Section 234. “Service Line” means a pipe connected to the Service Connection and extending from said connection into the Premises supplied with Public Water.

Section 235. “Shall” is mandatory.

Section 236. “Submerged Inlet” means a Service Line or extension thereto from the Water System terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against Backflow.

Section 237. “Treasurer” means the Village Treasurer or his or her authorized deputies, assistants or agents.

Section 238. “Unit or Units” shall have the meaning as defined from time to time in Part 121 of the Ravenna Village Code.

Section 239. “Village” means the Village of Ravenna or its authorized employees or agents.

Section 240. “Water Supply Rates and Charges” shall include the Connection Charge, Service Connection Fee, Meter Fee, Inspection Fee, Readiness to Serve Fee, Fire Hydrant Fee, Commodity Fee, Miscellaneous Customer Fee and interest and penalties thereon.

Section 241. “Water System” or “System” means all facilities and all subsequent additions and expansions, including wells, pumps, water treatment facilities, transmission and distribution mains, hydrants, storage tanks, Meters, Service Connections and all other facilities used or useful in the pumping, treatment, and distribution of Public Water and which in the aggregate constitute the Ravenna Water System.

**ARTICLE 3
OPERATION AND MAINTENANCE; SERVICE DISTRICT**

Section 301. Ownership; Operation and Maintenance of System. The Water System is owned, operated, maintained and managed by the Village in accordance with the terms of the Ordinance. The Village may employ such Person or Persons in such capacity or capacities as it deems advisable to carry out the efficient management and operation of the Water System and may make such rules, orders and regulations as the Village deems advisable and necessary to assure the efficient management and operation of the Water System.

Section 302. Maintenance and Repair of Service Line. The owner of a Premises is responsible for the maintenance and repair of the Plumbing System and Service Line located on said Premises.

Section 303. Public Water. Only Public Water shall be used in the Water System. No other source of water, raw or otherwise, shall be tapped into, piped into or connected into, directly or indirectly, the Water System, unless permitted under Article 10.

Section 304. Right to Restrict Use of Public Water. The Village may, by resolution, regulate, limit or prohibit the use of Public Water for any purpose. Such regulations shall restrict less essential water use (e.g. lawn sprinkling and irrigation) to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting.

Section 305. Abatement of Public Nuisance. This Ordinance shall not be construed to limit the power of the Village to order the immediate and complete abatement of a public nuisance or menace to the public health.

Section 306. Water Available Within Service District. Subject to the terms and conditions of this Ordinance, Public Water shall only be made available from the Water System to properties located within the Service District. The Village Council reserves the right to amend or expand the Service District to include additional lands, in the exercise in the sole discretion by the Village Council of the Village’s police powers and such decision may, without limitation, be based

upon any of the following considerations: the capacity of the Water System; the number of Customers currently connected to the Water System; the amount of vacant undeveloped lands contained within the Service District, the likelihood of its development and whether such lands are subject to a special assessment; the portion of remaining available capacity in the Water System needed to alleviate and avoid public health concerns in the Service District; the cost of the extension of the Water System; and the means of funding the cost of the extension of the Water System.

ARTICLE 4 USE OF PUBLIC WATER

Section 401. Connection to System. As a matter of public health, a connection to the Public Water System required hereunder, shall be completed with respect to existing improved Premises upon the failure of the existing water well. The existing water well shall be considered to have failed for this purpose if a new water well needs to be drilled in order to provide an adequate supply of Potable water to the Premises. Newly constructed structures requiring the use of Potable Water shall be connected to the Public Water System, if available, prior to the issuance of an occupancy permit. Persons who fail to complete a required connection to the Public Water System shall be liable for a civil penalty equal in amount to the Readiness to Serve Fee and Commodity Fee that would have accrued based upon reasonably expected water usage and been payable had the connection been made when and as required. Public Water is deemed to be “available” if an improved Premises within the Village is used for human occupancy, employment, recreation, or other purposes, requires the use of Potable Water and abuts any right-of-way, easement, highway, street, or public way in which there is now or hereafter located a public water main.

Section 402. Enforcement in the Event of a Failure to Connect. In the event a required connection to the Water System is not made at the time required by Section 401, the Village shall require the connection to be made immediately after notice given by first class or certified mail or by posting on the property. The notice shall give the approximate location of the available Water System and shall advise the owner of the affected property of the requirement and enforcement provisions provided by Village Ordinance. In the event the required connection is not made within 30 days after the date of mailing or posting of the written notice, the Village may bring an action in a court of competent jurisdiction for a mandatory injunction or court order to compel the property owner to immediately connect the affected property to the Water System.

Section 403. Voluntary Extension of and Connection to Water System in Service District. The owner of an improved Premises, now situated or hereafter constructed within the Service District, but not located adjacent to a public water main (within the meaning of Section 401), may elect to extend the Water System with respect to the affected property in accordance with Section 801 and connect thereto. The owner of the property in this circumstance shall, in addition to all requirements imposed by this Ordinance, pay all expenses of the extension of the Water System. The owner of an improved Premises, now situated or hereafter constructed within the Service District and located adjacent to a public water main located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property, may elect to connect said structure to the Water System in compliance with this Ordinance.

Section 404. Private Water Wells. A property owner that is not connected to the Water System or is not required to connect to the Water System as required by Section 401 shall install and maintain a private water well on the Premises. After a Premises is connected to the Water System, the existing private water well shall either (i) be capped and abandoned in accordance with applicable county and state requirements or (ii) maintained for Nonpotable use. For purposes of this section, permissible Nonpotable uses include lawn watering, irrigation, automobile or equipment washing, use in a building's heating or cooling system and similar uses not involving human consumption or prolonged bodily contact. All fixtures connected to a private water well maintained for Nonpotable use shall be located outside of structures intended for human occupancy, employment, recreation or similar purposes. In addition, piping connected to a private water well shall be physically and completely separated from all plumbing used for Public Water in accordance with Article 10 of this Ordinance.

ARTICLE 5 CONNECTION PROCEDURES

Section 501. Permit. Service Connections shall be installed only at the Customer's expense by the Village or by an Approved contractor and only after approval of the permit application by the Village. Prior to the installation of a new Service Connection or construction in the public right-of-way by an Approved contractor, a surety bond shall be filed with the Village in form acceptable to the Village in the amount of \$5,000 which indemnifies the Village and its authorized representatives from any loss resulting from said installation or construction. Provision of such surety bond shall not limit liability for damage to the System or other public or private property.

Section 502. Application for Permit; Payment of Fees and Charges. Prior to the connection of a Service Line to a Service Connection, a prospective Customer must file a permit application on a form to be supplied by the Village. The application must be accompanied by payment in full of the fees and charges set forth in Section 1104 and such other charges or deposits required by this Ordinance.

Section 503. Installation of Service Lines. All Service Lines shall be installed in an approved manner at the Customer's expense. The Plumbing System in or on the Premises in connection therewith must conform in character, design and quality to the law of the State of Michigan and the State Plumbing Code.

Section 504. Specifications. All Service Connections and Service Lines shall be of Type "K" copper or other plumbing material approved by the Village. All underground fittings and connections shall be approved. No Service Connection or Service Line of less than 1 inch diameter will be permitted.

Section 505. Minimum Depth. All Service Connections and Service Lines must be laid on solid ground not less than five feet below finished grade and all components of the Service Connection and the Service Line must be left uncovered until the installation is inspected by the Village or its authorized representative.

Section 506. No Obstruction of System Components. No Person shall obstruct or interfere in any way with any Service Connection or other appurtenance of the System, including Meters, by placing in, on or about said Service Connection, Meter, or other appurtenance, building materials, rubbish, shrubbery, flowers, or otherwise hindering the easy and free access thereto.

Section 507. Repair and Thawing of Service Lines. Service Lines shall be protected from damage of every nature and needed repairs shall be made by the Customer when notified by the Village. The expense of repairing or thawing the Service Line, if frozen, shall be borne by the Customer. The Service Line, as repaired or thawed, shall not be covered until inspected and approved by the Village or its authorized representatives.

Section 508. Discontinuation of Service. The Village may discontinue service if a Customer fails to maintain the Service Line in a leak-free condition or if the Customer makes an unauthorized plumbing connection which bypasses the Meter.

Section 509. No Multiple Connections. A single Service Connection shall not serve more than one (1) Premises unless approved by the Village, even though the ownership of the adjacent Premises may be the same.

Section 510. Excavation. All excavations for Service Connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village at the Customer's expense.

Section 511. Public Right of Way. It shall be the obligation of the Customer (or the Customer's approved contractor) to obtain all required permits from the Muskegon County Road Commission or the Michigan Department of Transportation prior to working in a county road or state highway right of way.

ARTICLE 6 METERS

Section 601. Use and Installation of Meters. The Public Water used by a Customer shall be metered. Each Customer shall, at the Customer's expense, purchase and install a meter, readout, meter horn and valves. The Meter will be tested and maintained by the Village at the Customer's expense and shall remain the property of and under control of the Village.

Section 602. Size; Specification. Meters for ordinary domestic service shall be of 3/4 inch x 3/4 inch size. The Meter shall contain remote readouts. A separate valve the same size as the Service Line shall be installed on the Service Line on both sides of the Meter. Where application for a larger service is made, determination as to meter size shall be made by the Village. Larger sizes may be required for an Industrial Customer, a Commercial Customer or multiple dwelling use. All Meters shall comply with Village specifications.

Section 603. Accessible Location. Meters shall be set in an accessible location and in a manner approved by the Village. If due to unusual circumstances it is necessary to place the Meter in a pit, the pit shall be installed in accordance with Village standards at the expense of the Customer.

Section 604. Access to Meter. The Village shall have the right to shut off the Public Water to any Customer if access is not available to the Meter. Qualified employees of the Village shall at all reasonable hours have the right to enter the Premises where such Meters are installed, for the purpose of reading, testing, removing or inspecting same and no Person shall hinder, obstruct, or interfere with any such employee in the discharge of his or her duties.

Section 605. Damages to Meter. Any damages to a Meter resulting from carelessness or neglect of a Customer to properly secure and protect the Meter from damages caused by frost, hot water, steam or other misuse shall be paid for by the Customer as a Miscellaneous Customer Fee upon presentation of the bill therefore.

Section 606. Failure of Meter. If any Meter shall fail to register properly, the Village shall estimate the consumption of Public Water and bill accordingly.

Section 607. Accuracy of Meter. A Meter shall be considered accurate if when tested it registers neither 2% more than nor 2% less than the actual quantity of Public Water passing through it. If a Meter registers in excess of 2% more than the actual quantity of Public Water passing through it, it shall be considered “fast” to that extent. If a Meter registers in excess of 2% less than the actual quantity of Public Water passing through it, it shall be considered “slow” to that extent.

Section 608. Corrected Billings. If a Meter has been tested and is determined to register “fast” the Village shall credit the Customer with a sum equal to the percentage “fast” multiplied by the amount of the Commodity Fee incurred by said Customer within the six months prior to the test. If a Meter so tested is determined to register “slow” the Village may collect from the Customer a sum equal to the percentage found “slow” multiplied by the amount of the Commodity Fee incurred by the Customer within the six months prior to the test.

Section 609. Lockable By-Pass. An approved lockable by-pass shall be installed on each meter larger than 3/4 inch x 3/4 inch size.

ARTICLE 7 FIRE HYDRANTS

Section 701. Use of Fire Hydrants; Fire Hydrant Fee. No Person shall open or cause to be opened any fire hydrant except for authorized representatives of the Village, except in the case of an emergency, without first securing a “Permit to Use Fire Hydrant” from the Village and paying a Fire Hydrant Fee in the amount established from time to time by resolution of the Village Council. Application for said permit shall be made on a form supplied by the Village. Authorized representatives of the Village shall turn the hydrant on and off and install a portable Meter and Backflow Preventer to measure the volume of water used. If the Fire Hydrant Fee is insufficient to cover the labor costs and the Commodity Fee charged for the metered volume, the permit holder shall pay the difference.

Section 702. Village Approval of Hydrant Specifications. The Village must approve the type, size of openings, and types of nozzle thread on all hydrants installed on private property serviced by the Water System.

Section 703. No Obstruction of Hydrants. No Person shall, in any manner, obstruct or prevent free access to or place or store temporarily or otherwise any object, material, snow, debris, automobile or structure of any kind within a distance of fifteen (15) feet of any fire hydrant. Upon the failure of said Person to remove said obstruction which shall be set forth in a notice which shall be mailed to said Person by the Village, the Village is hereby authorized and empowered to remove said obstruction and charge the cost of said removal to said Person as a Miscellaneous Customer Fee.

Section 704. Access Easements. All fire hydrants installed on private property shall be dedicated to the Village together with an access easement with a minimum width of 15 feet centered on the hydrant service lead.

ARTICLE 8 WATER MAIN EXTENSIONS

Section 801. Requirements for Extensions. Extension of or changes in the Water System may be initiated by the Village or by written request, including petitions, from property owners. The Village may grant the petition, in its discretion, and prescribe the terms and conditions upon which the petition will be granted and may require the written acceptance of such terms and conditions by the petitioners. As a condition of granting the petition, the petitioners must pay, in addition to all other charges imposed on new connections under this Ordinance, a fee to cover the actual cost (or proportion of cost) of extending the water main along the entire frontage of the Premises, from property line to property line, improving the transmission and supply system, or making other changes necessary to accommodate the extension and new connection. All extensions of the Water System shall be dedicated to the Village, at no cost to the Village, following completion of the extension in compliance with Village specifications. The specifications for materials and construction shall be approved by the Village engineer.

Section 802. Extension Agreements. The Village shall have the authority to negotiate agreements for extensions of the Water System with landowners, developers and other municipalities, which agreements may take into consideration questions of demand, benefit, capacity, necessity, timing and funding and may provide for construction advances, prepayment of rates and charges, pay back arrangements of up to 15 years and similar matters.

ARTICLE 9 SYSTEM USE

Section 901. Authorized Representatives. No Person other than an authorized representative of the Village shall turn on or off any Service Connection without the written permission of the Village.

Section 902. Prohibited Activities. It shall be unlawful for any Person to do any of the following:

- (a) Damage or destroy any portion of the Water System;
- (b) To do anything which will in any way contaminate the Water System; or

- (c) To connect any pipe to the Water System or take or run Public Water from the lines of the System without complying with all the provisions of this Ordinance.

Section 903. Village Right to Stop Service; Emergencies. The Village may stop service to any Customer at any time for any reason, including repairs to the System, construction of extensions or accident. All Customers which have facilities which depend upon pressure from the main to keep them filled are hereby put on notice of the danger of collapse. The Village shall give reasonable notice except during emergencies and conditions of imminent hazard and will, so far as practical, use reasonable efforts to prevent inconvenience and damage in the event of a stoppage of service. The Village shall not be responsible or liable in damage for any inconvenience, injury or loss caused by the failure of a Customer to receive Public Water for any reason, including the shutting off of such supply by the Village, nor shall the Village be liable for any damage caused by any change in the pressure of Public Water delivered to any Customer.

Section 904. Leaking Service Line. If the Service Line from the curb stop to the Meter is found to be deteriorated or leaking, the Village may condemn or discontinue the service to the Premises and require that the same be repaired or replaced at the expense of the Customer.

Section 905. No Tampering; Liability. No Person, except an authorized representative of the Village in the performance of his or her duties, shall uncover or tamper with any portion of the Water System. Any Person responsible for any injury or damage to the Water System shall reimburse the Village therefore and for the loss of Public Water caused thereby and shall be responsible for any damage caused by escaping water.

ARTICLE 10 CROSS CONNECTIONS

Section 1001. Cross Connections with Water System. A connection to the Water System shall comply with existing laws, ordinances, codes and rules, including:

- (a) The Village of Ravenna Water Connection, Use and Rate Ordinance, including this Article, and all other Village ordinances pertaining to plumbing, water supply and sewage disposal.
- (b) The Michigan Safe Drinking Water Act, Act 399 of the Public Acts of 1976, as amended, and administrative rules promulgated thereunder, as such rules may be revised from time to time.
- (c) The Cross Connection Rules Manual of the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, being sections R325.11401 to R325.11407 of the state administrative code, as such rules may be revised from time to time.
- (d) The latest edition of the Michigan Plumbing Code.

Section 1002. Control Program. This Article, and any rules or regulations promulgated by the Village hereunder, constitutes the Village's comprehensive control program for the prevention of

all Cross Connections, which shall be submitted to the Michigan Department of Environmental Quality (also known as “MDEQ”) for review and approval. Following MDEQ approval, the Village shall implement the program for elimination or mitigation of existing, and the prevention of all future Cross Connections.

Section 1003. Cross Connection Devices. All devices for the prevention of a Cross Connection shall be Approved. The devices shall be installed in good working condition at the Customer’s expense. In accordance with this Article, the Village shall routinely inspect and require testing of such devices on regular intervals by a certified Back Flow prevention device technician at the Customer’s expense. If found to be defective or inoperative, the Customer shall be responsible for the expense of replacement.

Section 1004. Village Approval Required. The Customer shall obtain prior written approval from the Village before taking or installing any proposed corrective action or protective device. The total time allowed for completion of corrections ordered by the Village shall take into account the degree of Health Hazard involved and the time required to obtain and install necessary equipment. If the Cross Connection has not been removed within the time specified, the Village shall physically separate the Water System from the on-site piping system in such a manner that the two systems cannot again be connected by an unauthorized Person. The Village shall charge the cost thereof and any associated costs incurred by the Village including, but not limited to, contractor expenses, inspection costs, legal, administrative, and enforcement costs to the Customer as a Miscellaneous Customer Fee.

Section 1005. Secondary Water Supply. When a Secondary Water Supply is used in addition to the Water System, or in other high risk installations involving extensive plumbing, exposed Water System and Secondary Water Supply piping shall be identified by the American Water Works Association Standard Color Code and tags and so maintained that each pipe may be traced readily in its entirety. If piping is so installed that it is impossible to trace in its entirety, it shall be considered a Cross Connection.

Section 1006. Private Water Storage Tank. A private water storage tank supplied from the Water System shall be deemed a Secondary Water Supply unless it is Approved.

Section 1007. Maintenance. It shall be the responsibility of the Customer to maintain Cross Connection prevention devices in good working order and to make no piping or other arrangements for the purpose of altering or bypassing said devices.

Section 1008. Testing and Inspection. Periodic testing and inspection schedules shall be established by the Village for all Cross Connection prevention devices and shall be conducted in accordance with this section.

- (a) The water connections and plumbing systems of all Customers shall be initially inspected for the presence of a Cross Connection. The Village shall compile and maintain a list of all such Cross Connections. An Inspector shall identify and note the location and nature of any direct and potential Cross Connections, the location and details of Backflow prevention devices, and other pertinent information. The highest priority for inspections shall be

placed on facilities that pose a high degree of Health Hazard, that have a high probability that Back Flow will occur, or are known/suspected to have a Cross Connection.

- (b) Once initial inspections of all accounts are completed, then a re-inspection frequency shall be determined by the Village for each account, in the Village's sole discretion, based on the degree of Health Hazard and potential for Backflow. The MDEQ Cross Connection Rules Manual will be a guide in classifying the degree of hazard of each account. However, in general, situations in which Backflow could cause illness or death shall be considered a Health Hazard. Accounts that pose a Health Hazard or have a high potential for Backflow to occur must be re-inspected at least once per year. All other accounts must be re-inspected once every one to five years based on the degree of risk. Other factors such as new construction, water quality complaints, or anomalies in Customer billing, may prompt an immediate re-inspection.
- (c) After initial Cross Connection inspections are completed, the Village shall compile and maintain a comprehensive list or inventory of all Backflow prevention devices. The interval between such testing and inspections and overhauls of each Backflow prevention device shall be established in accordance with the age and condition of the device. Inspection intervals shall be determined by the Village, in its sole discretion, but generally should not exceed one year, and overhaul intervals should not exceed three years to assure that such devices have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions. Certified testing of a Reduced Pressure Principle Back Flow Preventer is required by a licensed plumber at the Customer's expense on an approved frequency. Records of the test as well as records of repair shall be provided to the Village by the Customer.
- (d) Backflow Preventers that are testable assemblies shall be routinely tested based on the associated degree of Health Hazard and probability of Backflow. Assemblies that are designated by the Village as a "high Health Hazard connection" shall be tested annually. All other assemblies must be tested once every three years. All assemblies must be tested immediately following installation and repair. The Customer is solely responsible for arranging and paying for the cost of such testing and the testing of such Backflow Preventer assemblies shall be performed by individuals holding an active ASSE 5110 Certification (backflow prevention assembly testing). The Village shall provide annual notice of testing requirements for Backflow Preventer assemblies to a Customer. Notices shall (1) clearly identify the assembly requiring testing (size, make, model, location, etc.); (2) specify the date by which the assembly must be tested; (3) indicate that tests must be completed by an ASSE certified tester; and (4) provide the MDEQ standard test form. A Customer shall promptly complete and file test forms with the

Village and the Village shall review and ensure that the test forms comply with the requirements of this Article. If necessary, the Village shall require retesting of a device for failure of a device to comply with this Article or applicable Cross Connection rules or Backflow Preventers standards or requirements.

- (e) All costs incurred by the Village with respect to a Cross Connection including, but not limited to, costs of inspection re-inspection, testing, contractor costs, legal and administration costs, may be charged to a Customer as a Miscellaneous Customer Fee.
- (f) Following any inspection pursuant to this Article, the Village shall inform the Customer of their compliance status with this Article and applicable Cross Connection rules.

Section 1009. Recordkeeping; Reporting.

- (a) The Village shall maintain a system of record keeping for all Premises and Customers that have a Cross Connection which, at a minimum, shall identify:
 - (1) the owner name, contact information, address and location of the Premises with the Cross Connection;
 - (2) a list of testable and non-testable Backflow Preventer assemblies including the location, manufacturer, make, model, size, ASSE standard number, and hazard classification of the assemblies;
 - (3) a description of Cross Connections on the Premises and the degree of hazard classification (and basis for such classification); and
 - (4) the required re-inspection frequency for the Cross Connection and any Backflow Preventer and any testing frequency for such Backflow Preventer and testable assemblies.
- (b) In accordance with the Part 14 of the Michigan Safe Drinking Water Act, the Village shall report the status of the Cross Connection program to the MDEQ annually, which report shall include and summarize the Village's testing, inspection, and corrective action efforts. The Village shall maintain Cross Connection records to document the information included in the annual report. All required MDEQ annual reports shall be retained by the Village for a minimum of 10 years. As part of the annual report, the Village shall include information on the Village's public education efforts and training of Village staff and Inspectors regarding the existence and elimination of Cross Connections.

Section 1010. Discontinuation of Service Due to Cross Connection. Subject to Section 1011, the Village is hereby authorized to discontinue water service to a Premises after reasonable written notice to a Customer when any of the following occur:

- (a) a Cross Connection or unapproved Back Flow Preventer exists; or
- (b) a Customer fails to test or re-test any installed Backflow Preventer assembly as required by this Article; or
- (c) a Customer fails to promptly repair or replace a Backflow Preventer that fails a test required by this Article.

Section 1011. Health Hazard. The Village shall immediately stop water service to any Customer discovered to have a Cross Connection or condition described in Section 1010 that creates an imminent Health Hazard. A Cross Connection or condition described in Section 1010 that does not pose an imminent Health Hazard shall be eliminated within 30 days of written notice by the Village to the Customer. In accordance with this Article, the Village has sole discretion to determine whether such a connection or condition constitutes an imminent Health Hazard. The Village may take such other precautionary measures as necessary to eliminate any danger of Contamination of the Water System. Water service to such premises shall not be restored until such Cross Connection has been eliminated and the Customer pays a turn-on charge and any other associated fees or charges incurred by the Village as a result of the Cross Connection including, but not limited to, contractor expenses, inspection costs, legal, administrative, and enforcement costs, as a Miscellaneous Customer Fee.

ARTICLE 11 WATER SUPPLY RATES AND CHARGES

Section 1101. Public Utility Basis. The System shall, as far as possible, be operated by the Village on a public utility basis as authorized by state law, including Act 94 of the Public Acts of Michigan of 1933, as amended. The System shall be operated on the same fiscal year as the Village (January/December). The Water Supply Rates and Charges shall be fixed by resolution of the Village Council in amounts sufficient to provide for Operation, Maintenance and Replacement Costs of the Water System as are necessary to preserve the same in good repair and working order and to pay debt service on debt incurred to pay for the System. Such Water Supply Rates and Charges shall be fixed and revised from time to time as may be necessary to produce these amounts. An annual budget shall be prepared for the System. Based on this budget, Water Supply Rates and Charges shall be reviewed annually and revised as necessary to meet Water System expenses.

Section 1102. Readiness to Serve Fee. Customers shall pay a Readiness to Serve Fee per Unit, with a minimum assignment of one Unit per Customer, to be paid periodically in arrears at the rate and frequency established by resolution of the Village Council from time to time.

Section 1103. Commodity Fee. Customers shall pay a Commodity Fee based on metered water service, to be paid periodically in arrears, at the rate and frequency established by resolution of the Village Council from time to time. At the discretion of the Village Council, the Commodity Fee may contain a separately itemized component for the cost of Village compliance with the Safe Drinking Water Act and other applicable governmental mandates. In lieu of the foregoing, the Village Council shall have the discretion to establish, by resolution from time to time, a Commodity Fee on a per Unit basis with a minimum assignment of one Unit per Customer.

Section 1104. Connection Charges and Fees. The owner of a Premises who applies for connection of the Service Line to the System shall pay the following fees and charges at the time of filing a permit application in accordance with Section 502:

- (a) **Connection Charge.** A Connection Charge which shall be a rate per connection established from time to time by resolution of the Village Council.
- (b) **Service Connection Fee.** A Service Connection Fee which shall be a rate per Service Connection installed by the Village, as established from time to time by resolution of the Village Council. If the Village does not install the Service Connection, no Service Connection Fee shall be payable and the applicant shall be responsible for all costs of installing a Service Connection in the manner provided by Article 5, including restoration.
- (c) **Meter Fee.** The Meter Fee shall be established from time to time by resolution of the Village Council.
- (d) **Inspection Fee.** A Inspection Fee which shall be established from time to time by resolution of the Village Council.
- (e) **Repair and Replacement of Service Connection.** In the event the connection of a Service Line to a Service Connection for a Premises for which a Connection Fee has been paid is repaired, revised or replaced, no additional Connection Fee shall be payable provided that an increase in the utilization by said Premises of the Water System does not occur as a result of said repair, revision or replacement. An additional Inspection Fee may be payable as a result of said repair, revision or replacement, depending upon the circumstances.

Section 1105. Public Fire Hydrants Rental. Unmetered public fire hydrants will be maintained at the expense of the System. The Village shall pay from the Village's general fund an annual fee as established by resolution of the Village Council in accordance with this Ordinance for each hydrant for this service and the unrestricted right to use the hydrants to provide fire protection to the residents of the Village.

Section 1106. Miscellaneous Customer Fee. The Village shall, from time to time, charge a Miscellaneous Customer Fee, as necessary, for miscellaneous services, repairs and related administrative costs associated with the Water System, including without limitation, excessive inspection services not covered by the Inspection Fee, unauthorized connection to and use of the Water System, services to turn water service on and off, damages to the System, disconnection from the System, costs and expenses incurred by the Village as a result of damage to other premises, attorney fees for enforcement of violation(s) of the Ordinance, and similar fees which are the result of an Ordinance violation, or a negligent or wrongful act of the Customer. The Customer shall be charged a fee established by resolution of the Village Council from time to time whenever the Village is requested by the Customer to turn on or off water service. Whenever the Village is

requested to provide turn-on or off services at times other than regular business hours of the Village, there will be imposed an additional charge of labor and materials.

Section 1107. Billing and Collection. It shall be the duty of the Village Treasurer to bill and collect all Water Supply Rates and Charges. The Treasurer shall mail or cause to be mailed to each Customer a bill on or before the 1st day of the billing period. The bill shall separately itemize the Water Supply Rates and Charges payable. The frequency of the billing period and the due date of the bill shall be established by resolution of the Village Council from time to time. Payment of said bill shall be made at a location designated by the Village Council.

Name changes on accounts may be processed by the Village upon written request by a Customer. The Village may impose a charge for such changes to recover the Village's administrative costs associated with making the requested changes. The amount to be charged shall be established by resolution of the Village Council.

Section 1108. Late Payments. If Water Supply Rates and Charges are not paid on or before the due date then a one-time penalty equal to 10% of the amount due shall be added to the unpaid balance.

Section 1109. Village Remedies. If Water Supply Rates and Charges are not paid on or before the due date, the Village, pursuant to Act 178 of the Public Acts of Michigan of 1939, as amended, may (i) discontinue the services provided by the Water System by disconnecting the Service Line from the Service Connection or by turning off the curb stop, and the service so discontinued shall not be reinstated until all sums then due and owing, including penalties, interest and all expenses incurred by the Village for shutting off and turning on the service, shall be paid to the Village; (ii) institute an action in any court of competent jurisdiction for the collection of the amounts unpaid, including penalties, interest and reasonable attorney fees; or (iii) enforce the lien created in Section 1110 below. These remedies shall be cumulative and shall be in addition to any other remedy provided in this Ordinance or now or hereafter existing at law or in equity. Under no circumstances shall actions taken by the Village to collect unpaid Water Supply Rates and Charges, penalties and interest, invalidate or waive the lien created by Section 1110 below.

Section 1110. Lien; Assessment of Delinquent Rates and Charges on Tax Roll. The Water Supply Rates and Charges shall be a lien on the respective Premises served by the System. Whenever Water Supply Rates and Charges shall be unpaid for ninety (90) days or more, they shall be considered delinquent. The Treasurer shall certify annually all Water Supply Rates and Charges delinquent as of May 1 and penalties thereon, together with an additional penalty equal to five percent (5%) of the total, on or before June 1, of each year, to the tax-assessing officer of the Village, who shall enter the delinquent Water Supply Rates and Charges, interest and penalties upon the next tax roll as a charge against the Premises affected and such charge shall be collected and the lien thereon enforced in the same manner as ad valorem property taxes levied against such Premises.

Section 1111. Leased Premises; Security Deposit. A lien shall not attach for Water Supply Rates and Charges to a Premises which is (a) separately metered and (b) subject to a legally executed lease that expressly provides that the tenant (and not the landlord) of the Premises or a dwelling unit thereon shall be liable for payment of Water Supply Rates and Charges, effective for services which accrue after the date an affidavit is filed by the landlord with the Village. This affidavit shall include

the names and addresses of the parties, the expiration date of the lease and an agreement by the landlord to give the Village 20 days written notice of any cancellation, change in or termination of the lease. The filing of the affidavit by the landlord shall be accompanied by a true copy of the lease and a security deposit equal to the Readiness to Serve Fee and the Commodity Fee for the preceding twelve (12) months for a dwelling unit. A larger security deposit may be required by the Village Treasurer for Commercial Customers and Industrial Customers. Upon the failure of the tenant to pay the Water Supply Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including interest and penalties. Upon notification by the Village, the tenant shall immediately make sufficient payment to the Village to cover the amount of the security deposit so advanced. Upon the failure of the tenant to do so within ten (10) days of said notification, the penalties, rights and remedies set forth in Sections 1109 and 1110 shall be applicable with respect to the unpaid Water Supply Rates and Charges, including interest and penalties. The security deposit shall be held by the Village without interest and shall be returned to the landlord upon proof of termination of the lease.

Section 1112. No Free Service. No free service shall be furnished by the System to any Person, public or private, or to any public agency or instrumentality.

Section 1113. Cause for Disconnection. Applications for connection permits may be canceled or denied and/or water service disconnected by the Village for any violation of any part of this Ordinance, including, without limitation, any of the following reasons:

- (a) Misrepresentation in the permit application as to the nature or extent of the property to be serviced by the System.
- (b) Nonpayment of Water Supply Rates and Charges.
- (c) Improper or imperfect connection and/or failure to keep Service Lines in a suitable state of repair.
- (d) Damage to any part of the Water System.
- (e) Existence of a Cross Connection.

Section 1114. Turn on Following Disconnection; Security Deposit. If the water service supplied to a Customer has been discontinued for nonpayment of Water Supply Rates and Charges, service shall not be reestablished until all delinquent Water Supply Rates and Charges, including interest and penalties, and the turn-on charge has been paid. The Village reserves the right as a condition to reconnect said service to request that a security deposit equal to the Readiness to Serve Fee and the Commodity Fee for the preceding twelve (12) months be placed on deposit with the Village for the purpose of establishing or maintaining any Customer's credit. A larger security deposit may be required by the Village Treasurer for Commercial Customers and Industrial Customers. Said deposit shall not be considered in lieu of any future billing for Water Supply Rates and Charges. Upon the failure of the Customer to pay the Water Supply Rates and Charges when due, the security deposit shall be applied by the Village against the unpaid balance, including interest and penalties. Upon notification by the Village, the Customer shall immediately make sufficient payment to the Village to cover the amount of the security deposit so advanced. Upon the failure of the Customer to do so within ten (10) days of said notification, the penalties, rights and remedies set

forth in Sections 1109 and 1110 shall be applicable with respect to the unpaid Water Supply Rates and Charges, including interest and penalties. The security deposit shall be held by the Village without interest and shall be returned at the Customer's request upon continued timely payments by the Customer of all Water Supply Rates and Charges as and when due, for a minimum of four successive billing periods.

Section 1115. Accrual Date. The Readiness to Serve Fee and Commodity Fee shall begin to accrue with respect to an existing structure as of the date of the connection of the Service Line to the Service Connection to the Water System in accordance with Article 5, above and with respect to a new structure upon the date of issue of an occupancy permit. If appropriate, the billing of said charges for the initial billing period shall be pro rated in arrears.

Section 1116. Interruption of Service; Claims. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the System, all Users affected by such interruption will be notified in advance whenever it is possible to do so. The Village shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

ARTICLE 12 REVENUES

Section 1201. Revenues; Depository. The revenues of the Water System derived from the collection of Water Supply Rates and Charges, including interest and penalties, shall be set aside as collected and deposited in the Receiving Fund.

ARTICLE 13 POWERS AND AUTHORITY OF VILLAGE EMPLOYEES AND REPRESENTATIVES

Section 1301. Village Representatives. Duly authorized employees or representatives of the Village, bearing proper credentials and identification, shall be permitted to enter upon all Premises at all reasonable hours served by the System for the purpose of meter reading, inspection, observation, measurement, sampling, testing and emergency repairs in accordance with the provisions of this Ordinance.

Section 1302. Inspection of Plumbing System. Duly authorized employees or representatives of the Village, bearing proper credentials and identification, shall be permitted to enter upon all Premises served by the System for the purpose of determining the presence of Cross Connections and test or inspect devices preventing Cross Connections. On request, the Customer shall furnish to the Village all pertinent information regarding the Plumbing System of the Premises. Refusal of such access or information shall be prima facie evidence of the presence of Cross Connection.

Section 1303. Consent. Any Person who applies for and receives service from the Water System or owns real property in the Village shall be deemed to have given consent for all activities set forth in Sections 1301 and 1302, including entrance upon the Person's property.

Section 1304. Customer Safety Rules. While performing the duties in Sections 1301 and 1302 above, the duly authorized employees or representatives of the Village shall observe all reasonable safety rules applicable to the Premises established by the Customer.

Section 1305. Appeals. In order that the provisions of this Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this Ordinance, the Village Council shall consider appeals with respect to matters concerning the Water System and determine, in particular cases, whether any deviation from strict enforcement, will violate the intent of the Ordinance or jeopardize the public health or safety.

ARTICLE 14 PENALTIES

Section 1401. Destruction of System. No unauthorized Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with, climb upon, or enter into any structure, appurtenance, or equipment of the System or connect or disconnect any Service Line to any Service Connection.

Section 1402. Notice of Violation. Except for those violations provided in Section 1401 hereof, any Person found to be violating any provision of this Ordinance shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 1403. Civil Infraction. Any violation of Section 1401, or any violation beyond the time limit provided for in Section 1402, or any other violation of this Ordinance shall be a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses incurred by the Village including attorneys fees. For purposes of this section, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for the first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense. Any person violating any of the provisions of this Ordinance shall, in addition, become liable for any expense, loss, or damage occasioned by reason of such violation. The President is hereby authorized to issue citations for municipal civil infractions for violations of the Ordinance.

Section 1404. Nuisance. Any nuisance or any violation of this Ordinance is deemed to be a nuisance per se. The Village, in the furtherance of the public health is hereby empowered to make all necessary repairs or may enforce the requirements of this Ordinance by injunction, or take other

corrective action necessitated by such nuisance or violation, including but not limited to a civil action for damages and/or injunctive relief. The Person who violated the Ordinance or permitted such nuisance or violation to occur shall be responsible to the Village for the costs and expenses incurred by the Village in making such repairs or taking such action, including attorneys fees.

Section 1405. Liability for Ordinance Violations. Any Person violating any of the provisions of this Ordinance shall become liable to the Village and its representatives for any expense, including reasonable attorney's fees, loss, or damage incurred by the Village by reason of such violation.

Section 1406. Remedies Cumulative. The remedies provided by this Ordinance shall be deemed to be cumulative and not mutually exclusive.

ARTICLE 15 VALIDITY

Section 1501. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 1502. State or Federal Law. If any provision of applicable state or federal law imposes greater restrictions than are set forth in this Ordinance then the provisions of such state or federal law shall control.

ARTICLE 16 PUBLICATION AND EFFECTIVE DATE

Section 1601. Publication. This Ordinance or a summary thereof shall be published in the Ravenna Independent, a newspaper of general circulation in the Village qualified under State law to publish legal notices, within fifteen (15) days after its adoption, and shall be recorded in the Village Record of Ordinances and such recording authenticated by the signatures of the President and the Village Clerk.

Section 1602. Effective Date. This Ordinance shall become effective twenty (20) days following the publication of the Ordinance or a summary thereof.

ARTICLE 17 AMENDMENT

Section 1701. Amendments. The Village specifically reserves the right to amend this Ordinance in whole or in part, at one or more times hereafter, or to repeal the same, and by such amendment to repeal, abandon, increase, decrease or otherwise modify any of the fees, charges or rates herein provided.

Section 1702. Review of Water Supply Rates and Charges. The Village shall, as often as shall be necessary, and at least annually beginning in the Village's fiscal year ending December 31, 2008, review all Water Supply Rates and Charges and increase or decrease such Water Supply Rates

and Charges, or any of them, so that such Water Supply Rates and Charges shall be adequate for expenses they are intended to defray, plus reasonable amounts for contingencies and reserves.

ARTICLE 18
MISCELLANEOUS

Section 1801. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed, including but not limited to: (1) Ordinance No. 6, adopted March 7, 1967, (2) Ordinance No. 13, adopted May 10, 1972, (3) Ordinance No. 18, adopted May 1, 1973, as amended and Parts 115, 117 and 118 of the Ravenna Village Code.

Adopted: August 12, 2008

Published: August 28, 2008

Effective: September 17, 2008

PARTS 126-144

(Reserved)

PARTS 145-159
PUBLIC SAFETY

There are currently no ordinances assigned to this category.

PART 160

160.000

**BOCA CODES
Ord. No. 70
Adopted: March 5, 1996**

An Ordinance to adopt by reference the BOCA National Building Code, the BOCA National Plumbing Code, and the BOCA National Mechanical Code, 1996 Editions.

THE VILLAGE OF RAVENNA, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

160.001 Adoption of Codes by reference.

Sec. 1. Pursuant to the provisions of Section 8 of the State of Michigan Construction Code Act (PA. 230 of 1972; MCLA 125.1501, *et. seq.*), the Village of Ravenna hereby adopts by reference the following:

- A. **Building Code.** The 1996 Edition of the BOCA National Building Code, as published by the Building Officials and Code Administrators International, Inc., (BOCA).
- B. **Mechanical Code.** The 1996 Edition of the BOCA National Mechanical Code, as published by the Building Officials and Code Administrators International, Inc., (BOCA).
- C. **Plumbing Code.** The 1996 Edition of the BOCA National Plumbing Code, as published by the Building Officials and Code Administrators International, Inc., (BOCA).

This Ordinance is adopted for the purpose of the control of buildings and structures as provided in each of the codes referenced above; and each and all of the regulations, provisions, penalties, conditions and terms of said codes are hereby referred to, adopted, and made a part hereof as if fully set forth in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 (Section 160.003] of this Ordinance.

160.002 References in Codes.

Sec. 2. References in any of the Codes adopted pursuant to Section 1 [Section 160.001] of this Ordinance shall have the following meanings:

- A. References to “**local ordinances**” shall mean the ordinances of the Village of Ravenna.
- B. References to “**municipal charter**” shall mean the Charter of the Village of Ravenna, as amended.

- C. References to “**municipality**” shall mean the Village of Ravenna.
- D. References to “**state**” shall mean the State of Michigan.

160.003 Insertions, deletions, additions, changes.

Sec. 3. The following sections of the referenced codes are revised as follows:

Section P-202.0, **General Definitions**; the definition of “**Plumbing System**” is revised to read in its entirety as follows:

Plumbing System. Includes the water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; and sanitary and storm sewers and building drains; in addition to their respective connections, devices and appurtenances within a structure or premises; but, excludes, any water supply pipes or sewer pipes located outside the structure on the premises which are connected to a municipally owned and operated water distribution system or sewer collection system.

160.004 Civil infractions.

Sec. 4. Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A “repeat violation” of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than Fifty (\$50.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than Two Hundred Fifty (\$250.00) Dollars nor more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

160.005 Persons authorized to enforce.

Sec. 5. The Village Building Inspector, the Village Electrical Inspector, and the Village Mechanical Inspector are authorized to issue municipal civil infractions citations for violations of this Ordinance, or of the Code for which the respective inspector is responsible for enforcement.

160.006 Repeal.

Sec. 6. Any ordinance in conflict with this Ordinance is hereby repealed to the extent of any such conflict. The following Ordinances are repealed in their entirety:

- A. Ordinance No. 21A.
- B. Ordinance No. 47.
- C. Ordinance No. 24.

160.007 Effective date.

Sec. 7. This Ordinance shall take effect ninety (90) days after its publication in the manner provided by law.

160.008 Severability.

Sec. 8. If any term, phrase, portion or section of this Ordinance is determined by a court to be unenforceable or unconstitutional, such determination shall only affect the term, phrase, portion or section in question, and shall not affect the remainder of the Ordinance.

PART 161

161.000 PLUMBING CODE ENFORCING AGENCY
Ord. No. 71
Adopted: January 2, 1996

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Village of Ravenna under the provisions of the state Construction Code Act (Act 230 of the Public Acts of 1972, as amended).

THE VILLAGE OF RAVENNA ORDAINS:

161.001 Agency designated.

Sec. 1. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Plumbing Inspector of the Village of Ravenna is hereby designated as the enforcing agency to discharge the responsibilities of the Village of Ravenna under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Village of Ravenna assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

161.002 Repeal.

Sec. 2. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

161.003 Effective date.

Sec. 3. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

PART 162

162.000

NATIONAL ELECTRICAL CODE

Ord. No. 72

Adopted: February 6, 1996

An Ordinance to provide for the adoption of the National Electrical Code, 1996 Edition, as promulgated and published by the National Fire Protection Association, as the electrical code for the Village of Ravenna, to establish minimum standards for the installation of all electrical wiring within the Village of Ravenna; to designate the Village of Ravenna as the agency responsible for the enforcement thereof; and to provide penalties for the violation thereof.

THE VILLAGE OF RAVENNA, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

162.001 Adoption of Code.

Sec. 1. Pursuant to the provisions of Section 8 of Public Act 230 of 1972, as amended, being MCLA 125.1508, the National Electrical Code, 1996 Edition, is hereby adopted by reference, for the purpose of regulating the installation, alteration, repair, conversion, use and maintenance of all new electrical wiring for light, heat, and power service equipment, and for all alterations, modifications, or extensions to existing wiring systems, buildings or structures within the Village of Ravenna. The National Electrical Code, 1996 Edition, is hereinafter referred to as the "Code."

162.002 Designation of Enforcement Agency.

Sec. 2. The Village of Ravenna Electrical Inspector is hereby designated as the agency responsible for the enforcement of the National Electrical Code, 1996 Edition, within the Village of Ravenna.

162.003 Violations; penalty.

Sec. 3. Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than Two Hundred Fifty (\$250.00) Dollars but not exceeding Five Hundred (\$500.00) Dollars, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of Five Hundred (\$500.00)

Dollars, plus costs and other sanctions. The Village Electrical Inspector is authorized to issue municipal civil infractions citation for violations of this Ordinance.

162.004 Severability.

Sec. 4. If any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, such determination shall not affect the remaining portions of this Ordinance. The remaining portions of this Ordinance shall be given effect, without the invalid, unenforceable or unconstitutional portion, as long as the remaining portions are determined to be operable, and to this end this Ordinance is declared to be severable.

162.005 Repeal.

Sec. 5. Any Ordinances or parts thereof which conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

162.006 Effective date.

Sec. 6. This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

PART 163

ORDINANCE NO. 90

**FIRE PREVENTION CODE
RESPONSIBILITY ORDINANCE**

An Ordinance to assume responsibility for enforcement of a fire prevention code and to provide penalties for the violation thereof.

THE VILLAGE OF RAVENNA HEREBY ORDAINS:

Sec. 1. **Adoption of Fire Prevention Code; Purpose.** Pursuant to the provisions of Public Act 359 of 1947, as amended, the Village of Ravenna, Muskegon County, Michigan hereby adopts by reference the BUILDING OFFICIALS and CODE ADMINISTRATORS (BOCA) National Fire Protection Code and the NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101 Life Safety Code, 2000 Editions, as the fire prevention code of the Village of Ravenna. The code is adopted for the purposes of protecting life, property, and public welfare from the hazards of fire and explosion providing minimum standards for the design, operation, use and maintenance of buildings and structures, and by providing minimum standards for the storage, handling, or use of substances, materials, or devices involved in the use or occupancy of buildings or structures. In the case of any conflict between the provisions of the BOCA National Fire Prevention Code and the provisions of the NFPA 101 Life Safety Code, the provisions of the NFPA 101 Life Safety Code shall be deemed to control the circumstances in which the conflict has arisen and the provisions of the BOCA National Fire Prevention Code be deemed to be irrelevant or inapplicable to the extent of the conflict.

Sec. 2. **Designation of Enforcement Agency.** The Chief (or, Fire Chief) of the combined Village of Ravenna/Ravenna Township Fire/Rescue Department, or his authorized representative, shall have the responsibility for enforcement and administration of this Ordinance, and shall have the authority to enter premises for the purpose of inspecting them for compliance with the Village's fire prevention code.

Sec. 3. **Additions, Insertions, Changes.**

A. The following articles and sections of the BOCA National Fire Prevention Code of 2000 are deleted in their entirety, and shall not apply in the Village of Ravenna:

NONE

B. The following chapters of the NFPA 101 Life Safety Code, 1994 edition, are deleted in their entirety, and shall not apply in the Charter Village of Ravenna: Chapter 8; Chapter 10; Chapter 12; Chapter 14; Chapter 16; Chapter 18; Chapter 22; Chapter 24; and Chapter 26.

Sec. 4. **Violations; Penalty.** Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A “repeat violation” of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporations within six months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than two hundred fifty dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than five hundred dollars (\$500.00), plus costs and other sanctions. The Village President, Village Manager or Superintendent, the Fire Chief (or, his duly appointed and acting subordinate), and the Village Attorney are authorized to issue municipal civil infractions citations for violations of this Ordinance.

In addition to any other remedy provided above, the Village shall have authority to seek the removal of any structure which is deemed to be an unsafe structure, as defined by applicable statutes of the State of Michigan, in accordance with the procedures provided by said statutes.

Sec. 5. **Repealer.** All ordinances, or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of any such conflict. Ordinance no 147 (sic) is hereby repealed in its entirety.

Sec. 6. **Effective Date.** This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

PART 164

ORDINANCE NO. 129

HOUSING LAW OF MICHIGAN

An Ordinance adopting the Housing Law of Michigan.

THE VILLAGE OF RAVENNA ORDAINS:

Sec. 1. Pursuant to the provisions of Act 167 of the Public Acts of Michigan of 1917, as amended, being MCL 125.401 *et. seq.*, as amended, and in particular Section 1 thereof, being MCL 125.401, the Village of Ravenna hereby adopts by reference the Housing Law of Michigan, including the enforcement provisions of said Act.

Sec. 2. The provisions of the Housing Law of Michigan, as adopted by this Ordinance, are in addition to the ordinances and laws now and hereinafter enacted in the Village of Ravenna.

Sec. 3. The Clerk is hereby directed to publish a copy of this Ordinance, or a summary thereof, in a newspaper circulated within the Village, as soon as possible within 30 days after adoption. Within one week after publication, the Clerk is further directed to record the Ordinance in the Book of Ordinances, along with the date of passage, and the names and members of the Village Council voting, and how each voted, and to file an attested copy of this Ordinance with the County Clerk. The Village Clerk shall certify publication and filing with the County Clerk.

Sec. 4. This Ordinance shall become effective 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Village.

(Effective: November 12, 2007)

PARTS 165-179

(Reserved)