

ORDINANCE - CEMETERY

AN ORDINANCE RELATIVE TO THE CONTROL, MANAGEMENT, IMPROVEMENT AND PROTECTION OF CEMETERIES.

THE CITY OF YALE ORDAINS:

Section 1. All Cemeteries now owned or which may hereafter be acquired by the City of Yale, whether within or without it's corporate limits, are hereby declared to be public burying grounds; and no person, persons, church society or corporation, shall establish, locate or maintain any other burying grounds within the limits of said city; that the same shall be managed by a board of five cemetery trustees appointed by the Mayor of said City, by and with the consent of the Common Council. The trustee so appointed shall constitute a "Board of Cemetery Trustees" and they shall each hold their offices for a term of five years, except that at the first appointment one shall be appointed for one year, one for two years, one for the term of three years, one for the term of four years and one for the term of five years from the first Monday in May of the year when appointed and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgement, skill or taste for the proper discharge of the duties required of him, or other good cause. Said Board shall serve without compensation.

The Board of Cemetery Trustees shall annually as soon as convenient after the first Monday in May of each year, appoint one of their number chairman of the board and said chairman shall be the superintendent of cemeteries.

Section 2. The Common Council may, by resolution, reserve from disposal for any length of time, any lot or lots, in cemeteries belonging to said city, when in their judgement the best interest of such cemeteries require it. They may, by resolution, set apart any portion of a cemetery, or any lot or lots therein, to be leased only with perpetual care and change the same from time to time.

Section 3. The Common Council shall provide for the leasing of lots, half lots and single graves by subdividing such lots as may be necessary for that purpose in such parts and portions of said cemeteries as they by resolution may determine.

Section 4. The Common Council shall, by resolution, fix the price of all lots, half-lots and single graves that are subject to lease; and may change the same from time to time. No lots, half-lots or single graves shall be leased for a less sum than thus fixed except by resolution of said Common Council.

Section 5. No lease will be issued for any lot, half-lot or single grave, nor any burial permitted thereon until the full price therefor is paid.

Section 6. The Common Council may set off so much of said cemeteries as in their judgement may be necessary for a free burial ground.

Section 7. All leases for lots shall be issued in behalf of the City of Yale by the City Clerk, signed by the Clerk and countersigned by the Mayor and sealed with the seal of the City of Yale

numbered in the order of issue and shall be in such form as the Common Council may prescribe.

Section 8. No lots shall be leased to any person, nor shall any person purchase a lease to a lot for speculative purposes. No lot shall be leased to any person except when such lessee intends to use said lot for the burial of relatives thereon. Provided, however, that the fraternal organizations and societies of charity may after securing the written permission of the Superintendent of Cemeteries, lease lots or parts thereof for the burial of its members and poor. No person shall sell, assign or transfer by any means whatsoever, his rights in any lot, or part thereof, to any person except one having an interest therein, or having bodies buried thereon, and then only with the consent of the Superintendent of Cemeteries in writing. The assignment or transfer of any lot or part thereof to any person who has no interest therein or has no bodies buried thereon shall be void; in case any person desires to dispose of his or her interest in any lot, and is unable to secure a purchaser who has an interest therein or has bodies buried thereon, sale of said interest can be made to the City of Yale and the City shall be obliged to pay for such interest the sum originally paid for it. All leases or transfers of leases made in violation of this provision shall be void.

Section 9. No transfer or assignment of any lease issued by the City of Yale for a lot in said cemeteries shall be valid unless issued in compliance with Section 8 of the Ordinance, in writing, giving the post office address of the assignee, dated and endorsed on or attached to the original lease or duplicate thereof, provided for in Section 11, duly acknowledged and witnessed, so as to entitle it to record under the laws of this state and then only after it has been presented to and recorded by the City Clerk in a record provided for in Section 10 and the date of such record endorsed or stamped thereon and signed by the City Clerk. No such transfer or assignment shall be recorded unless the person executing it is shown to have transferrable interest therein by the original lease or duplicate thereof and the transfers endorsed thereon and attached thereto.

Section 10. The Common Council shall furnish the city clerk a book properly ruled with the following headings: "Number of deed; date; lessor; lessee; P.O. Address of lessee; consideration, remarks." With an index showing "Lessee;" and a description of the lot affected by the lease or transfer; which book shall be known as the "The Abstract Register for Elmwood Cemetery." The Common Council shall also furnish the City Clerk with a book to be called a "Cemetery Plat Book," which shall be ruled so as to provide a space for each lot in the cemetery in numerical order, in which there shall be recorded a transcript of every lease issued or transferred and no lease shall be issued by the City Clerk without reference to said Plat Book and first determining that no lease is outstanding covering said lot or part of lot. Failure of the City Clerk to keep all books pertaining to the cemeteries of the City in his office, posted and properly entered to current date shall be deemed sufficient cause for his removal. All leases issued by the City to individuals and all transfers thereof so far as known, shall be entered in said register, and when the same is completed up to date it shall be the duty of the city clerk to enter therein and index each lease issued and transfer thereof recorded.

Section 11. In case any original lease is lost or destroyed, any person having an interest therein as appears from the Abstract register, provided for in Section 10, may file with the city clerk an affidavit showing such loss or destruction, giving a description of the lot and showing his interest thereon, and how such interest was acquired. If the Superintendent of Cemeteries is satisfied of the truth of the facts stated therein and that such interest was acquired in accordance with the provisions of the city charter and of this ordinance, he may direct the city clerk to issue a duplicate of the original lease, and all transfers thereof, appearing in the abstract register, to such

a person. When so ordered the city clerk shall issue a duplicate lease and endorse thereon "Duplicate lease issued by order of the Superintendent of Cemeteries of the City of Yale," giving the date and sign the same, and attach thereto or endorse thereon, a copy of the record of all transfers appearing on the abstract register provided for in Section 10 and attach thereto a certificate substantially in the following form:

State of Michigan, County of St. Clair, City of Yale – ss.

I, _____, City Clerk of the City of Yale, do hereby certify that the foregoing is a true and correct copy of the original lease issued by the City of Yale for lot _____, block _____ Cemetery, in the City of Yale and all transfers thereof, appearing of record in this office.

Witness my hand and seal of said city this _____ day of _____ 19

_____(Seal)
City Clerk.

(Countersigned)

Superintendent of Cemeteries

And shall sign the same in his official capacity and impress thereon the seal of the city which certificate shall be countersigned by the Superintendent of Cemeteries. Thereafter such duplicate and copy of transfers shall have all the force and effect of the original so lost or destroyed.

Section 12. Whenever the owner of any lot dies, someone of his heirs shall file with the city clerk an affidavit stating the name of the deceased, date of death, the interest he had in any lot, or lots, describing them, the names of his heirs at law and the interest each inherited by his death; or the adjudication of heirship by any competent court. The City Clerk shall treat such affidavit or adjudication as an assignment or transfer from the deceased as lessor to his heirs stated therein as lessees and upon securing the written approval of the Superintendent of Cemeteries shall record same in the abstract register provided for in Section 10, showing the interest of each heir. He shall then stamp the date of record of such affidavit, or adjudication, in like manner as all transfers and the same shall be attached to the original lease or duplicate thereof.

Section 13. No person shall be recognized as having any interest in or right to control any lot in said cemeteries unless his interest or right appears upon the abstract register provided for in Section 10.

~~Section 14. The digging, refilling and trimming of graves, the opening of graves, the removal of bodies, from or from one place to another in said cemeteries and the construction of foundations for headstones and tablets constructing graves, shall be done only by employees of the cemetery department. All lot owners may, themselves, or by their regularly employed servants care for on improve their own lots, or construct their own monuments and above ground vaults including the foundation for above ground vaults, but all such work must be done in accordance with the rules adopted by the Common Council and under the direction and supervision of the Superintendent in charge. The superintendent may stop any such work whenever it is being prosecuted in violation of any rule of the board or of this ordinance.~~

Section 14. Any work or services to be performed in the cemetery, including but not limited to the digging, refilling and trimming of graves, the opening of graves, the removal of bodies from one place to another in said cemeteries and the construction of foundations for headstones and tablets, constructing graves, shall be done only by employees of the cemetery department, or persons or contractors specifically authorized by the superintendent. (08-27-2008)

Section 15. Whenever, in the opinion of the Superintendent of the Cemetery, one or more lots needs raising, or cutting down, in order to beautify or improve the general appearance of the surrounding locality, he shall have full power to do so without the consent of the lot owner. In all such cases the Superintendent shall restore the lot to as good condition as before as near as may be, and the raising or cutting down shall be without expense to such owner unless ordered or directed by him.

Section 16. All persons desiring to bury any person in Elmwood Cemetery must procure from the board of health of the City of Yale the burial and transfer permit required by the laws of this state.

Section 17. On presenting this permit to the city clerk and paying for digging and refilling the grave and all charges for other work ordered, the city clerk will issue a burial permit for Elmwood Cemetery. Said permit must show the number of the permit from the board of health, full name and age of deceased, (if an infant unnamed, the name of parents), sex, color, cause of death, date of burial, number of grave, the lot and block where burial is desired, whether such lot is improved or unimproved, and that all charges therefor are paid. Said permit shall be dated when issued and in no case to issue until the information desired to fill it out is furnished, all charges paid to and the permit of the board of health filed with the city clerk. In no case shall any permit be issued for the burial on any lot, half-lot or single grave, until the full purchase price thereof has been paid and lease issued. No grave shall be dug or burial allowed, within Elmwood Cemetery until the permit issued by the city clerk is furnished to the superintendent in charge, or he becomes satisfied that said permit has been duly issued, except as otherwise provided in the rules of the Common Council.

Section 18. The grave on each lot, half-lot and all single graves shall be designated in the order of burial commencing with one, by a marker to be furnished by the cemetery department and set at the foot of each grave, flush with the surface of the ground, on the top of which shall appear the number of the grave.

Section 19. The superintendent shall, on or before the first day of each month, return to the city clerk all burial permits for which there were interments during the preceding month and enter therein, in a space provided therefor, the date of burial.

Section 20. The Common Council shall furnish the superintendent of the cemetery and the City Clerk with a burial register properly ruled so as to show the following: Name, place of death, age, sex, color, date of burial, No. of grave, lot, block and No. of permit issued by the board of health.

Section 21. The city Clerk and Superintendent of the Cemetery shall each enter in said burial registers the information called for by each column and they shall also index each name alphabetically. The City Clerk shall file and preserve all burial forms in his office.

Section 22. That there shall be and is hereby created a fund to be hereafter designated as “The Cemetery Perpetual Improvement Fund.”

Section 23. Any person or persons leasing any lot or lots in the city cemetery may, upon the payment to the City Clerk the sum of \$50.00 for a full lot or \$25.00 for a half lot receive a certificate describing said lot, signed by the City Clerk and countersigned by the Mayor, entitling the holder thereof to have said lot, lots or part of lot perpetually cared for at the expense of the City of Yale. The Common Council shall be required and it is hereby made their duty to have each record kept of all lots for which said sum of money is paid and to provide in such manner as shall be deemed advisable for the perpetual improvement of such lot or lots and to perpetually care for any improvements that may be placed upon said lot or lots by the owner thereof.

Section 24. It shall be the duty of the City Clerk to deliver to the City Treasurer, as soon after the receipt thereof as practical and not later than thirty days, all sums of money so paid to him for perpetual care, which said money will be credited by the City Treasurer to the “Cemetery Perpetual Improvement Fund.”

Section 25. It shall be the duty of the Common Council as often as they shall deem necessary and expedient, to cause the amount so paid in the said fund to be invested in such manner and for such rate of interest as they shall deem advisable. All interest received on account of such investment shall be paid to the City Treasurer and by him credited to such fund, and the amount of such interest shall be separate from the principal. Sums paid in for the purpose of aforesaid and all sums of money expended by the cemetery superintendent for the caring of lots under this ordinance, shall be paid out of the interest so received and no part of the said principal sum shall be paid out for and on account of any such improvement. No money shall be paid out of said fund except by order of the Common Council, such sums to be ordered paid only after the superintendent of the cemetery has certified to the Common Council the amounts necessary to be paid, together with the lot or lots on account of which such payment is to be made.

It shall be the duty of the superintendent of the cemetery to report to the Common Council once in each year the amount expended out of said fund on account of improvements provided for in this section, which report shall specify the amount of money received on account of principal and the amounts expended by said superintendent in the caring for lots, and to furnish to the Common Council at such time or times as they may desire, such other and further information thereto as he shall be requested to furnish by the Common Council.

Section 26. No person shall injure, cut or remove any tree, shrub, plant, vine or flower, wild or cultivated, growing or being within the limits of said cemetery whether on graves or on unimproved grounds.

Section 27. No person shall cut, remove, injure, deface, write upon, or besmear in any way, any vault, monument, marker, headstone, tablet, step, seat, chair, hose, walk, building or structure within, or any gate or fence enclosing said cemetery.

Section 28. No person shall injure, deface or remove from one place to another any chair, seat, any vase, flower-pot, or other thing placed upon any grave for holding flowers, or remove the flowers therefrom within said cemetery, unless by written permission of the owner thereof, or from the superintendent in charge.

Section 29. No person shall take any refreshments or liquor of any kind, or any dog, or any firearm into said cemetery, or discharge any fire-arm therein, except when such arms are carried and used by military organizations, or societies in burial services. No person owning chickens or other domestic fowls shall permit them to run at large in said cemetery.

Section 30. No person shall talk in a loud or boisterous manner, or make any improper noise or disturbance, or be drunk, or intoxicated, or quarrel, or use any profane, vulgar or indecent language, or conduct themselves in an obscene or disorderly manner, or engage in any game, amusement or diversion within said cemeteries.

Section 31. No person shall drive his horse faster than a walk, or leave any horse or animal, unfastened without an attendant, or fasten or hitch any horse, or animal to any tree, shrub, vines, monument, headstone or marker, within said cemeteries. No person shall drive an automobile faster than six miles an hour in said cemetery.

Section 32. No person shall draw over, or along any road or avenue therein, any heavy load on a vehicle, the tires of which are less than 3 inches wide and in wet weather, or when the roads soft, either from frost or rain, such loads shall not enter at all without the consent of the superintendent in charge.

Section 33. No person in charge of a vehicle shall pass, or attempt to pass, another vehicle going in the same direction, or turn around, or attempt to turn around on any of the roads, alleys or avenues, or drive upon or cross any lot, or ornamental ground or through any alley within said cemetery, or permit such vehicle to stand upon any road or avenue, so as to obstruct free passage along the same, except by express permission of the superintendent in charge.

Section 34. No driver of any vehicle, at a funeral shall leave such vehicle unfastened without an attendant during the services at the grave. All funerals and funeral processions, from the time they enter said cemetery until they leave, shall be under control and direction of the superintendent in charge and all persons participating therein must obey all lawful directions given by him.

Section 35. No person shall drive any vehicle whatsoever through said cemetery or along or over its avenues, roads or alleys, for any business purpose not connected with said cemetery, nor shall any vehicle whatsoever enter or leave said cemetery except by the gates established for that purpose.

Section 36. No person shall ride a bicycle in said cemetery faster than six miles per hour, or ride the same at all, except upon the roads and avenues, where ordinary vehicles are allowed to travel.

Section 37. No lot owner shall allow interments in his lot for remuneration or use, or permit it to be used for any other purpose than as a place for the burial of the dead.

Section 38. No person shall be interred in any lot, except the family and relatives of the owner, or owners thereof, unless permission in writing be obtained from the owner and also from the Superintendent of Cemeteries and filed with the City Clerk before a permit is issued by him.

Section 39. No burial will be allowed on any lot, the full purchase price for which has not been

paid; nor shall any burial be allowed on any lot against which there is any charge for care or improvement, until such charges are paid.

Section 40. No monument or headstone shall be removed from any lot, or shall any grave be opened, or body disinterred, or removed therefrom, or from one lot to another in said cemetery until a permit is obtained from the City Clerk for that purpose and written permission is obtained from the Superintendent of Cemeteries.

Section 41. If any tree, shrub, vine or plant, on any lot, shall be means of its roots, branches, or otherwise, become in the judgement of the superintendent of the cemetery, detrimental to the adjacent lots, alleys or avenues, or become unsightly or inconvenient to the passage on any avenues, roads, or alleys, he may remove the same or any part thereof, without the consent of the lot owner.

Section 42. If any monument, effigy, or any structure whatever, or any inscription that may be placed upon any lot, shall in the judgement of the Common Council be offensive or improper, they shall have the right to remove the same.

Section 43. The chairman of the Board of Cemetery Trustees shall be the Superintendent of the Cemetery.

COMPENSATION

~~Section 44. The Superintendent of the cemetery may employ from time to time such help as may be necessary and fix the salaries of each. All officers and employees shall be subject to removal at any time by the superintendent without assigning any cause and shall at all times be subject to his direction.~~

Section 44. The Superintendent of the cemetery may employ or contract from time to time such services as may be necessary and recommend compensation to the City Council for those services. All officers, employees and contractors shall be subject to removal at any time by the Superintendent without assigning any cause and shall at all times be subject to his direction. (08-27-2008)

~~Section 45. No money shall be received by the superintendent or any employee of the cemetery for leases of lots, perpetual or annual care, or for any other purpose. All money therefor must be paid to the City Clerk. The Superintendent of the cemetery shall make out a payroll every two weeks, showing the names of each person employed in and about the cemetery, the number of days he worked, the rate of wages and the amount due him. No claim for salary or other debt incurred shall be paid by the City Treasurer until allowed or ordered paid by the Common Council and then only when the superintendent has certified to such allowance.~~

Section 45. No money shall be received by the Superintendent or any employee of the cemetery for leases of lots, perpetual or annual care, or for any other purpose. All money therefore must be paid to the City Clerk. No claim for salary or other debt incurred shall be paid by the City Treasurer until allowed or ordered paid by the Common Council and then only when the Superintendent has certified to such allowance. (08-27-2008)

Section 46. The City Clerk shall make a report to the Common Council at the first regular meeting of each month, showing all moneys received by him belonging to the cemetery, from whom received and when and what for and such other information as the Common Council may desire, on a form to be prescribed by it, which report shall be filed by the City Clerk and preserved in his office.

Section 47. The Common Council may by a majority aye and nay vote adopt such rules and regulations as they may deem necessary for the improvement, care, management and regulation of said cemetery, and providing how, and in what manner, all work shall be done by lot owners therein, not inconsistent with law and the ordinances of the City of Yale; and, may amend or repeal same.

Section 48 (07-06-1920). Whenever, in the judgement of a majority of the Board of Cemetery Trustees, it shall be deemed advisable to place repairs, improvements or betterments on Elmwood Cemetery, which shall exceed five hundred (\$500.00) dollars in value, it shall be lawful for the Common Council of the City of Yale, by ordinance, to make a levy of a tax upon said cemetery, of such an amount, as in the judgement of the Board of Trustees will be sufficient to make such repairs, improvements and betterments, which said levy shall be spread upon a special assessment roll, to be prepared by the City Clerk, and entitled, "Special Assessment Roll of Elmwood Cemetery, year 1920" that in said ordinance said Council shall specify the time in which the amount levied in the special roll shall be paid, or when the assessments shall be due and payable.

Section 49 (07-06-1920). In the preparation of said Special assessment roll by the City Clerk, all of the lots in said cemetery shall be listed thereon and their respective prorata share of the general levy shall be extended and asserted to each lot; that upon the completion of said special assessment roll, the Clerk shall immediately notify the owner of each lot in Elmwood Cemetery, by mail, addressed to him at his post-office address appearing in the abstract register for Elmwood Cemetery, which said notification shall advise such lot owners of the levy of said special assessment and the time within which they are required to pay the same.

Section 50 (07-06-1920). Any and all taxes so levied by the Common Council of the City of Yale, shall immediately become a lien upon the respective lots upon which the same are levied, and unless said taxes are paid, together with interest at the rate of 1 per cent per month, from and after the due date thereof, to be specified in the ordinance levying such tax, it shall be unlawful for the Clerk of the City of Yale to issue any permit for burial in any such lot, upon which said tax has not been paid. This ordinance to take immediate effect.

Section ~~48~~51 (07-06-1920). All persons doing anything forbidden by this ordinance, or failing to do anything required of them by this ordinance, or failing to obey the lawful directions and orders for the superintendent in charge of said cemetery, while therein, provided for herein, or shall violate any rule or regulation adopted by the Common Council, shall be deemed to have violated this ordinance and on conviction thereof shall be punished by a fine not exceeding one hundred dollars and cost of prosecution, or be imprisoned in the common jail of St. Clair County, or any other place of imprisonment provided by the City of Yale, not exceeding ninety days, or both such fine and imprisonment in the discretion of the court. Whenever a fine is imposed, the sentence shall provide that the person so convicted shall be confined as herein stated until such fine and costs are paid. Provided, the whole term of such imprisonment shall not exceed ninety

days.

Section ~~49~~52 (07-06-1920). All other ordinances or parts of ordinances in any wise contravening or inconsistent with the provisions of this ordinance are hereby repealed.

Adopted June 2, 1919.

RULES AND REGULATIONS

For the improvement, care, management and regulation of Elmwood Cemetery and providing how and in what manner work shall be done by lot owners therein.

Rule 1. Any person desiring to improve his lot, or to construct a foundation for any vault shall give the superintendent at least 24 hours notice of the time when, and the lot on which such work will be commenced. All such work shall be done under and according to the direction of the superintendent in charge.

Rule 2. Material for ordinary sized monuments, headstones, or markers must not be brought into the cemetery more than 24 hours before it is to be used, and no such material shall be brought into the cemetery or said work commenced on Saturday, when the work in which said material is to be used cannot be completed and the debris and refuse cleared away before six o'clock of that day.

Rule 3. All earth excavated and all materials required for the structure shall be placed as the superintendent may direct, and in no case shall be placed on adjoining lots without the written consent of the owner thereof. When the work is completed all surplus earth and refuse and surplus material shall be removed within 24 hours, to such place within the cemetery as the superintendent may direct, or removed from the cemetery if he so orders.

Rule 4. No monument, headstone, or tablet shall be erected on any lot that does not rest on a solid foundation constructed of stone and cement. Such foundation must not be less than five feet deep and in all cases as deep as the grave, and at least as wide and long as the base of the stone resting on it; and in no case shall any part thereof be above the surface of the ground. Headstones, tablets or markers shall not be less than four inches in thickness, nor more than 20 inches in height, and must not be set in a socket or with a dowel. All stones not resting on a base shall be deemed markers. Any monument, headstone or tablet, or marker erected in violation of the provisions of this rule may be removed by the superintendent, if not made to comply herewith within ten days after written notice served on any one of the owners of the lot where situated, as appears from the abstract register in the office of the city clerk pointing out in a general way how its requirements have not been complied with.

Rule 5. All improvements hereafter made shall be made with the view of making all lots correspond with the uniform grade of the surrounding land.

Rule 6. No lot shall be raised above the grade of the surrounding lands nor shall any grave be raised more than three inches above the grade of the lot on which it is situated.

Rule 7. No alley hereafter graded or improved shall be made more than two inches lower, and in no case higher, than the grade of the adjoining lands.

Rule 8. No lot, or part thereof, shall be enclosed by a fence, railing, coping, hedge, ditch, post and chain or other similar devices.

Rule 9. No lot or grave shall be covered in whole or in part by sand, gravel, broken stone, cinders or any other substance that prevents the free growth of vegetation.

Rule 10. No plant, vine or shrub shall be planted on any lot the natural tendency of which is to spread, so as to encroach upon adjoining lots.

Rule 11. No vault for the reception of the dead shall be constructed or built within said cemetery until the plan thereof, showing the elevation, location, dimensions, material to be used, and the manner of construction has been submitted to and approved by the city commission.

Rule 12. On presentation of the burial permit issued by the City Clerk to the Superintendent in charge, a grave will be prepared as soon as possible, but the Superintendent shall not be required to have it ready in less eight working hours after receipt of the permit and rough box. Provided, that when the bodies are shipped from other points for burial, or in cases of contagious diseases, the grave will be prepared at once on request of the undertaker in charge who will be held responsible if the grave is not used.

~~Rule 13. The Superintendent shall have charge of the cemetery grounds, and all property belonging thereto and of the sexton, and of all other work done by them.~~

Rule 13. The Superintendent shall have charge of the cemetery grounds, and all property belonging thereto and of the Sexton, and of all employees and contractors and shall oversee and superintend all work done by them. (08-27-2008)

Rule 14. He shall see that all orders and directions of the Common Council and all provisions of the charter relative to cemeteries the ordinances of the City of Yale and these rules, are observed and carried out.

Rule 15. The City Clerk shall make all purchases for the cemetery directed by the Common Council.

Rule 16. The Superintendent shall keep a list of all lots for lease with the prices fixed thereon and assist those desiring lots to make a selection and furnish them a proper description for presentation to the City Clerk to enable him to make out the necessary lease.

Rule 17. The following prices shall be charged for the work specified, which must in all cases be paid in advance:

Opening, closing and sodding a grave on improved lots.....	\$ 5.00
Opening, closing and sodding a grave on improved lots with iron or stone box.....	\$ 6.00
Opening, closing and sodding a grave on improved lots, children under ten years.....	\$ 3.00
Opening, closing and sodding a grave on improved lots, children under ten years, with iron or stone box.....	\$ 5.00
Opening and closing a grave on improved lots in all cases.....	\$ 3.00
Removing bodies from one part of cemetery to another, both lots unimproved.....	\$ 4.00

Removing bodies from one part of cemetery to another, one or both lots improved.....	\$ 6.00
Trimming a grave, labor only.....	\$ 2.00
Cementing graves.....	Actual Cost
When tent is used at burial a charge will be made for extra labor of.....	\$ 2.00
Use of receiving vault, not exceeding five days.....	\$ 3.00
Use of receiving vault, 1 month.....	\$ 5.00
Use of receiving vault, not exceeding five days, children under ten years.....	\$ 2.00
Use of receiving vault, 1 month, children under ten years.....	\$ 3.00
For each additional month's rent of vault.....	\$ 1.00

Rule 18. The Superintendent will perform the following work at the following prices, which in all cases must be paid in advance.

Care of single grave, 1 year.....	\$ 1.00 - \$ 1.50
Care of half lot, 11 x 13 ½ Ft., 1 yr.....	\$ 1.50 - \$ 2.00
Care of full lot, 13 ½ x 22 Ft., 1 yr.....	\$ 3.00 - \$ 4.00
Care of two or more lots, adjoining, same owner, each, per year.....	\$ 2.50 - \$ 3.50
Care of irregular lots or ornamental ground, per sq. ft.....	\$.01 - \$.01 ½
Excavating and constructing foundations for monuments, headstones or tablets, or broken stone and cement, ready for base stone, per cubic foot.....	\$.20

For cutting down, grading and sodding or re-sodding lots, excavations and foundations for vaults, and all other work not herein specified, a charge will be made according the condition of the lots and the nature of the work, to be agreed upon between the parties and the superintendent in charge.

Rule 19. The care of lots shall be construed to mean the cutting of the grass and the watering of the lots as often as required to preserve a green appearance.

Rule 20. When death results from infectious or contagious diseases, the body shall not be deposited in the receiving vault unless placed in a sealed casket, and a written permit from the board of health of the City of Yale presented to and left with the superintendent in charge. Whenever the remains of any person deposited in receiving vault become offensive or detrimental to the public health, the same may be buried at once, even though the time for which rent has been paid has not yet expired.

Rule 21. A lease for a lot or a portion thereof will not be granted to more than one person, except in cases of husband and wife. The purpose of this rule being to prevent others than husband and wife from having an undivided interest in any of the lots in said cemetery. Lot numbers must be written out in full and followed by numerals in all cases.

Rule 22. These rules shall be in force and effect on and after June 18, 1919.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ORDINANCE RELATIVE TO THE CONTROL, MANAGEMENT, IMPROVEMENT AND PROTECTION OF CEMETERIES", ADOPTED BY THE CITY OF YALE ON THE 2ND DAY OF JUNE, 1919, BY CHANGING THE NUMBERS OF SECTIONS 48 AND 49 THEREOF TO SECTIONS 51 AND 52 RESPECTIVELY, AND TO ADD THREE NEW SECTIONS THERETO.

THE CITY OF YALE ORDAINS:

Section 1. Sections numbered as 48 and 49 of the ordinance above in the entitling clause referred to shall hereafter be known as Selections 51 and 52 respectively.

Section 2. Three Sections are hereby added to the ordinance above in the entitling clause referred to, to be numbered Sections 48, 49 and 50 respectively, and to read as follows:

Section 48. Whenever, in the judgement of a majority of the Board of Cemetery Trustees, it shall be deemed advisable to place repairs, improvements or betterments on Elmwood Cemetery, which shall exceed five hundred (\$500.00) dollars in value, it shall be lawful for the Common Council of the City of Yale, by ordinance, to make a levy of a tax upon said cemetery, of such an amount, as in the judgement of the Board of Trustees will be sufficient to make such repairs, improvements and betterments, which said levy shall be spread upon a special assessment roll, to be prepared by the City Clerk, and entitled, "Special Assessment Roll of Elmwood Cemetery, year 1920" that in said ordinance said Council shall specify the time in which the amount levied in the special roll shall be paid, or when the assessments shall be due and payable.

Section 49. In the preparation of said Special assessment roll by the City Clerk, all of the lots in said cemetery shall be listed thereon and their respective prorata share of the general levy shall be extended and asserted to each lot; that upon the completion of said special assessment roll, the Clerk shall immediately notify the owner of each lot in Elmwood Cemetery, by mail, addressed to him at his post-office address appearing in the abstract register for Elmwood Cemetery, which said notification shall advise such lot owners of the levy of said special assessment and the time within which they are required to pay the same.

Section 50. Any and all taxes so levied by the Common Council of the City of Yale, shall immediately become a lien upon the respective lots upon which the same are levied, and unless said taxes are paid, together with interest at the rate of 1 per cent per month, from and after the due date thereof, to be specified in the ordinance levying such tax, it shall be unlawful for the Clerk of the City of Yale to issue any permit for burial in any such lot, upon which said tax has not been paid. This ordinance to take immediate effect.

Passed, ordained and ordered published, this 6th day of July, A.D. 1920.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “ORDINANCE RELATIVE TO THE CONTROL, MANAGEMENT, IMPROVEMENT AND PROTECTION OF CEMETERIES”, RELATIVE TO WHO CAN PERFORM WORK OR SERVICES IN THE CEMETERY, EMPLOYING OR CONTRACTING OF SUCH SERVICES BY THE SUPERINTENDENT, AND MAKING OUT PAYROLL, AND AMENDMENT OF RULE 13 OF THE RULES AND REGULATIONS RELATIVE TO THE AUTHORITY OF THE SUPERINTENDENT.

THE CIT OF YALE ORDAINS:

Section 1. Amendment of Section 14 re: Work or Services Performed in Cemetery

Section 14 is hereby amended to read as follows:

Section 14. Any work or services to be performed in the cemetery, including but not limited to the digging, refilling and trimming of graves, the opening of graves, the removal of bodies from one place to another in said cemeteries and the construction of foundations for headstones and tablets, constructing graves, shall be done only by employees of the cemetery department, or persons or contractors specifically authorized by the superintendent.

Section 2. Amendment of Section 44 re: Employing or Contracting Services

Section 44 is hereby amended to read as follows:

Section 44. The Superintendent of the cemetery may employ or contract from time to time such services as may be necessary and recommend compensation to the City Council for those services. All officers, employees and contractors shall be subject to removal at any time by the Superintendent without assigning any cause and shall at all times be subject to his direction.

Section 3. Amendment of Section 45 re: Cemetery Income/Expenses

Section 45 is hereby amended to read as follows:

Section 45. No money shall be received by the Superintendent or any employee of the cemetery for leases of lots, perpetual or annual care, or for any other purpose. All money therefore must be paid to the City Clerk. No claim for salary or other debt incurred shall be paid by the City Treasurer until allowed or ordered paid by the Common Council and then only when the Superintendent has certified to such allowance.

Section 4. Amendment of Rule 13 re: Duties of Superintendent

Rule 13 of the Cemetery Rules and Regulations is hereby amended to read as follows:

Rule 13. The Superintendent shall have charge of the cemetery grounds, and all property belonging thereto and of the Sexton, and of all employees and contractors and shall oversee and superintend all work done by them.

Section 5. Amendment Limitation

All provisions of the Cemetery Ordinance not specifically amended hereby, shall remain in full force and effect.

Section 6. Severability Clause

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore other than the part declared to be invalid.

Section 7. Effective Date

This Ordinance shall become effective 7 day after publication.

This Ordinance was adopted by the Yale City Council on the 11th day of August 2008, was published once as provided by law in the Yale Expositor, a paper published in the County of St. Clair and circulated in the City of Yale on the 20th of August, 2008, this being the first an final day of publication of this ordinance.

ORDINANCE #

AN ORDINANCE TO CONTROL THE SLAUGHTER OF MEAT AND TO REGULATE THE TRANSPORTATION OF WASTE CARCASSES OR PARTS THEREOF, AS WELL AS OTHER SIMILAR WASTE MATERIALS RESULTING FROM THE SLAUGHTER OF ANIMALS.

THE CITY OF YALE ORDAINS:

Section 1. That it shall be unlawful for any person, firm or corporation, to maintain, conduct, or operate a slaughter-house in which cattle, sheep, swine, or goats are slaughtered for human consumption within the limits of the City of Yale, unless each operation including the killing of such animals, is performed within a building, out of view of the general public.

Section 2. That it shall be unlawful for any person, firm or corporation to operate a rendering wagon or other vehicle used for the purpose of removing slaughter-house waste upon any street, or alley, in the City of Yale, unless that portion of said rendering wagon or vehicle which contains such waste material is covered to effectively exclude flies and other insects.

Section 3. That any person, firm or corporation, violating the provisions of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00, or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the Court.

This Ordinance shall take immediate effect:

Effective 10-17-1957

ORDINANCE #3

REGULATION GOVERNING PARKING ON CERTAIN STREETS WITHIN THE CITY OF YALE. (Page 168 Council Minutes)

1. The Chief of Police of the City of Yale, Michigan being the highest police authority in said city does hereby pursuant to Sec. 19, (b) (1), Article II, of An Ordinance To Regulate The Use And Operation Of Vehicles On The Public Highways Within The City of Yale, establish and promulgate the following restrictions on parking of vehicles within said city for reasons of public health and safety, namely: That said streets constitute a vital fire route for fire fighting equipment of the City of Yale, Michigan.

2. There shall be no parking on the West side of Jones Street in the City of Yale, commencing at the intersection of Mechanic Street with said Jones Street, and running thence north to the intersection of Park Avenue with said Jones Street.

3. There shall be no parking on the South side of Park Avenue in said City of Yale, commencing from the intersection Jones Street with Park Avenue, and running thence west as far as the west bridge over Mill Creek in said City.

4. There shall be no parking on the west side of Park Street, (the street running on the west side of the Yale City Park) in said City of Yale, commencing from the intersection of Park Avenue with said Park Street and running thence north to the termination of said Park Street.

Regulation approved August 2, 1948

ORDINANCE #4

AN ORDINANCE RELATIVE TO KEEPING, MAINTAINING AND OPERATING BILLIARD AND POOL ROOMS, BOWLING ALLEYS, AND COMMERCIAL RECREATION ROOMS OR ESTABLISHMENTS.

Section 1. It shall be unlawful for any person or corporation to have or keep for or use or suffer or permit to be used in any place of public resort in the City of Yale any billiard or pool table or bowling alleys or commercial recreation rooms or establishments without having obtained a license so to do as herein provided.

Section 2. Every person intending to engage in the business of operating a billiard or pool room, commercial room or establishment or bowling alley in the City of Yale, shall make and file with the City Clerk of the City an application for license to do so in writing, showing the home and residence to carry on such business, and containing an agreement that in the event of the issuance of a license to such applicant, such license shall be revocable at any time at the discretion of the Council and Mayor of the City of Yale, and also for violation of any of the provisions of this Ordinance and shall further state the names of all persons interested in the business, the particular tables, the number of each and the number of bowling alleys.

Section 3. The fee for an annual license hereunder shall be ten (\$10.00) dollars for each establishment and said fee shall be paid on issuance of the license.

Section 4. All licenses hereunder shall be issued by the City Clerk under the direction of the Mayor and Council and shall be in writing and under the corporate seal of the City. Application for renewal of the license shall be filed on or before the first day of January of each year and no license shall extend beyond the first day of the following year. Application for license shall be filed at least ten days before the opening of such place or room of business. No license shall be issued for a fractional part of a year and shall not be transferable without the authority of the Mayor and the Council. No license shall be granted to any person not a citizen of the United States, unless such person has filed his first papers and declared his intention to become a citizen of this country. Authority to issue license shall be evidenced by resolution of the Council duly adopted. Such license shall show the amount of the fee paid, the names of the parties licensed, the term of the license, the number and particular tables and alleys, the room and place where the same are to be used; and shall contain a statement that the license is accepted subject to the terms and is subject to revocation by the Mayor and Council of the City of Yale.

Section 5. It shall be unlawful to permit, maintain or operate any game of chance in any such place or room of business; to permit or allow any students or persons under the age of seventeen (17) years of age or any person of questionable character to frequent, patronize or be employed in any such place of business to allow any loitering or congregation of such person except in the pursuit of lawful amusement and recreation.

Section 6. It shall be the duty of the Chief of Police to make such inspections of all such places or rooms of business as is deemed necessary and to maintain a permanent record of such visits together with remarks relating to conditions found at the time of inspection.

Section 7. The Mayor and Council shall have power at any time to revoke any license granted

under the provisions of this Ordinance of the City of Yale, including this Ordinance or any of the laws of the State of Michigan.

Section 8. No person shall operate or use or permit to be operated or used any billiard or pool table or equipment or any bowling alleys or equipment or any commercial recreation room or establishment, between the hours of 12:30 o'clock a.m. and 6:00 o'clock a.m. of each day.

Section 9. Any person violating any provision of this Ordinance shall be punished by a fine not exceeding One Hundred (\$100.00) dollars and in default of the payment of fine may be imprisoned in the City lockup or in the St. Clair County jail for a period of not exceeding ninety (90) days if such fine is not sooner paid.

Section 10. All prior Ordinance affecting bowling alleys, billiard and pool rooms are hereby repealed.

ADOPTED: January 3, 1944

ORDINANCE #101

AN ORDINANCE REGULATING THE METHOD AND MANNER OF PARKING OF VEHICLES UPON THE PUBLIC HIGHWAYS OF THE CITY OF YALE, AN PROVIDING FOR THE ARREST OF AND PENALTIES TO BE IMPOSED ON PERSONS VIOLATING THE PROVISIONS OF THIS ORDINANCE:

THE CITY OF YALE ORDAINS:

Section 1. All parking of vehicles within the City of Yale shall henceforth from the effective date of this ordinance be parallel. No angle parking whatsoever shall be permitted within the City of Yale unless specifically provided for by Resolution or Ordinance of the Common Council of the City of Yale, or by designation by the Police Commissioner.

Section 2. The Police Commissioner and/or City Police of the City of Yale are hereby authorized and instructed to write traffic violation tickets for any violations of this Ordinance in the same manner as provided for in the case of other traffic violations. Settlement of such tickets at the Traffic Violation Bureau may be made by payment to the Police Commissioner, and/or any other person designated by the City Council, of the following predetermined penalties: Penalty for Improper parking other than parallel as provided for herein: \$1.00 for 1st offense; \$2.00 for 2nd offense; \$2.00 for 3rd and subsequent offenses. Any person so charged, however, may demand that the regular proceedings be followed if he so elects.

Section 3. Penalty for Violations. Any person who violates or fails to comply with any provision of this Ordinance shall upon conviction be subjected to a fine of not more than one hundred (\$100) dollars, or to imprisonment for a period not to exceed thirty days or both such fine and imprisonment in the discretion of the court.

Section 4. This Ordinance shall take effect May 3, 1947.

ORDINANCE AMENDMENT #102

THE CITY OF YALE ORDAINS:

Chapter VIII, of the Uniform Traffic Code for the City of Yale, approved and adopted April 10, 1958, be and the same is hereby amended by the addition of Section 8.25 as follows:

Section 8.25:

Limited parking on Wood Street, from M19 to Kennefic Street:

All parking is prohibited on the South side of Wood Street from M19 to Mary Street.

There is hereby established a two hour parking limit on the North side of Wood Street, between M19 and Kennefic Street between the hours of 8 a.m. and 6 p.m. All parking in excess of this limitation is hereby prohibited on said North side of Wood Street, between M19 and Kennefic Street.

This Ordinance shall take Immediate effect, September 3, 1963.

ORDINANCE AMENDMENT #102A

THE CITY OF YALE ORDAINS:

Chapter V of the Uniform Traffic Code for the City of Yale approved and adopted April 10, 1958, be and the same is amended by the addition of Section 5.96 as follows:

Section 5.96 as herein adopted, shall read as follows:

Section 5.96.

Passing school bus stopped to receive or discharge passengers on public streets and highways within the City of Yale; bus stopping on streets and highways; bus signal lamps.

Section 5.96.

- a. The driver of a vehicle shall not overtake (or meet) and pass any school bus which has stopped for the purpose of receiving or discharging passengers on any public streets or highways within the City of Yale. All school buses shall contain such signs on the back and front thereof, with respect thereto, as shall be approved by the state highway commissioner.
- b. The driver of a vehicle overtaking (or meeting) any school bus which has stopped for the purpose of receiving or discharging any passenger on any public streets or highways within the City of Yale, shall bring such vehicle to a full stop at least 10 feet from the school bus and shall not proceed until the school bus resumes motion or the school bus driver signals to proceed or the visual signals are no longer actuated. The driver of the school bus, before resuming motion, shall signal stopped traffic to proceed and shall when resuming motion proceed in such a manner as to allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety. Passengers crossing the road upon being discharged from a school bus shall cross in front of the stopped school bus. At an intersection where traffic is controlled by an officer or a traffic stop and go signal a vehicle need not be brought to a full stop before passing any such school bus, but may proceed past such school bus at a speed not greater than is reasonable and proper and in no event greater than 10 miles per hour with due caution for the safety of passengers being received or discharged from such school bus.
- c. No school bus driver shall stop his bus upon the highway for the purpose of receiving or discharging passengers unless such bus is clearly visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of at least two hundred (200) feet.
- d. Every school bus shall in addition to any other equipment and distinctive marking required by law be equipped with signal lamps mounted as high and widely spaced laterally as practicable which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear, two (2) alternately flashing red lights located at the same level. Said lights shall be no less than six (6) inches in diameter and shall have sufficient intensity to be visible from a distance of at least five

hundred (500) feet in normal sunlight and shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped or is about to stop for the purpose of receiving or discharging school children.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

1958

ORDINANCE AMENDMENT 102B

THE CITY OF YALE ORDAINS:

Chapter V, Section 5.24 of the Uniform Traffic Code for the City of Yale approved and adopted April 10, 1958, be and the same is amended by the addition of sub-section (a) as follows:

Section 5.24.

- a. One way vehicular traffic on Wood Street from M19 to Kennefic Street.

Wood Street from M19 to Kennefic Street is hereby designated for one way vehicular traffic only; said vehicular traffic to move only in an Easterly direction.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

September 3, 1963

ORDINANCE AMENDMENT 102F

THE CITY OF YALE ORDAINS:

Chapter VIII of the Uniform Traffic Code for the City of Yale, approved and adopted April 10, 1958, be and the same is hereby amended by the addition of Section 8.26:

Section 8.26.

1. Limited parking on South Main Street and Brockway Road:
 - a. There is hereby established a two (2) hour parking limit during the hours from 8:00 a.m. to 6:00 p.m. on the west side of South Main Street from Wood Street southerly to the point where South Main Street joins Brockway Road.
 - b. There is hereby established a two (2) hour parking limit during the hours from 8:00 a.m. to 6:00 p.m. on the west and south side of Brockway Road from the south limit of the City of Yale, extending westerly and northerly to the point where Brockway Road joins South Main St.
 - c. There is hereby established a two (2) hour parking limit during the hours from 8:00 a.m. to 6:00 p.m. on the east side of South Main Street from main Street to the point where South main Street joins Brockway Road.
 - d. There is hereby established a two (2) hour parking limit during the hours from 8:00 a.m. to 6:00 p.m. on Brockway Road at the south city limit and extending westerly and northerly to the point where Brockway Road joins South Main Street.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

January 2, 1962

ORDINANCE AMENDMENT 102G

THE CITY OF YALE ORDAINS:

Chapter VIII of the Uniform Traffic Code for the City of Yale approved and adopted April 10, 1958, be and the same is hereby amended by the addition of Section 8.2 as follows:

Section 8.2.

Limited parking on Wood Street, from M19 to Jones Street.

All parking is prohibited on the south side of Wood Street, from M19 to Jones Street.

There is hereby established a two hour parking limit on the north side of Wood Street, between M19 and Jones Street, between the hours of 8:00 a.m. and 6:00 p.m.

All parking in excess of this limitation is hereby prohibited on said north side of Wood Street between M19 and Jones Street.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

January 6, 1964

ORDINANCE AMENDMENT 102H

THE CITY OF YALE ORDAINS:

Chapter V of the Uniform Traffic Code for the City of Yale, approved and adopted April 10, 1958, be and the same is hereby amended by the addition of Section 5.36 (a) as follows:

Section 5.36:

- a. Every driver of a vehicle approaching a stop sign before crossing the railroad intersection on First Street, in the City of Yale shall stop at a clearly marked stop line, but if none, then at the point nearest the railway crossing where the driver has a view of approaching trains on the railroad track and shall proceed across the railroad tracks only when such movement can be made in safety.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

April 9, 1964

ORDINANCE AMENDMENT 102I

THE CITY OF YALE ORDAINS:

Chapter VIII of the Uniform Traffic Code for the City of Yale, approved and adopted April 10, 1958 be and the same is hereby amended by the addition of Section 8.28 as follows:

Section 8.28.

Limited parking on Mechanic Street from alley to Kennefic Street.

There is hereby established a two (2) hour parking limit on both the north and south sides of Mechanic Street, extending easterly between the alley and Kennefic Street, between the hours of 8:00 a.m. to 6:00 p.m.

All parking in excess of this limitation is hereby prohibited.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

July 6, 1964

ORDINANCE AMENDMENT 103 A

AN ORDINANCE ESTABLISHED PENALTIES FOR SPECIFIC MINOR VIOLATION OF THE TRAFFIC CODE OF THE CITY OF YALE, MICHIGAN, AMENDING SUB-SECTION (f), SECTION 1, OF ORDINANCE 103, ADOPTED APRIL 10, 1958.

THE CITY OF YALE ORDAINS:

Sec. 1. Traffic Violation Bureau:

Sub-section (f) of Ordinance No. 103 Of the City of Yale, Michigan, establishing penalties for specific minor violations of the Traffic code of the City of Yale, Michigan, be and the same is amended to read, as follow:

(f) Minor Offenses and Pre-determined Penalties are as follows:

<u>Bicycles</u>	<u>OFFENSE</u>	<u>FINE</u>
	Carrying more than one (1) person	\$ 3.00
	Riding more than two (2) abreast	2.00
<u>MOTORCYCLES</u>		
	Carrying more than two (2) persons	3.00
	Riding more than two (2) abreast	2.00
<u>BLOCKADING</u>		
	Alley, Crosswalk or Driveway	5.00
	Traffic	5.00
<u>DRIVING</u>		
	Against traffic, left of center line	5.00
	Backing around corner, no signal	3.00
	Backing more than sixty (60) feet	3.00
	Backing without reasonable safety and interfering with other traffic	5.00
	Changing lanes without signal	3.00
	Commercial vehicle on non-route street	5.00
	Cutting in and out of traffic	5.00
	Cutting in front of moving traffic at intersection	
	Driving contrary to pavement markings	3.00
	Driving on or over curb or sidewalk	2.00
	Driving over fire hose	5.00
	Failure to drive at a careful and prudent speed	10.00
	Failure to stop with in the assured clear distance ahead	5.00
	Failure to yield right of way - Fire or Police	3.00

Failure to yield right of way to on coming traffic	5.00
Failure to obey direction of Police officer	2.00
Failure to Observe "Drive to the right or left" signs	2.00
Failure to signal on turn, on leaving curb	3.00
Failure to stop on Stop Street or STOP INTERSECTION	4.00
Failure to stop on leaving alley or driveway	3.00
Failure to stop at railroad or other flashing red signal device	4.00
Failure to yield right of way to pedestrian legally within cross-walk	3.00
Through RED light	5.00
Through FUNERAL procession	5.00
Through PRIVATE PROPERTY to avoid signal	3.00
Turn against red or amber light	5.00
Turn in front of moving traffic	3.00
Turns, Prohibited or improper	3.00
Wrong way, one-way Street or alley	10.00
Reckless driving 1ST Offense \$35.00 2 nd Offense	Court
Careless driving 1ST offense \$35.00 2 nd Offense	Court

EQUIPMENT

Defective brakes	5.00
Defective muffler	5.00
Defective steering equipment	5.00
For any other defective equipment	2.00
Improper horn equipment	2.00
Improper use of horn	3.00
Improper noise making equipment	2.00
LIGHTS - all violation	3.00
No mud flaps on trucks	2.00
No mirror on truck	2.00
No red flag or light on projection	2.00
No turn signal on truck	2.00
No windshield wipers, or defective wipers	2.00
Police whistle, horn or siren	3.00

LICENSES:

Expired Chauffeur or Operator License	5.00
No chauffeur or Operator License	5.00
No registration on person or in vehicle	2.00
Plates, improper or expired	5.00
Violation of restricted License	5.00

MISCELLANEOUS

Advertising (Sound car, etc)	2.00
Excessive noise (muffler, exhaust)	5.00
Excessive smoke	2.00

	Obstruction to driver's view of control	3.00
	PEDESTRIAN Violations	2.00
	Littering 1 st Offense \$10.00 Second Offense	10.00
<u>PARKING</u>		
	Abandoned car	5.00
	Prohibited or improper	5.00
	Obstructing traffic	2.00
	Overtime	2.00
	Double Parking	2.00
<u>SPEEDING</u>		
	For exceeding speed limit hour- over limit only up to 15 miles per hour - over	10.00*
	* plus \$1.00 per mph in excess of 15 mph over speed limit	

IN all other cases, including three (3) or more moving violations within last 12 month period, the violator MUST APPEAR IN COURT on the dates shown on the violation notice received from the police officer.

Sec. 2. Repeal and Saving Clause
All Ordinance or parts of Ordinance in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed, prior to the taking of effect of this Ordinance.

Sec. 4. THIS ORDINANCE SHALL BE KNOWN AS ORDINANCE No. 103 A.

ADOPTED BY THE COUNCIL:

Approved: December 5th, 1966.

Published: December 14, 1966

ORDINANCE

AN ORDINANCE REGULATING THE METHOD AND MANNER OF THE PARKING OF VEHICLES UPON THE PUBLIC HIGHWAYS OF THE CITY OF YALE, AND THE PROVIDING FOR THE ARREST OF AND PENALTIES TO BE IMPOSED ON PERSONS VIOLATING THE PROVISIONS OF THIS ORDINANCE.

THE CITY OF YALE ORDAINS:

Section 1. All parking of vehicles within the City of Yale shall henceforth from the effective date of this ordinance be parallel. No angle parking whatsoever shall be permitted within the City of Yale unless specifically provided for by Resolution or Ordinance of the Common Council of the City of Yale or by designation by the Police Commissioner.

Section 2. The Police Commissioner and/or City of Yale are hereby authorized and instructed to write traffic violations tickets for any violations of this Ordinance in the same manner as provided for in the case of other traffic violations. Settlement of such tickets at the Traffic Violation Bureau may be made by the payment to the Police Commissioner, and/or any other person designated by the City Council, of the following predetermined penalties:

PENALTY:

Improper parking other than parallel as provided for herein: \$1.00 for first offense, \$2.00 for the second offense, \$3.00 for the third and subsequent offenses. Any person so charged, however, may demand that the regular proceeding be followed if he so elects.

Section 3: Penalty for Violation. Any person who Violates or fails to comply with any provision of this Ordinance shall upon conviction be subjected to a fine of not more than one hundred (\$100.00) dollars, or to imprisonment for a period not to exceed thirty days or to both such fines and imprisonment in the discretion of the court.

Section 4. This ordinance shall take effect May 3rd, 1947

ORDINANCE # 106

AN ORDINANCE PROHIBITING THE STORING, ABANDONING, AND STANDING OF REFRIGERATORS, ICE BOXES, FREEZERS AND ANY OTHER CONTAINERS OF AN AIR-TIGHT NATURE, IN UNSUPERVISED STOREHOUSES OR WAREHOUSES, SHEDS, OUTDOORS, OR IN ANY OTHER PLACES WHERE MINORS ARE APT TO BECOME LOCKED THEREIN, WITHOUT DISABLING THE SAME THROUGH REMOVAL OF SCREWS AND HINGES ON DOORS THEREOF, AND PROVIDING FOR PENALTIES ON PERSONS VIOLATING THE PROVISIONS OF THIS ORDINANCE.

THE CITY OF YALE ORDAINS:

1. No person, individual, corporate, or otherwise, shall permit the storing, abandoning, and or standing of refrigerators, ice boxes, freezers, and any other containers of an air tight nature in unsupervised storehouses, warehouses, sheds, outbuildings, barns, outdoors, or in any other places not under constant supervision of adult persons where minors are apt to be attracted to the same and become locked therein any manner so as to be apt to cause suffocation, asphyxiation, and choking, unless the requirements of this Ordinance as hereinafter set forth are complied with.
2. Any refrigerators, ice boxes, freezers, and any other containers of an air tight nature, situated under conditions as herein above described in Paragraph 1 hereof, shall be disabled by removal of the screws and hasp of catch which holds the entrance door of said box or article closed, and such disablement must be in such a manner that the door can not be locked by minors who may be attracted thereto.
3. Any person, individual, corporate, or otherwise who shall violate the provisions of this Ordinance shall be punished by a fine of not to exceed One Hundred (100) and costs of prosecution, or imprisonment in the St. Clair County Jail for a period not exceeding thirty (30) days or both in the discretion of the court.
4. This Ordinance shall take effect twenty days from passage thereof.

December 7, 1953

ORDINANCE NO. 107

AN ORDINANCE TO PROHIBIT THE PURCHASE, POSSESSION, TRANSPORTATION OF ALCOHOLIC LIQUOR AND TO PROHIBIT THE POSSESSION, TRANSPORTATION OR CONTROL OF ALCOHOLIC LIQUOR BY A MINOR IN A MOTOR VEHICLE, WITH EXCEPTION, AND PENALTY THEREFORE.

THE CITY OF YALE ORDAINS:

An Ordinance to prohibit the purchase, possession, transportation of alcoholic liquor and to prohibit the transportation of alcoholic liquor, and to prohibit the possession, transportation or control of alcoholic liquors by a minor in a motor vehicle, with exception, and to provide a penalty therefore.

Section 1. No person under the age of 21 years shall purchase or knowingly possess or transport any alcoholic liquor or knowingly transport or have under his control in any motor vehicle, any alcoholic liquor, unless said person is employed by a licensee of the State of Michigan Liquor Control Commission and is possessing or transporting, or having such alcoholic liquor in a motor vehicle under his control and in the course of his employment.

Section 2. Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not more than One Hundred (\$100.00) Dollars or to imprisonment in the County Jail of St. Clair County for not more than ninety (90) days or both, in the discretion of the Court.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

ADOPTED BY THIS COUNCIL

PUBLISHED MAY 10, 1961

APPROVED MAY 01, 1961

ORDINANCE # 108

AN ORDINANCE AMENDING AN ORDINANCE REGULATING THE METHOD AND MANNER OF PARKING OF VEHICLES UPON THE HIGHWAYS OF THE CITY OF YALE, AND PROVIDING FOR THE ARREST OF AND PENALTIES TO BE IMPOSED ON PERSONS VIOLATING THE PROVISIONS OF THIS ORDINANCE.

THE CITY OF YALE ORDAINS:

The provisions and title of an Ordinance heretofore approved and adopted on April 10, 1947, as amended, be and the same are hereby amended in the manner hereinafter set forth:

Section 2, as amended June 4, 1956, is amended to read as follows:

Section 2. There is hereby established a two (2) hour parking limit during the hours of 8:00 a.m. to 6:00 p.m. during week days on Main Street, within the City of Yale, in the area of said Main Street extending from Wood Street to Park Avenue, and North Street intersection of Main Street; on the East side of Main Street from Wood Street to Mill Street; on Park Avenue from M19 to the alley; on North Street, from m19 to the alley; on East Mechanic Street, from M19 to the alley and on the north side of West Mechanic Street from m19 to the alley and the south side of West Mechanic fro M19 to Jones Street; there is hereby established a one hour (1) parking limit during the hours of 8:00 a.m. to 6:00 p.m. during week days on the west side of Jones Street north from West Mechanic Street a distance of 103 feet, exclusive of Mechanic Street right-of-way.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

ADOPTED BY THE COUNCIL

Published: July 16, 1958

Approved: July 7, 1958

ORDINANCE # 108

AN ORDINANCE AMENDING AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC HIGHWAYS OF THE CITY OF YALE.

THE CITY OF YALE ORDAINS:

That the provisions of an Ordinance heretofore approved and adopted on April 10, 1958, be and the same are hereby amended by adding thereto Ordinance #108 as new Mater:

THROUGH STREETS AND YIELD RIGHT-OF-WAY STREETS

- a. First Street shall be a through street and the driver of a vehicle entering First from Division Street shall "yield" the right-of-way to all traffic traveling on First Street.
- b. Second Street shall be a through street and the driver of a vehicle entering Second Street from Division Street shall "yield" the right-of-way to all traffic traveling on Second Street.
- c. Third Street shall be a through street and the driver of a vehicle entering Third Street from Division Street shall "yield" the right-of-way to all traffic traveling on Third Street.
- d. Fourth Street shall be a through street and the driver of a vehicle entering Fourth Street from Division Street shall "yield" the right-of-way to all traffic traveling on Fourth Street.

THIS AMENDMENT SHALL TAKE IMMEDIATE EFFECT:

September 5, 1961

Passed, Ordained and Ordered Published this 13th day of September 1961.

ORDINANCE # 111

AN ORDINANCE RELATIVE TO THE ADMINISTRATION AND CONDUCT OF THE WATER DEPARTMENT OF THE CITY OF YALE.

THE CITY OF YALE ORDAINS:

Section 1.

- (a) The Chairman of the Public Works shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment and all other appurtenances of the water works system. The Chairman of the Public Works Department shall supervise all extension and alteration of the waterworks system as the Council may direct.
- (b) The City Clerk shall be responsible for the collection of water bills. all revenues therefrom shall be accounted for in a manner satisfactory to the Council.
- (c) The City Council may adopt by Resolution such necessary rules, regulations and standards relative to connections to and use of the system as may be necessary to meet public health and safety requirements; a violation of said rules, regulations and standards shall constitute a violation of this Ordinance. (ADOPTED: August 24, 1992)

Section 2. Water Mains

- (a) The water mains of the City shall be under the exclusive control of the Chairman of the Public Works Department and no other persons other than agents or employees of the water department shall tap, change, obstruct, interfere with, or in any way disturb the system of the water mains.
- (b) All extensions and alterations to the system of water mains shall be made under the supervision of the Chairman of the Public Works Department who shall act only upon authorization of the council. Petitions for the extension of water mains shall be addressed to the City Council, which will thereupon consider the same and advise the petitioners of their decision.
- (c) Any person, firm or corporation, installing water mains at their own expense shall first submit their plans and specifications for such work to the Chairman of the Public Works Department for its approval. After such plans and specifications have been approved by the Chairman of the Public Works Department, the work shall be done under supervision of the Public Works Department who shall require that tests be made as they may consider necessary and no water shall be admitted into such mains until they accept the installation on behalf of the Council.

The provisions of this paragraph shall apply to any installation of water mains outside of the corporate limits of the City where permission has first been

granted by the City Council. To connect such mains to the existing distribution system.

Section 3. Service Pipes

- (a) All service pipe on either public or private property shall be laid on solid ground not less than four feet below the established grade of the street. Service pipe laid in the same trench with a sewer must be copper.
- (b) From the main to the curb stop all service shall be of Type K copper not less than 3/4 inch in diameter.
- (c) The service pipe from the curb cock to the building on private or public property shall be installed and properly maintained by the owner. The owner shall keep the stop box free from dirt, stones or other substances that will prevent access to the service cock.
- (d) Plumbers shall not interfere in any way with service pipes installed by the Water Department and shall not be permitted to turn water on or off at the service cock except for the purpose of testing their work, in which case the service cock shall be left in the same condition and position as they found it. any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only.
- (e) Before any connection is made to any water main, application for a permit must be made by the owner of the premises to be served, or by his, her or their authorized representative at the office of the City Clerk.
- (f) That any person desiring a connection with the City water mains or distributing pipes of the City shall make application to the Clerk of the Water Department in the form prescribed and such payment to size of line before installation with said Clerk.
- (g) When a permit is required for service to a building under construction the owner shall pay the Department a fee estimated by the Water Clerk in accordance with the size of the building and class of construction. It shall in no case be less than \$2.50. In case the owner is not satisfied with the estimate a meter may be temporarily installed on the line and the consumption of the water be measured during construction, and the owner shall pay for the meter and any damage to it shall be repaired at his expense.

Section 4. Meters

- (a) All premises using water shall be metered. In no case will water be supplied at fixture or flat rates, except for temporary supplies as provided.
- (b) Meters will be furnished by the Water Department which shall remain the property of the Department, and will at all times be under its control.

- (c) For any consumption of water, meters will be furnished by the City. Where a meter larger than 2 inches is required, special arrangements must be made between the Department and the customer. All such arrangements must be approved by the Council before becoming effective.
- (d) Meters shall be set in an accessible location and in a manner satisfactory to the Chairman of the Public Works Department. where the premises contains no basement or cellar, the meter shall be installed outside in a meter pit, the location of which shall be approved by the Chairman of the Public Works Department. Where it is necessary to set a meter in a pit, such pit shall be built at the expense of the owner as directed by the City Foreman, and to his entire satisfaction, and any expenses incurred by the City for material, etc. to be paid for by applicant.

Meters shall be installed in the basement or cellar, when available. When there is no basement or cellar, meters shall be installed on the first floor in the utility room or any location approved by the head of the Public Works Department. Meters shall not be installed in crawl spaces.

(ADOPTED: August 24, 1992)

- (e) Meters will be sealed by the Department and no one except an authorized employee or the Department may break or injure such seals. No person other than an authorized employee of the Department may change the location of, alter, or interfere in any way with a meter.
- (f) The expense of installing and maintaining meters will be borne by the Water Department provided, however, that if replacement, repair or adjustments of a meter are made necessary by the act, negligence, or carelessness of the owner or occupant of the premises, the expense to the Department caused thereby shall be charged and collected from the owner of the premises. In case the owner or occupant fails to pay these charges when due, water will be shutoff.
- (g) The owner of the premises where a meter is installed will be held responsible for its care and protection from freezing and from injury or interference by any person or persons. In case of injury to the meter or in case of stoppage or imperfect operation, the owner of the premises shall give immediate notice to the Water Department. All water furnished by the City and used on any premises must pass through the meter. No bypass or connection around the meter will be permitted. If any meter gets out of order or fails to register, the owner will be charged at the average quarterly consumption rate as shown by the meter over the period of the preceding four quarters, when the meter was accurately registering.

Section 5. Use of Water

- (a) When new service pipes are put into any premises, the service cock shall be left closed and will thereafter be opened by an authorized employee of the

Water Department and only upon request of the owner or his agent; provided however, that a plumber may open and close a service cock to test his work.

- (b) In case a permit is issued as provided in Section 3, paragraph (g) of this ordinance and a water meter has been installed for temporary use of water, the owner shall notify the Water Department upon completion of his work so that the water meter may be read and the connection shut off.
- (c) Where the water has been turned off by the Water Department for any reason, no person or persons except authorized employees or agents of the Department, may turn it on again. Whenever this rule is violated, the Water Department may shut the water off at the corporation cock at the main and the owner shall pay in advance double the established rate for water used in violation of this provision in addition to the entire expense incurred by the Water Department for doing this work before the water may be turned on again.
- (d) The Chairman of the Public Works Department or any of his authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the Water Department to any premises for such purposes. In case any authorized employee be refused admittance, or is in any way hindered in making necessary inspection or examination, the water may be turned off from such premises after giving 24 hours notice to the owner or occupant thereof.
- (e) Fire hydrants may be opened and used only by the City's Fire Departments or by such persons as may be specifically authorized by the Water Department. No person shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any object or materials of any kind within 15 feet of the same.
- (g)
 - (1) The water service to any premises for which any water billing, including penalty and interest thereon, which is delinquent for a continuous period of six months, shall be terminated in addition to any other remedy available to the City; a fee of \$20.00 will be charged for the termination of services pursuant to this paragraph.
 - (2) The amounts owed shall be paid in full prior to the resumption of water service to said premises, including the payment of an additional \$20.00 "turn on" fee and a written request for the resumption of service filed with the City Clerk.
 - (3) The City shall cause the resumption of service pursuant to subparagraph (2) above to occur within a reasonable period of time, after the filing of said request, and in any event not more than three (3) regular working days (72 hours) thereafter.
 - (4) The above provisions and amounts may hereafter be changed from

time to time by Resolution of the Council.
(APPROVED: May 3, 1982)

- (g) (1) The water service to any premises for which any water billing, including penalty and interest thereon, which is delinquent for a continuous period of 30 days, shall be terminated in addition to any other remedy available to the City; a fee of \$20.00 shall be charged for the termination of services pursuant to this paragraph.
- (2) Prior to the resumption of water service to said premises, the amounts owed shall be paid in full, payment of an additional \$20.00 "turn on" fee shall be made, a written request for the resumption of service filed with the City Clerk, and a deposit of twice the average quarterly bill shall be paid.
- (3) The City shall cause the resumption of service pursuant to subparagraph (2) above to occur within a reasonable period of time, after compliance with said request, and in any event not more than three (3) regular working days (72 hours) thereafter.
- (4) The above provisions and amounts may hereafter be changed from time to time by Resolution of the Council.

(APPROVED: July 6, 1987)

- (h) The water billing for any premises, including apartments and/or rentals, shall be billed directly to the owner of the property being serviced.

(APPROVED: May 3, 1982)

The water billing for any premises, including apartments and/or rentals, shall be billed directly to the owner of the property being serviced and the owner shall be responsible therefor, except as provided in (i) hereof.

(APPROVED: July 6, 1987)

The water billing for any premises, including apartments and/or rentals, shall be billed directly to the owner of the property being serviced; provided however, in a case where a tenant is responsible for payment of the charges and the City Clerk, Treasurer, or Council is so notified, in writing, together with a true copy of the lease if there is a written lease, then the charges shall not become a lien against the premises after the date of the notice. In the event such notice is properly filed, no further service shall be rendered to the premises until a cash deposit of \$150.00 or such amount as set by the Council by Resolution, is paid to the City as security for payment of the charges. Any billing shall be mailed to the tenant, or to an address as the tenant may direct. In the event of a delinquency, the City may apply the deposit to the same and terminate water service, pursuant to Section 5(g).

(ADOPTED: August 24, 1992)

- (i) Any water billing, including penalty and interest thereon, which is delinquent for a continuous period of six months is made a lien on the premises to which water services are furnished, and are hereby registered to constitute such lien; the Treasurer shall annually certify all unpaid charges for such service remaining unpaid for a period of six months to the City Assessor who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as general City taxes. The termination of water services to said premises and the placement of the same on the tax roll shall be in addition to and in lieu of any other remedies the City may have with regards to the collection of any charges owed.
(APPROVED: May 3, 1982)

Any water billing, including penalty and interest, assessments, charges or rentals due or to become due, shall constitute a lien on the premises to which the water services are furnished, effective immediately upon the distribution of the water and for a period of three years. The official records of the proper officer, board, commission or department of the City having charge of the water distribution system, shall constitute notice of the pendency of this lien. The lien shall have priority over all other liens except taxes or special assessments, whether or not the other liens accrued or were recorded before the approval of the water lien created hereby.

In the event a water billing is delinquent for six months or more it shall be certified annually to the proper tax assessing officer or agency who shall enter the lien on the next tax roll against the premises to which the services have been rendered. The charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. However, these provisions relative to a lien shall not apply if a lease has been legally executed containing a provision that the lessor shall not be liable for the payment of the water system bills accruing subsequent to the filing of an affidavit with respect to the execution of a lease containing such a provision with the board, commission, or other official in charge of the water works system; provided, the affidavit contains a notice of the expiration date of the lease, and provided that the lessor gives the City 20 days notice of any cancellation, change in, or termination of the lease. In the event of the filing of such an affidavit, a cash deposit in the amount of twice the amount of the average quarterly billing shall be paid immediately upon the filing of such an affidavit or services to the premises shall be terminated. A written notice of the tenants responsibility for the payment of such charges, together with a true copy of the lease, if written, may be filed in lieu of an Affidavit.

(ADOPTED: July 6, 1987)

Except as provide by (h) above, any water billing, including penalty and interest thereon, which is delinquent for a continuous period of six months is made a lien on the premises to which water services are furnished, and are hereby registered to constitute such lien. The Treasurer shall annually certify all unpaid charges for such service remaining unpaid for a period of six

months to the City Assessor who shall place the same on the next tax roll of the City. such charges so assessed shall be collected in the same manner as general City taxes. The termination of water services to said premises and the placement of the same on the tax roll shall be in addition to and in lieu of any other remedies the City may have with regard to the collection of any charges owed.

(ADOPTED: August 24, 1992)

Section 6. General Provisions

- (a) Where premises are left unoccupied and the owner or occupant does not request the water turned off by the Water Department and meter removed from the premises, no rebate will be allowed. No allowance will be made for any water registered by the meter that may leak or waste through the plumbing or fixtures, or defective piping.
- (b) Should it become necessary to shut off the water in any section of the City because of any accident or for the purpose of making repairs or extensions, the Water Department will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such cause, but the failure to give notice shall not render the Water Department responsible or liable in damages for any inconveniences, injury, or loss which may result therefrom.
- (c) The Chairman of the Public Works Department shall have power to regulate the hours of sprinkling and prohibit waste or excess amounts of water use to discontinue service where necessary to enforce this order.
- (d) The City of Yale shall not be responsible to any consumer for any damage caused through the Water Department's inability or refusal to furnish water.

Section 7. Water Rates

- (a) All water users outside the corporate limits of the City of Yale, water rates to be raised 100% over present rates.

Section 8.

- (a) Any person, firm or corporation violating any of the provisions of this Ordinance, upon conviction thereof before a court of competent jurisdiction shall be punished by a fine of not more than \$100.00 or by imprisonment in the County Jail of St. Clair County for a period of not more than 90 days or both, such fine and imprisonment in the discretion of the court.

Section 9.

- (a) Each section of this ordinance, and every paragraph of each section is hereby declared to be separable, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause, shall not affect any other section or part thereof.

Section 10.

- (a) All previous ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

Section 11.

- (a) This ordinance shall take affect twenty (20) days from the date of its first publication. Made and passed by the City Council of the City of Yale.

ADOPTED BY THE COUNCIL:

PUBLISHED: August 12, 1964

APPROVED: August 3, 1964

ORDINANCE AMENDMENT NO. 112

THE CITY OF YALE ORDAINS:

SECTION 2 of “An Ordinance to Provide for the Deposit and to Prohibit the Removal of Debris, Rubbish, Refuse, Trash or Garbage on the Driveway into or at the City Dump for the City of Yale, and to Provide a Penalty for the Violation Thereof”, approved and adopted November 7, 1955, be and the same is amended by the addition of Sub-Section (a) to Section 2, as follows:

Sub-Section (a): It shall be unlawful for any person, firm or corporation to deposit, throw, dump or otherwise place any debris, rubbish, refuse, trash or garbage in any area the City Dump maintained by the City of Yale, unless such person, firm or corporation shall upon request by the official caretaker, exhibit to such caretaker for examination, permit issued by the City of Yale, authorizing such caretaker for examination, a permit issued by the City of Yale, authorizing person, firm or corporation, to use the facilities of said dump.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

ADOPTED BY THIS COUNCIL.

PUBLISHED: NOVEMBER 10, 1965

APPROVED: NOVEMBER 01, 1965

ORDINANCE # 114B

AN ORDINANCE RELATIVE TO THE POSSESSION, SALE AND USE OF AIRGUNS AND SLINGSHOTS WITHIN THE CITY OF YALE.

THE CITY OF YALE ORDAINS:

Section 1. It shall be unlawful for any person with a slingshot, airgun or with any other weapon, device or means to destroy, injure or damage any electric light, or equipment, or any livestock, animal or poultry of another or personal property of any person, firm or corporation within the City of Yale; provided, this section shall not apply to any officer acting in the discharge of his duty.

Section 2. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any slingshot, airgun or other like weapon to any minor within the City of Yale, who is under the age of sixteen years.

Section 3. It shall be the duty of every parent, guardian or other person, having the custody or charge of any minor under the age of sixteen years to control said minor and it shall be unlawful for any such parent, guardian or other person having the custody or charge of any minor under the age of sixteen years to knowingly permit such minor to have in his possession any firearm, slingshot or airgun or to violate any of the provisions of this Ordinance.

Section 4. Any person, firm or corporation who shall violate any provision of this Ordinance, or who shall fail to comply with the same, shall upon conviction thereof be subject to a fine of not exceeding one hundred (\$100.00) dollars or imprisonment not to exceed three months in the County Jail or both to the discretion of the Court, together with the costs of prosecution for each violation of this Ordinance, and may provide that such offender on failing to pay such fine, penalty and costs of prosecution may be imprisoned for any term, not exceeding three months in the County Jail, unless payment thereof be duly made.

Section 5. Parts of Ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall be and become effective 20 days from the date of its first publication.

ADOPTED BY THE CITY COUNCIL: August 3, 1970

ORDINANCE # 114C

AN ORDINANCE TO CONTROL THE INTENTIONAL DISCHARGE OF FIREARMS WITHIN THE LIMITS OF THE CITY OF YALE, ST. CLAIR COUNTY, MICHIGAN.

THE CITY OF YALE ORDAINS:

Section 1. That it shall be unlawful for any person, unless authorized by the Chief of Police of the City of Yale, other than a police officer in the exercise of his official duties as such police officer, to intentionally discharge any firearm within the limits of the City of Yale, St. Clair County, Michigan, other than when acting in defense of his or her person or property or both.

Section 2. The work "firearm" is hereby defined as being any gun, commonly described as a pressure pellet gun, rifle, shotgun or revolver; said definition shall not include the commonly known B-B gun.

Section 3. That any person violating the provisions of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00, or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT.

Adopted by the Council:

Published: October 17, 1957

Approved: October 7, 1957

ORDINANCE # 119

AN ORDINANCE TO REGULATE THE KEEPING, HARBORING, OR POSSESSION OF ANIMALS, BIRDS, AND FOWL WITHIN THE CORPORATE LIMITS OF THE CITY OF YALE; ESTABLISHING CONDITIONS FOR THE KEEPING, HARBORING, OR POSSESSION OF THE SAME AS PETS; DEFINING CERTAIN WORDS; PROVIDING FOR THE IMPOUNDMENT AND DISPOSITION OF THE SAME, WHETHER OR NOT PETS, BY EXTERMINATION, OWNER-CLAIM, OR OTHERWISE; PROVIDING FOR THE PAYMENT OF REASONABLE COSTS FOR CLAIMING THE SAME; PROVIDING PENALTIES FOR THE VIOLATION HEREOF AND AN EFFECTIVE DATE.

THE CITY OF YALE ORDAINS:

Section 1. It shall be unlawful for any person owning, possessing, or harboring any cat or other animal, fowl or bird to keep such animal, fowl or bird within 200 feet of any dwelling, except his own dwelling, or to suffer or permit any animal, fowl or bird owned by him, or in his possession or control, to run at large in any street or public place; provided that this section shall not apply to such animals as are commonly kept or housed as household pets.

Section 2. It shall be unlawful to keep, harbor, or possess any animal, fowl or bird whether as a pet or otherwise, within any structure unless:

- a. Such structure is maintained to adequately keep or harbor such animal, fowl or bird;
- b. Such person shall prevent any malodorous or offensive condition from existing in, at, or from such structure;
- c. Such person shall prevent any frequent or long continued noises from or by such animal, bird or fowl;
- d. Such person shall prevent any nuisance to arise from such keeping, harboring, or possession.

Section 3. It shall be unlawful for any person owning, possessing or harboring any animal, fowl or bird to permit or suffer the same to run at large within the corporate limits of the City of Yale.

- A. Animals on a leash or accompanied by their owners or custodians having reasonable control of such dogs shall not be deemed to be running at large;
- B. All such animals, fowl or birds running at large shall be impounded at such location as the City and/or County may provide for;
- C. All animals, fowl or birds so impounded shall be kept and fed, unless properly claimed, as hereinafter provided for a period of not less than three (3) days from the hour of impounding, or until such further time as the City Council may provide by Resolution;
- D. Any such animals, fowl or birds that have reasonable identification or a collar shall be impounded and kept in accordance with the above subparagraph C; provided however, such animals, fowl or birds shall be kept not less than seven (7) days from the hour of impounding, or until such further time as the City Council may provide by Resolution.
- E. All animals, fowl or birds not claimed as hereinafter provided within such period may be disposed of by extermination or otherwise.

Section 4. Owners of any such animal, fowl or bird impounded under the provisions of this Ordinance may claim the same by properly identifying themselves as the owner of such animal, fowl or bird, and by paying such sum as is reasonable for the costs of impounding and feeding the same. The City Council may fix such costs by a Resolution adopted by said Council or may charge back to such owner the reasonable costs incurred by the City for impounding and feeding the same.

Provided however, it shall be unlawful for any person to claim or attempt to claim any such animal, fowl or bird when such person is not the legal owner of such animal, fowl or bird.

Section 5. Within the meaning of this Ordinance , a person shall be considered as keeping or harboring animals, fowl or birds if he shall allow animals, fowl or birds habitually to remain or be lodged or fed upon his premises.

Section 6. The City clerk shall be informed at all times hereafter as to the location of the premises where such animals, fowl or birds are impounded, and shall advise any person of such location upon inquiry.

Section 7. Any person, firm or corporation violating any of the provisions of this Ordinance, upon conviction thereof before a court of competent jurisdiction shall be punished by a fine of not more than \$100.00 or by imprisonment in the County Jail of St. Clair County for a period of not more than 90 days or both such fine and imprisonment in the discretion of the Court.

Section 8. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed except those that are held to be more restrictive; provided that this Ordinance shall not apply to slaughterhouses operated in compliance with the laws of the State of Michigan.

Section 9. 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.

Section 10. This Ordinance shall become effective on the 1st day of May, A.D. 1975.

ORDINANCE #120

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE CITY OF YALE UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT.

THE CITY OF YALE ORDAINS:

Section 1. Agency Designated. Pursuant to the provisions of Section 9 of Act 230 of the Public Acts of 1972, the building official of the City of Yale is hereby designated as the enforcing agency to discharge the responsibilities of the City of Yale un Act 230 of the Public Acts of 1972, State of Michigan. The City of Yale hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

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

Section 3. This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same, the same being the 2nd day of June, 1976.

ADOPTED: May 3, 1976

ORDINANCE #121

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE CITY OF YALE UNDER THE PROVISIONS OF THE STATE CONSTRUCTION ACT. (Act 230 P.A. of 1972)

THE CITY OF YALE ORDAINS:

Section 1. Agency Designated. Pursuant to the provisions of the Michigan Plumbing Code which consists of the BOCA Basic Plumbing Code, 1970 edition, including accumulative supplement dated 1973, except sections P-102.0, p-105.0, p-302, p-501.2, p-1101.5, p-1500.0 through p-1511.4, and p-1700.0 through p-1705.2 which have been deleted and includes amendments to p-100.2, p-117.0m p-201.1, o-301.1, p-301.2, p-308.2, p-313.3, p-405.12, p-602.31, p-701.16, p-701.2, p-1001.7, p-1101.3, p-1101.4, p-1102.0, p-1204.55, p-1605.10, p-1606.21, p-1606.22, p-1606.23 and further includes additions being: R408.30725 (p-309.3), R 408.30752 (p-1001.9), R 408.30762 (p-1205.41), R 408.30791, R 408.30792, R408.30793, R 408.30795 and R 408.30796 of Act 230 of the Public Acts of 1972, the plumbing official of the City of Yale is hereby designated as the enforcing agency to discharge the responsibilities of the City of Yale under Act 230 of the Public Acts of 1972, State of Michigan. The City of Yale hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

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

Section 3. This Ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

ADOPTED: MAY 3, 1976

ORDINANCE # 122

AN ORDINANCE REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SUPPLY SYSTEM, I.E., A CONNECTION OR ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER SUPPLY SYSTEM.

BE IT ORDAINED BY THE CITY OF YALE, STATE OF MICHIGAN:

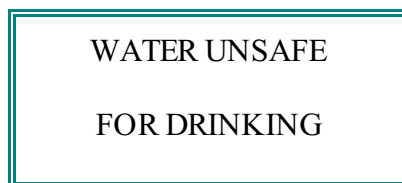
Section 1. That the City of Yale adopts by reference the Water supply Cross Connections Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code.

Section 2. That it shall be the duty of the City of Yale to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections based on potential health hazards involved shall be as established by the City of Yale and as approved by the Michigan Department of Public Health.

Section 3. That the representative of the City of Yale shall have the right to enter at any reasonable time any property served by the public water supply system of City of Yale for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

Section 4. That the City of Yale is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this Ordinance.

Section 5. That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the State and City of Yale Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:



Section 6. That this Ordinance does not supercede the State Plumbing Code and the City of Yale

Plumbing Ordinance No. 121 but is supplementary to them.

Section 7. That any person or customer found guilty of violating any of the provisions of this Ordinance, or any written order of the City of Yale shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 or no more than \$500.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this Ordinance.

I hereby certify that the foregoing Ordinance was passed and adopted at a regular meeting of the City Council held on the 13th day of November, 1978, at the City Hall in the City of Yale, Michigan.

ORDINANCE #123

AN ORDINANCE FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE CITY OF YALE, AND PENALTIES FOR THE VIOLATION THEREOF.

THE CITY OF YALE ORDAINS:

Section 1. The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required, other than a residence, unless a commercial business is herein housed, operated, or a part residence. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within twelve (12) hours after such cessation. When a fall of snow or ice shall have ceased during the nighttime, it shall be cleared from the sidewalks by 6:00 p.m. of the day following.

Section 2. If any occupant shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises, other than a residence, unless a commercial business is therein housed, operated, or a part of such residence, within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalk, he shall be guilty of a violation of this section, and in addition, the director of public works may cause the same to be cleared and the expense of removal shall be come a debt to the City from the occupant or owner of said premises, and shall be collected as any other debt to the City.

Section 3. It is unlawful for anybody to violate any of the above sections, and in the event any person or other legal entity is found guilty of violation of the same shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than \$100.00, or by both such fine and imprisonment.

Section 4. 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 effect any other part or portion thereof other than the part declared void or inoperable.

Section 5. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 6. This Ordinance shall become effective on the 6th day of January, 1979.

ORDINANCE #124

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES.

THE CITY OF YALE ORDAINS:

Section 1. Code Adopted

The Uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police on February 4, 1958 and published in Supplement No. 13 and as amended both on February 26, 1968 and published in Supplement No. 54, to the 1954 Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this Ordinance modified.

Section 2. Reference in Code

References in the Uniform Traffic Code for Michigan Cities, Townships, and Villages to "governmental unit" shall mean the City of Yale.

Section 3. Notice to be Published

The City Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Code and of the fact that complete copies of the Code are available at the office of the Clerk for inspection by and distribution to the public at all times.

Section 4. Changes in Code

The following section and sub-section of the Uniform Traffic Code for cities, townships and villages is hereby amended as set forth and an additional section and sub-section is added as indicated. Subsequent section numbers used in this Ordinance shall refer to the like numbered sections of the Uniform Traffic code.

Sec. 3.13 Section added to read:

Sec. 3.13 Ordinance effective on School Property. The provisions of this Ordinance relating to The operation, parking and the speed of motor vehicles shall also be effective upon the property of the public schools lying within the City of Yale.

Section 5. When effective

The Uniform Traffic Code will be in effect in this governmental unit thirty (30) days after publication of its Ordinance and a notice setting forth the purpose of said Uniform Traffic Code and that copies are available at the Office of Clerk for inspection and distribution to the Public, said publications shall be published once in the Yale Expositor a newspaper circulated within said City, and publication in the newspaper shall be made within seven (7) days after adoption thereof.

Adopted: July 2, 1979

ORDINANCE #127

AN ORDINANCE PROVIDING A CURFEW FOR MINORS.

THE CITY OF YALE ORDAINS:

Section 1. No minors under the age of thirteen (12) years shall loiter, idle or congregate in or on any place open to the public, a public street, highway, alley or park, between the hours of 10:00 p.m. and 6:00 a.m. the following day, unless the minor is accompanied by the parent or guardian or some adult delegated by the parent or guardian to accompany the child.

Section 2. No minor under the age of seventeen (17) years shall loiter, idle or congregate in or on any place open to the public, public street, highway, alley or park between the hours of 12:00 a.m. and 6:00 a.m., except where the minor is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the minor child, or where the minor child is upon an errand or other legitimate business directed by his parent or guardian.

Section 3. Any person of the age of seventeen (17) years or over assisting, aiding, allowing, permitting or encouraging any minor under the age of seventeen (17) years to violate the provisions of Section 1 or 2 hereof, is guilty of a misdemeanor.

Section 4. Persons under the age of seventeen (17) years who violate any provisions of this section shall submit to the jurisdiction of the St. Clair County Probate Court, Juvenile Division. Persons seventeen (17) years of age or older violating any provision of this section shall be guilty of a misdemeanor and may be fined a sum not to exceed five hundred dollars (\$500.00) and/or sentenced to ninety (90) days in jail.

Section 5. All prior Ordinances regarding curfews for minors are hereby repealed.

PUBLISHED June 12, 1980

ORDINANCE #127-A

AN ORDINANCE AMENDING ORDINANCE 127 PROVIDING A CURFEW FOR MINORS, TO CHANGE THE AGE AND HOURS OF CURFEW.

THE CITY OF YALE ORDAINS:

SECTION 1. Amendment of Section 1 Re: Age and Hours of Curfew for Minor Under Age of 15

Section 1 is amended to change the age and hour of curfew and shall read as follows:

No minor under the age of fifteen (15) years shall loiter, idle or congregate in or on any place open to the public, a public street, highway, alley or park, between the hours of 9:00 P.M. and 6:00 A.M. the following day, unless the minor is accompanied by the parent or guardian or some adult delegated by the parent or guardian to accompany the child.

SECTION 2. Amendment of Section 2 Re: Hours of Curfew for Minor Under Age of 17

Section 2 is amended to change the hour of curfew and shall read follows:

No minor under the age of seventeen (17) years shall loiter, idle or congregate in or on any place open to the public, public street, highway, alley or park between the hours of 11:00 P.M. and 6:00 A.M., except where the minor is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the minor child, or where the minor child is upon an errand or other legitimate business directed by his parent or guardian.

SECTION 3. Amendment Limitation

All provisions of Ordinance #127 not specifically amended hereby, shall remain in full force and effect.

SECTION 4. Severability Clause

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore other than the part declared to be invalid.

SECTION 5. Effective Date

This ordinance shall become effective 20 days after publication as required by law.

Certification

Adopted October 24, 2005
Published October 26, 2005

ORDINANCE # 128

AN ORDINANCE TO CREATE A CITY PLANNING COMMISSION FOR THE CITY OF YALE PRESCRIBING THE CREATION, MEMBERSHIP, ORGANIZATION, POWER AND DUTIES OF THE PLAN COMMISSION; THE REGULATION AND SUBDIVISION OF LAND.

INTRODUCTION

In accordance with the authority and intent of Act 285 of 1931, as amended, the City of Yale desires to provide for the orderly development of the City, which is essential to the well being of the community, and which will place no undue burden upon developers, industry, commerce, recreation or residents. The City further desires to assure continual improvement of the City through the capital improvements program that shall be annually generated for public structures or improvements within a six (6) year period.

THE CITY OF YALE ORDAINS:

Section 1. Short Title

This Ordinance shall be known as the City of Yale Plan Commission Ordinance.

Section 2. Creation Of The Commission

There is hereby created and established a City of Yale Plan Commission under the provisions of the Municipal Act, Act 285 of the Michigan Public Acts of 1931, as amended.

Section 3. Duties

The duties and responsibilities of the City of Yale Plan Commission shall be set forth in Act 285 of the Public Acts of 1931, as amended.

Section 4. Effective Date

Adopted August 4, 1980
Effective September 2, 1980.

ORDINANCE #128 A

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF TAXES AND FEES FOR THE RETIREMENT OF PRINCIPAL AND INTEREST ON SEWAGE DISPOSAL BONDS AND TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE SEWAGE FACILITY OF THE CITY OF YALE.

WHEREAS, the City of Yale has sold General Obligation Bonds in the principal sum of \$220,000.00 for the purpose of constructing a sewage disposal system for the City of Yale, and,

WHEREAS, it is the obligation of the Common Council of the City of Yale to provide for payment of the interest and principal of said Bonds in accordance with the terms thereof and to provide funds for the maintenance and operation of said sewer facility,

THE CITY OF YALE ORDAINS:

SECTION I.

- (1) That subject to such charges and amendments as may hereafter be made by the Common Council for the City of Yale, for the collection of funds for the payment of interest and principal of said bonds, and to provide funds for the maintenance and operation of said sewer facility, the following taxes and rates are hereby established:
 - (a) a 3 ½ mills shall be spread upon the assessable real and personal property of the City of Yale, on the basis of valuations determined by the Board of Review for the City of Yale.
 - (b) The Clerk of the Water Board for the City of Yale shall bill and collect from each person, firm, company, association, society, corporation or group, whose property is presently served by the proposed sewage system of the City of Yale and who receives a water bill, a flat service charge of Four and no/100 Dollars (\$4.00), per calendar quarter, commencing with the billing due July 1, 1963, and,
 - (c) The Clerk of the Water Board for the City of Yale, shall bill and collect from each person, firm, company, association, corporation or group whose property is presently served or whose property shall be required to be served by the proposed sewage system of the City of Yale and who receives a water bill, an amount equal to forty (40%) per cent of each current water bill hereafter assessed against such person, firm, company, association, society, corporation or group for sewage service.

SECTION II.

All Ordinances, Resolutions, or Orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION III.

THIS ORDINANCE SHALL BE IN FULL EFFECT UPON ITS PUBLICATION.

ORDINANCE # 128B

AMENDMENT OF ORDINANCE NO. 128 RELATIVE TO THE MEMBERSHIP AND AUTHORITY OF THE PLANNING COMMISSION FOR THE CITY OF YALE.

THE CITY OF YALE ORDAINS:

Section 1. Amendment of Section 2.

Section 2 of Ordinance 128 is hereby amended to read as follows:

Section 2. Creation of Commission; Membership.

- A. There is hereby created and established a City of Yale Plan Commission under the provisions of the Municipal Act, Act 285 of the Michigan Public Acts of 1931, as amended.
- B. The Planning Commission shall consist of 9 members as follows:
 - A. The Mayor, one administrative official of the municipality selected by the Mayor, and one member of the Council to be selected by the Council as members ex officio. The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor. All ex officio members shall have full voting rights.
 - B. Six other persons shall be appointed by the Mayor. The six appointed members of the Planning Commission may be compensated at a rate to be determined by the Council. The six appointed members shall not hold another municipal office except that one appointed member may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The term of each of the six appointed members shall be three years or until his or her successor takes office, except that the respective terms of two of the members first appointed shall be for one year and two for two years.
 - C. After a public hearing, a member other than the member selected by the Council, may be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. The Council may for like cause remove the member selected by the Council.

Section 2. Severability

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

Section 3. Repealing Clause

All Ordinances or resolutions in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Effective Date

Adopted: March 8, 1999

ORDINANCE # 128-C

AN ORDINANCE TO AMEND ORDINANCE 128, AS AMENDED RELATIVE TO CHANGING THE MEMBERSHIP OF THE PLANNING COMMISSION FOR THE CITY OF YALE FROM NINE MEMBERS TO SEVEN MEMBERS.

THE CITY OF YALE ORDAINS:

SECTION 1. Amendment of Section 2 re: Planning Commission Members

A. The first sentence of Paragraph B of Section 2 of Ordinance 128, as amended to read as follows:

“B. The Planning Commission shall consist of 7 members as follows:”

B. Paragraph 2 of Section 2 (B) of Ordinance 128, as amended, is amended to read as follows:

“2. Four other persons shall be appointed by the Mayor. The four appointed members of the Planning Commission may be compensated at a rate to be determined by the Council. The four appointed members shall not hold another municipal office except that one appointed member may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The term of each of the four appointed members shall be three years or until his or her successor takes office, except that the term of one of the members first appointed shall be for one year and one for two years.”

SECTION 3. Amendment Limitation

All provisions of Ordinance 128 not specifically amended hereby, shall remain in full force and effect.

SECTION 4. Severability Clause

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore other than the part declared to be invalid.

SECTION 5. Effective Date

January 1, 2006.

Certification

Adopted November 28, 2005

Published December 21, 2005

ORDINANCE # 129

AN ORDINANCE CREATING A CITY POLICE DEPARTMENT WITHIN THE CITY OF YALE, PROVIDING FOR THE APPOINTMENT OF POLICE OFFICERS, SPECIAL POLICEMEN, RULES AND REGULATIONS AND SALARIES AND WAGES AND THE DUTIES AND POWERS OF THE POLICE DEPARTMENT.

THE CITY OF YALE ORDAINS:

Section I. There is hereby created the Yale Police Department. It shall consist of the City Marshall as Police Chief, with such other members of the police department as shall be appointed by the Mayor from time to time, subject to the approval of the City Council. It shall presently consist of the City Marshall and two officers.

Section II. The Mayor is hereby authorized to appoint special policemen from time to time when in his judgement the emergency or necessity may so require.

Section III. The Council may, from time to time, adopt rules and regulations relative to the Police Department by resolution.

Section IV. It shall be the duty of the police and officers of the force under the direction of the Mayor and Chief of Police, and in conformity with the Ordinances of the City, and laws of the State, to suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the Ordinances of the City, involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the Ordinances of the City, or the penal laws of the State and at all times diligently and faithfully to enforce all such laws, Ordinances and regulations for th preservation of good order and the public welfare as the Council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the Chief of Police, and every policeman, shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any Ordinance of the City involving a breach of the peace, or of committing any crime against the laws of the State. The Chief of Police and any policeman may serve and execute all process which, by law a constable may serve. The powers enumerated herein shall be in addition to any other police powers or a basis therefor, and shall not be construed as limitation.

Section V. The salary and wages of the members of the City Police Department shall be set from time to time by the Council by resolution.

Section VI. 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. This Ordinance shall be interpreted in conjunction with the City Charter.

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

Section VIII. This Ordinance shall become effective 20 days after publication.

Approved: October 5, 1981

ORDINANCE #130
YALE C.A.T.V.

AN ORDINANCE TO ESTABLISH A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF YALE, COUNTY OF ST. CLAIR, STATE OF MICHIGAN, AND TO GRANT A NON-EXCLUSIVE FRANCHISE TO CONDOR CABLE FOR THE ESTABLISHMENT AND OPERATION THEREOF.

THE CITY OF YALE HEREBY ORDAINS:

SECTION 1. DEFINITIONS

“COMMUNITY ANTENNA TELEVISION SYSTEM”, “C.A.T.V.” “SYSTEM” shall mean any facility that receives over-the-air or by other means, and amplifies or otherwise modifies the signals broadcast by television or radio stations as well as signals containing other information and distributes such signals by cable and/or other means to the public.

“CITY” is the City of Yale, Michigan.

“CITY COUNCIL” is the Council of the City of Yale, Michigan

“COMPANY” shall mean Condor Cable of anyone who succeeds the Company in accordance with the provisions contained herein.

“PUBLIC WAYS” shall mean streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, alleys, all other public rights of way and public grounds or waters within or belonging to the City of Yale.

“SUBSCRIBER” shall mean the purchaser of any service delivered over the system to an individual dwelling unit, where the service is not to be utilized in connection with a business, trade, or profession.

“BASIC SERVICE” shall mean the provision by the Company to television receives of all signals of over-the-air television stations required by the Federal Communications Commission (hereafter “F.C.C.”) public channels, and additional channels at the option of the Company.

“COMPANY CHANNELS” shall mean a channel on the system which is reserved for the carriage of program material originated by the Company or by another person.

“CITY CHANNEL” shall mean a channel on the system which is reserved for use by the City or for public access.

“FRANCHISE” shall mean the grant of authority to the Company to operate a C.A.T.V. system in the City.

“GROSS REVENUES” shall mean the total revenues received by the Company from all services to the City.

SECTION 2. GRANT OF FRANCHISE

- A. There is hereby awarded to the Company a non-exclusive franchise for the occupation or use of the public ways within the City for the construction, operation, and maintenance of a C.A.T.V. system.
- B. This franchise shall remain effective for fifteen (15) years, unless sooner revoked as herein provided in Section 3 hereof.
- C. Nothing in the franchise shall affect the right of the City to grant to any other person a franchise to occupy and use the public ways for the construction, operation, and maintenance of C.A.T.V. or similar facilities, within the City. The City shall give the Company no less than two (2) weeks notice of the hearing date of any application for any additional franchise to another. Nothing contained in this franchise shall prohibit the Company from appearing before the City council and being heard on any application for any additional franchise to another.

SECTION 3. REVOCATION OF FRANCHISE

- A. The franchise granted herein shall be subject to the right of the City to revoke an ordinance as regulated by State statute upon the City council's determination that the Company has violated the terms or intent of the C.A.T.V. franchise ordinance. The Company will be notified in writing at least 30 days prior to any public hearing date being set by the City council.
- B. Any franchise granted hereunder shall be subject to all applicable provisions of City, any amendments thereto.
- C. Any franchise granted hereunder shall be subject to all applicable state and federal laws, including rules and regulations established by the F.C.C..

SECTION 4. LIMITATION OF FRANCHISE

- A. This franchise applies only to the operation of a C.A.T.V. system as provided herein, and does not take the place of any other franchise, license or permit which might be required by federal, state, and local law.
- B. In the operation of its system, the Company shall not deprive an inhabitant of any building, by contract or otherwise, of any existing right to use an individual of master antenna for the purpose of receiving television signals.

SECTION 5. CHANGE OF OWNERSHIP

Should the Company sell, assign or transfer its system or any right under this franchise to another, written notice of such sale, assignment, or transfer, shall be given to the City not less than thirty (30) days prior thereto, shall be conditioned upon the vendee, assignee, or transferee, filing with the City and instrument duly executed, reciting the fact of such sale, assignment, or transfer, and containing an acceptance of the term this franchise and agreeing to perform all

requirements hereof.

SECTION 6. CONSTRUCTION AND INSTALLATION OF SYSTEM

Subject to the provisions and restrictions of this franchise and the ordinance of the City, the Company shall have the right:

- A. To construct, erect, operate and maintain in, upon, along, across, above, over and under the public ways, poles, cable, underground conduits, manholes and other conductors and fixtures necessary for the maintenance and operation of a C.A.T.V. system in the City; and
- B. To lease, rent, or in any other lawful manner, obtain the use of towers, poles, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchise within the limits of the City including but not limited to, Detroit Edison Company and General Telephone Company, and use same on such terms as agreed upon. Existing poles used for the Company's distribution system shall be those erected and maintained by Detroit-Edison Company and General Telephone Company or the City, when and where applicable, providing mutually satisfactory rental arrangements can be entered into said utilities or City.

SECTION 7. CONDITIONS ON PUBLIC WAY OCCUPANCY

- A. All transmissions and distribution structures, lines, and equipment erected by the Company within the City shall be so located as to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said public ways.
- B. In case of disturbances of any public way or paved area, the Company shall at its own cost and expense replace and restore such public way or paved area in as good condition as it was before the work involving such disturbance was done.
- C. If, at any time during the period of this franchise the City shall lawfully elect to alter or change the grade of any public way, the Company, upon reasonable notice by the City shall remove and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.
- D. Any poles or other fixtures placed in any public way by the Company shall be placed in such manner as not to interfere with the usual travel on such public way.
- E. The Company shall, on request of any person holding a building moving permit issued in the City, temporarily raise or lower its wires to permit the moving buildings. The expense of such temporary raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than 48 hours advance notice to arrange for such temporary wire changes. The City, or any other non-profit organization, including historical societies, shall be exempt from any changes.

- F. The Company shall, after giving notice to the City, have the authority to trim trees upon and hanging over public ways and places in the City so as to prevent the branches of such trees from coming in contact with wires and cables of the C.A.T.V. system.
- G. In all sections of the City where all existing cable and other like facilities of utility companies are presently or subsequently placed underground, the Company shall place its cables or other like facilities underground.

SECTION 8. SAFETY REQUIREMENTS

- A. The Company shall at all times employ ordinary care, and shall install and maintain in use, commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- B. The Company shall install and maintain its cables, fixtures, and other equipment in accordance with all applicable federal, state, and local laws, ordinances, codes, rules and regulations, and in such manner that they will not interfere with any installations of the City or of a public utility serving the City.
- C. All structures and all lines, equipment, and connections in, over, under, and upon the public ways or places in the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable condition and in good order and repair.

SECTION 9. ERECTION, REMOVAL AND COMMON USE OF POLES

- A. Poles or other wire holding structures shall be erected by the Company only with prior approval of the City council.
- B. Where a public utility serving the City desires to make use of the poles or other wire holding structures of the Company, but agreement therefore with the Company cannot be reached, the City may require the Company to permit such use for reasonable and just compensation, provided that such use would not unduly interfere with the Company's operation.

SECTION 10. RIGHTS RESERVED TO THE CITY

- A. The City shall have the right to install and maintain free of charge upon the poles and cables of the Company any wire and pole fixtures necessary for a police or fire alarm system, on the condition that such wire or pole fixtures do not interfere with the C.A.T.V. operation of the Company, and that such installations shall be installed in a safe manner, in conformance with state and City regulations.
- B. At the expiration of this franchise or upon its revocation, as provided for herein, the City shall have the right to require the Company to remove at its own expense

all portions of the C.A.T.V. system from all public ways and places within the City.

SECTION 11. MAPS, PLATS, AND REPORTS

The company shall, on or before the first day of April of each year, file with the City Clerk, true and accurate maps, or plats, showing the location of all existing cables, whether leased or owned outright. Attached to such maps, or plats shall be a list by address of current subscribers.

SECTION 12. CARRIAGE OF SIGNALS

- A. The Company shall comply with all rules and regulations of the F.C.C. with respect to the reception, carriage, and distribution of signals.
- B. Minimum channels complement shall include all V.H.F. channels significantly viewed, public, community, and education channels as required by the F.C.C..
- C. The company shall transmit and deliver over City channels the signals designated therefore by the City council.

SECTION 13. SIGNAL QUALITY REQUIREMENTS

- A. The Company shall operate facilities capable of distributing color television signals, free from ghost images, interferences, or distortions, and accompanied with proper sound, state of the art television sets in good repair without interfering with other electrical or electronic systems.
- B. For purposes of this section, the standards to be applied in determining whether or not the Company is producing a good picture or transmitting signals of adequate strength to produce same are those acceptable standards as set forth in the rules and regulations of the F.C.C. relative to C.A.T.V. systems
- C. The Company shall demonstrate by instruments or otherwise to subscribers, upon request, that a signal of adequate strength and quality is being delivered. Such demonstration shall be made by taking a standard production state-of-the-art television set with a screen of sufficient area as to clearly demonstrate the relative merit of the delivered signal.

SECTION 14. OPERATION AND MAINTENANCE OF SYSTEM

- A. The Company shall maintain an office in the area which shall be so open during all normal business hours, have a listed local telephone, may be received at anytime, 24 hours per day.
- B. The Company shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions insofar as is possible, shall be preceded by notice, and shall occur during periods of minimum use of the system.

- C. The Company shall limit failures to a minimum by locating and correcting malfunctions promptly, but in no event longer than twenty four (24) hours after receiving notice of same, except as provided herein.
- D. Should it be impossible or impractical to correct any malfunctions within twenty four (24) hours or less, then each subscriber whose television reception is so disrupted shall receive a rebate from the Company in the amount of one-thirtieth of such subscriber's monthly charge for every additional twenty four (24) hour period that said subscriber's television reception is so disrupted, unless said disruption in service was entirely beyond its control.
- E. Any rebate made to any subscriber under this section, in any month, shall not exceed said subscriber's normal monthly fee paid to the Company.
- F. Complaint procedures shall be given to each new subscriber by the Company at the time of initial subscription to the C.A.T.V. system. In the instance of existing subscribers, changes in complaint procedures shall be included with the next monthly billing.

SECTION 15. RATES

- A. The rates and charges for television and radio signals distributed shall be as follows:
 - 1. "Basic Service" \$ 7.95 mo.
 - 2. Installation charge for "Basic Service" \$ 20.00
 - 3. Each additional outlet per outlet \$ 2.00 mo.
 - 4. At no time shall a one-time installation charge for "Basic Service" exceed \$20.00.
 - 5. Reconnection within 30 days after disconnection due to subscriber non-payment \$ 10.00
- B. If, in the future, the State of Michigan regulates the rates of the Company for the services provided under this franchise, those portions of this section so regulated by the State of Michigan shall be of no effect during such State regulation to the extent of any conflict therewith.
- C. Where an unusually difficult or abnormal installation is encountered or requested, the Company reserves the right to require additional charges to reasonably recover the Company's costs. Such charges may, at the subscribers request, be added to the subscribers monthly charges over a negotiable period of time.

SECTION 16. CAPACITY AND COMMENCEMENT OF SYSTEM.

- A. The Company shall extend the installation of cables, amplifiers, and related equipment throughout the City as rapidly as practical.

Within one (1) year from the date of certification from the F.C.C., the

company shall be capable of providing “Basic Service” on a regular basis to at least twenty five percent (25%) of the residences in the City.

- C. Initial channel capacity of the system shall be no less than thirty-five channels.
- D. The Company shall provide “Basic Service” to one outlet on each floor of all existing of future police and fire stations, the City Hall, Library and all public and private schools located within 300 feet of the Company’s cables within the City without any charge therefore.
- E. In the event of an emergency situation, the City may interrupt signals otherwise being distributed by Company for the delivery of signals necessitated by such emergency.

SECTION 17. LIABILITY INSURANCE AND INDEMNIFICATION

- A. The Company shall maintain throughout the term of its franchise, liability insurance insuring the City and the Company may be liable, including, but not limited to, damages arising from the installation, operation, maintenance of removal of the Company’s C.A.T.V. system, whether or not any act of omission complained of is authorized, allowed or prohibited by the franchise.
- B. The liability insurance referred to in this section shall be in the following amounts:
 - 1. \$5,000,000.00 for bodily injury or death to any one person, with a limit of \$1,000,000.00 for bodily injury or death resulting from any one accident.
 - 2. \$500,000.00 for property damage resulting from any one accident;
 - 3. \$500,000.00 for all other types of liability.
- C. The Company shall save the City harmless from any and all liability arising out of or by granting of this franchise or the operation of the system hereunder. The Company shall pay for all expenses incurred by the City in defending itself with regard to all damages and penalties which the City may be required to pay as a result of this franchise, including, but not limited to, all reasonable investigation, witness and attorney fees.

SECTION 18. ANNUAL FRANCHISE FEE

Commencing one year from the effective date of this ordinance, and each year thereafter, the Company shall pay to the City treasurer a franchise fee equal to three percent (3%)

of the Company's gross revenues derived from all cable service within the City, or \$250.00 whichever is greater.

SECTION 19. SEVERABILITY

If any section, subsection sentence, clause, phrase, or portion of this ordinance is for held invalid or unconstitutional, by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 20. EFFECTIVE DATE

This ordinance shall be effective on the date ratified by the Company in writing after having been awarded by the Village Council in accordance with applicable law.

Adopted 12-7-1981

ORDINANCE 130 A

AN ORDINANCE AMENDING ORDINANCE NO. 130, AN ORDINANCE PASSED DECEMBER 7, 1981, AS AMENDED, TO GRANT CABLE TV FRANCHISES, TO AMEND SECTION 15B, C, AND D THEREOF RELATIVE TO CERTAIN FEES.

THE CITY OF YALE ORDAINS:

SECTION 1.

That Section 15B, C, and D of Ordinance No. 130 be amended to read as follows:

- B. The rates and charges for television and radio signals distributed shall be as follows:
1. "Basic" service - (channels 2-13 except pay services) \$4.95 per month;
 2. Installation charge for cable service - \$25.00 or less;
 3. Each additional outlet - \$2.50 per month or \$15.00 in advance per year;
 4. Reconnect or additional outlet - \$10.00;
 5. Additional satellite and movie service package charges at discretion of franchise company, subject to applicable local, State and Federal law and regulations, if any;
 6. Any future changes in the above shall be effective upon the adoption of a Resolution by the Council.
- C. If, in the future, the State or Federal Government regulates the rates of the Company for the services provided under this franchise, those portions of this section so regulated by the State or Federal Government shall be of no effect during such State or Federal regulation to the extent of any conflict therewith.
- D. Subject to the approval of the City, where an unusually difficult or abnormal installation is encountered or requested, the Compa

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SECTION 2.

Should any section, clause or provision of this ordinance declared by the court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 3.

All ordinances or parts of ordinances in conflict with any of the provisions of this

ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective 20 days after publication as provided by law.

Passed and adopted April 1, 1985

Published April 3, 1985

ORDINANCE NO. 130 B
AMENDMENT OF CITY OF YALE C.A.T.V. ORDINANCE

WHEREAS, a nonexclusive franchise to provide cable television services was granted to Condor Cable which was succeeded by an assignment to Satellite Management Group, Inc., a Michigan corporation, SMG Cablefund I, a Michigan corporation, Pioneer Cablevision II, Inc., a Michigan corporation, and ultimately succeeded by Harron Cablevision of Michigan, Inc., a Delaware corporation, ("Harron" or "Company") by the City of Yale ("City") upon enactment of the Yale C.A.T.V. Ordinance ("Ordinance"), being Ordinance No. 130 of the City of Yale ordinances, for a term of fifteen (15) years commencing December 7, 1981; and

WHEREAS, pursuant to 47 U.S.C. [546(h), Harron has submitted a proposal to renew the franchise term for a period of fifteen (15) years, commencing December 8, 1996

WHEREAS, after notice as required by Act 266, Michigan Public Acts of 1976, as amended, and pursuant to applicable federal law and regulation concerning franchise renewal, the City Council held a public hearing in conjunction with its regular meeting on December 9, 1996, and the public afforded an opportunity to comment on the future cable-related needs and interests of the City, the past performance of Harron and its predecessor operators under the current franchise, the substantial compliance of Harron and its predecessor operators with the material terms of the existing franchise, the quality of services provided, including signal quality, response to consumer complaints and billing practices, the financial, legal and technical ability of Harron to provide future cable-related services and the consequent ability of Harron to furnish necessary facilities and equipment to fulfill its future obligations; and

WHEREAS, the City Council is satisfied that the renewal proposal of Harron reasonably meets community needs and interests, and takes into account the cost of meeting such needs and interests.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YALE, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENTS

The City of Yale C.A.T.V. Ordinance, being Ordinance No. 130 of the Ordinances of the City of Yale, is hereby amended as follows:

Subsection 1.1

Section 2(A) and (B) are hereby repealed and the following substituted therefor:

SECTION 2 (A).

The nonexclusive franchise for the occupation or use of the public ways within the City of Yale for the construction, operation and maintenance of a C.A.T.V. system is hereby renewed and granted to the Company as a nonexclusive franchise for fifteen (15) year term.

SECTION 2 (B)

This franchise shall commence on December 8, 1996 and remain effective for a term of

fifteen (15) years, unless sooner revoked as herein provided in Section 3.

Subsection 1.2

Section 15 is hereby repealed and the following substituted therefor:

SECTION 15. RATES

The rates and charges for delivery of television and radio signals shall be established in accordance with Title VI of the Communications Act of 1934, being the Cable Act of 1992 and Subpart N of Part 76 of the rules and regulations of the Federal Communications Commission.

Subsection 1.3

SECTION 18. ANNUAL FRANCHISING FEE

The Company shall pay, as compensation to the City, an annual fee of five percent (5%) of its gross revenue, which such gross revenue in all events include the revenues obtained from advertising as well as other revenues identified in this Agreement. In the event that it is determined that the Federal Communications Commission lacks the jurisdiction to impose a limitation upon license fees, or that the limit is raised, then the City shall fix the license fee at a level deemed reasonable by the City Council, but in no event more than the prescribed limit nor less than five percent (5%) of gross revenues. It is the intent of the City to utilize up to two percent (2%) of gross revenues included within the franchise fee, as the City Council deems necessary, to defray the costs of local regulation of the Company, to support the development of the public access channel and to generally encourage development of the system.

All franchise fees shall be paid semi-annually and in advance. On the annual anniversary of the effective date of this Amendment to the City of Yale C.A.T.V. Ordinance, the Company shall pay the City the required license fee for the ensuing year based upon its gross revenues for the proceeding year as determined by the Company and subject to audit of the Company's records by a duly authorized agent of the City. The City shall have the right, at its own expense, to audit the records of gross revenues of the Company for any annual period at any reasonable time.

SECTION 2. COLLATERAL DOCUMENTS

Any letters or other documents furnished the City by the Company during renewal of negotiations or coincident with approval of the renewal agreement or adoption of this agreement are expressly incorporated herein by reference and shall be deemed a part of this agreement and resolution.

SECTION 3. PUBLICATION COSTS

The Company shall pay all costs of publication of this Resolution or summary thereof.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS -
AFFIRMATION OF RIGHTS AND OBLIGATIONS

All provision of the City of Yale C.A.T.V. Ordinance adopted by the City Council on December 7, 1981 in conflict with the provisions of this Amendment are to the extent of such conflict hereby repealed. Any and all other resolutions, or part thereof, in conflict with the provisions of said Ordinance, as amended by this Ordinance, are to the extent of such conflict, hereby repealed. Any and all other provisions of said Resolution are hereby expressly re-affirmed by both the City and the Company.

SECTION 5. SEVERABILITY

If any section, paragraph, clause or provision of this Agreement is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution, provided, however, that in the event the Federal Communications Commission declares any section of this Agreement invalid, then such section, or sections, shall be renegotiated by the City of Yale and the Company.

SECTION 6. PUBLICATION

A true copy of this Ordinance, or a summary thereof, shall be published in a newspaper of general circulation of the City of Yale, within thirty (30) days after its adoption.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect the day following publication of a true copy or summary thereof in a newspaper circulating within the City of Yale, as heretofore provided by Section 6.

ORDINANCE NO. 130, AS AMENDED BY THE PROVISIONS OF THIS ORDINANCE ARE DEEMED TO BE A CONTRACT BETWEEN THE CITY AND THE COMPANY AND SHALL BE ENFORCED AS PROVIDED AND IN ACCORDANCE WITH APPLICABLE LAWS OF THE STATE OF MICHIGAN DEALING WITH CONTRACTS GENERALLY.

Published February 5, 1997

Ordinance 131 (as amended)
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ORDINANCE # 131

AN ORDINANCE ESTABLISHING THE YALE POLICE DEPARTMENT, THE TICKET VIOLATIONS BUREAU, THE ORDINANCE VIOLATION BUREAU, AND REGULATING PARKING AND TRAFFIC WITHIN THE CITY OF YALE, IN CONJUNCTION WITH THE MICHIGAN VEHICLE CODE, INCLUDING PROVISIONS FOR THE ADOPTION OF TRAFFIC CONTROL ORDERS, IMPOUNDMENT OF VEHICLES, DESIGNATION OF PUBLIC PARKING ON PROPERTY OWNED BY THE CITY OF YALE, AND THE REGULATION OF PARKING THEREIN; REGULATING THE OPERATION, PARKING, AND THE SPEED OF MOTOR VEHICLES ON PUBLIC SCHOOL PROPERTY; REGULATING THE OPERATION OF SNOWMOBILES AND INCORPORATING STATE LAW REGULATING SNOWMOBILES; AND PROVIDING FOR PENALTIES FOR VIOLATIONS, A CONSTRUCTION CLAUSE AND A SEVERABILITY CLAUSE.

THE CITY OF YALE ORDAINS:

ARTICLE 1. MICHIGAN VEHICLE CODE.

Section 1. Purpose

The City of Yale has adopted the Michigan Vehicle Code to regulate traffic, parking, motor vehicles and all related matters allowed by law to the extent such adoption is permitted by state law, including enforcement of the same on the Yale Public School property within the City of Yale. Ordinance No. 131 otherwise continues pursuant to the police power of the City of Yale and as a supplement to the Michigan Vehicle Code, including but not limited to providing for Traffic Control Orders, impoundment of vehicles, designation and regulation of city parking lots, the regulation of snowmobiles and the incorporation of state law relative to the same, and the regulation of motor vehicles on public school property.

Section 2. Local Authority

Reference in the Michigan Vehicle Code to “local authorities” shall mean the City of Yale.

ARTICLE II. POLICE DEPARTMENT/PARKING VIOLATIONS BUREAU/ORDINANCE VIOLATIONS BUREAU

Section 1. City Police Department

A. There is hereby created the Yale Police Department. It shall consist of the City Marshall as Police Chief, with such other members of the police department as shall be appointed by the Mayor from time to time, subject to the approval of the City Council. It shall presently consist of the City Marshall and two officers.

B. No violation not scheduled in Article XI Section 1 shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such

bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction.

C. No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.

Section 3. Ordinance Violations Bureau

- A. The Ordinance Violations Bureau of the City of Yale is hereby established at the Yale City Hall, located at 111 W. Mechanic St., Yale, Michigan. The City Clerk shall operate the Bureau, as provided for by law, together with such other authorized City employees (including officers and officials) as the City Council may designate by Resolution from time to time.
- B. The City Bureau shall have all authority as provided for by law, including but not limited to accepting admissions of responsibility of municipal civil infraction violations and acceptance of civil fines therefor, in accordance with Act 12, Act 17, and Act 19 of 1994, and Resolutions and Fine Schedules adopted pursuant to said Act, this Ordinance, or any other applicable law. The Bureau shall maintain a current schedule of civil fines for all municipal civil infractions, as may be provided for by the Yale City Council from time to time. The Schedule of Fines shall be available for inspection, and copies may be obtained, at the Yale City Hall.

ARTICLE III. PARKING REGULATIONS

Section 1. General Parking Restrictions

- A. Parallel/Angle Parking. All parking on the streets within the City of Yale shall be parallel parking only with the exception of allowing angle parking on a limited portion of Fraser Street as follows: The south side of Fraser Street between Main Street and Kennefic Street.
- B. Parking During Winter Months - Declaration of Snow Emergency. Notwithstanding the provisions of this Ordinance or any other Ordinance, it shall be unlawful for any person, firm or corporation to park any motor vehicle on the travel portion of paved streets or the paved right of way of said streets between the hours of 2:30 A.M. and 6:00 A.M. during the months of December, January, February and March, or any other times, days or months pursuant to a declared snow emergency, within the City of Yale. In the event of a major winter storm, the Mayor or his designee, in order to insure the public safety, shall have the

authority to declare a snow emergency and expand these months and/or hours during which the provisions of this sub-section shall be enforced. The duration of the expansion of such months and/or hours shall be determined on a case by case basis. The purpose of this sub-section B is to permit the full and complete operation by the City of Yale of its snow removal and street sweeping and sanding machinery on such streets during such hours and times, for the public welfare and safety.

C. City Parking Lots.

- (1) Designated Lots. The City Council may designate certain areas owned by the City as public parking lots by resolution or by ordinance; the Chief of Police may issue traffic control orders, as provided in Article VIII of this Ordinance, to regulate parking in the same, including without limitation, the designation of certain areas to be used by certain individuals such as City employees or officials, or for certain areas to be used certain purposes, such as library use, business at the City Hall, or otherwise.
- (2) Truck/Trailers/Motorhomes and Commercial Vehicle Restrictions. Parking and/or storage of any and all of the following vehicles in any City parking lot shall be prohibited: Truck-Tractors, Semi-Trailers, Tandem Axle Trailers, Motorhomes, Commercial Motor Vehicles. The definition of the above vehicles shall be determined by the definition set forth in the Michigan Compiled Law Sec. 257.1, et seq, and is herein incorporated by reference.

D. Parking Violation Notice. The issuance of a parking violation notice by a police officer of the City of Yale shall be deemed an allegation of a parking violation. Such parking violation notice shall indicate the address of the Ordinance Violations Bureau, the hours during which the Bureau is open and the amount of the penalty scheduled for the offense for which the parking violation notice was issued. In accordance with the Michigan Vehicle Code, Act 300 of 1949, as amended, specifically Section 321a (Michigan Statutes Annotated, Section 9.2021(1) failure to respond to parking violation notices or citations regarding illegal parking could ultimately result in the refusal of the Secretary of State to issue or renew driver's licenses.

E. Exemptions. Persons exempted by the laws of the State or by the laws of the United States from depositing coins in parking meters and from observing parking time limits prescribed by local ordinances, and who have qualified as being so exempted, shall be relieved from the effect of this Ordinance to the extent that such exemption so entitles them. This exemption shall not apply to the City off-street parking lots.

Section 2. Brockway Road.

There is hereby established a two hour parking limit between the hours of 8 A.M. and 6 P.M. on both side of Brockway Road from the south City limits to the point where Brockway Road and S. Main Street intersect.

Section 2A. Jean Street.

There shall be no parking on the West side of Jean Street from North Street in its entirety.

Section 3. Jones Street.

There shall be no parking on either side of Jones Street between its intersection with Park Avenue south to its intersection with W. Mechanic. There shall be no parking on the east side of Jones Street from West Wood Street to West Mechanic Street.

Section 4. Main Street.

There shall be a two hour parking limit during the hours of 8 A.M. to 6 P.M. Monday through Friday on both sides of Main Street commencing with the intersection of Brockway Road and South Main north to the intersection of Main and Will Street. There shall be parking allowed on Main Street from 2:30 A.M. to 6:00 A.M. with the exception of parking between the hours of 3:00 A.M. and 5:00 A.M. Fridays.

Section 5. Mechanic Street.

There shall a two hour limit during the hours of 8 A.M. to 6 P.M. on both sides of Mechanic Street between its intersection with Jones Street and its intersection with South Kennefic Street.

Section 6. North Street.

There shall be a two hour limitation on parking on both sides of North Street between its intersection with M-19 east to its intersection with Kennefic Street.

Section 7. Park Avenue.

- A. There shall be no parking on the north side of Park Avenue from the intersection with Main Street (M-19) west to the intersection with School Drive.
- B. There shall be no parking on the south side of Park Avenue between its intersection with Main Street and its intersection with School Drive, except that two hour parking shall be permitted along the south side of Park Avenue between its intersection with Jones Street and point 30.6 feet west of its intersection with Main Street.

Section 8. Park Street.

There shall be no parking on either side of Park Street (located on the west side of the Yale City Park) between its intersection with Park Avenue north to the termination of Park Street.

Section 8A. School Drive.

No parking shall be allowed on School Drive from an area South of Park Avenue to the portion of School Drive that is owned by the Yale Public School District.

Section 9. Wood Street

- A. There shall be no parking on the south side of Wood Street between its intersection with Jones Street easterly to its intersection with Mary Street.
- B. There shall be no parking on Wood Street between its intersection with M-19 westerly to its intersection with Jones Street.

ARTICLE IV. DIRECTIONAL REGULATIONS AND STOP SIGNS

Section 1. Alleys.

Traffic shall not exit onto West Wood Street from the alley way located between West Mechanic and West Wood Streets and parallel to Jones Street, and the portion running South 189 feet North of West Wood Street shall be designated one-way to the North.

Section 1A. First Street.

First Street shall be a through street; the driver of a vehicle entering First from Division Street shall “yield” the right-of-way to all traffic traveling on First Street.

Section 2. Fourth Street.

Fourth Street shall be a through street; the driver of a vehicle entering Fourth Street from Division Street shall “yield” the right-of-way to all traffic traveling on Fourth Street.

Section 2 A. Mary Street.

A stop sign, located on the northeast corner of Mary Street at East Mechanic Street, shall require traffic northbound on Mary Street to stop before entering East Mechanic Street.

Section 2 B. School Drive.

A stop sign, placed at the intersection of School Drive and Park Avenue, shall require traffic to stop before entering Park Avenue; a stop sign placed where the Yale Junior High drive meets School Drive shall require all traffic to stop before entering School Drive, and a stop sign, placed where the Yale High School and Elementary School Drive meets School Drive, shall require traffic entering School Drive to stop before proceeding.

Section 3. Second Street.

Second Street shall be a through street; the driver of a vehicle entering Second Street from Division Street shall “yield” the right-of-way to all traffic traveling on Second Street.

Section 4. Third Street.

Third Street shall be a through street; the driver of a vehicle entering Third Street from Division Street shall “yield” the right-of-way to all traffic traveling on Third Street.

Section 5. Wood Street.

- A. Wood Street, from its intersection with M-19 to its intersection with South Kennefic Street is hereby designated for one-way vehicular traffic only with said vehicular traffic to move only in an easterly direction.
- B. All vehicles traveling West bound upon West Wood Street shall stop at the entrance to the intersection at Jones Street, before proceeding through such intersection, in accordance with a stop sign erected along West Wood Street at the Northeast corner of the intersection.

ARTICLE V. TRUCK ROUTES

Section 1. McColl Street.

No through truck traffic shall be allowed on McColl Street.

ARTICLE VI. SPEED LIMITS/SCHOOL ZONES/SPEED LIMITS ON PUBLIC SCHOOL PROPERTY

Section 2. Highway M-19.

The maximum speed limit on State Trunkline Highway M-19 is set by State Police Order No. SP 77-22-84 and has been posted accordingly.

Section 3. School Drive.

The speed limit for any and all vehicles traveling either North or Southbound on School Drive, between Park Avenue and the point of intersection of School Drive, shall be 20 miles per hour, and a speed limit sign shall be erected. This area of the roadway shall be designated a school zone.

Section 4. Public School Property.

It shall be unlawful for any person to park any motor vehicle on any School Property in violation of any posted regulation or without the express or implied consent of the District.

Section 2. Operation and Speed of Motor Vehicles.

- A. Operation of Motor Vehicle. It shall be unlawful for any person to operate any motor vehicle on any property owned by the Yale Public School District (hereinafter “School Property”) in violation of any posted regulation or without the express or implied consent of the Yale Public School District (hereinafter “District”) and/or in violation of the Michigan Vehicle Code.

- B. Speed Limit of Motor Vehicles and Method of Operation. It shall be unlawful for any person to operate any motor vehicle on School Property at a rate of speed in excess of 10 miles per hour, or to otherwise operate a motor vehicle on School Property in a manner posing a risk of harm to pedestrians or other motor vehicles on such property or in violation of the Michigan Vehicle Code.

Section 3. Presumption that Owner Illegally Operated Vehicle.

In any proceeding for the violation of this ordinance, the registration plate displayed on a motor vehicle unlawfully operated on the School Property shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who operated or parked such motor vehicle at the point where such violation occurred.

Section 4. Impoundment of Vehicles.

In addition to the penalty provisions set forth herein, the Ordinance Enforcement Officer of the City of Yale, as well as the Yale City Police Department, are authorized to remove or cause to be removed a vehicle from School Property after having received a written complaint and authorization by the agent of the District. Said vehicle shall be removed to a garage or vehicle pound area as designated by the City. No vehicle impounded under this ordinance shall be discharged or removed from the place of impoundment except upon payment by the owner of such vehicle or his or her duly authorized representative of towing charges, plus storage.

A. Notice to Owner. Whenever an Ordinance Enforcement Officer or City Police Officer impounds a vehicle as authorized by this ordinance, and the officer knows or is able to ascertain the name and address of the owner, such officer, within a reasonable period of time, shall give or cause to be given notice in writing to such owner of the occurrence of such removal, and reasons therefore, and of the place to which such vehicle has been removed. Such notice shall be given by certified mail, addressed to the last known address of the registered owner, and all known secured parties. In the event any such vehicle is stored in a garage or vehicle pound, a copy of such notice shall be given to the custodian of the vehicle.

B. Report When Owner Unknown. Whenever an Ordinance Enforcement Officer or City Police Officer impounds a vehicle as authorized by this ordinance, and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as provided herein, and the vehicle is not returned to the owner within a period of ten days, then the officer, within a reasonable period of time, shall send or cause to be sent a written report of such removal by mail to the Secretary of State, and shall file a copy of such report with the proprietor of any garage or pound in which the vehicle is stored. Such report shall include a complete description of the vehicle, the date, time and place from which the vehicle was removed, the reasons for such removal, and the name of the garage or place where such vehicle is stored.

C. Sale When Vehicle Not Claimed by Owner. Whenever any vehicle is taken into custody as provided for in this ordinance, and is not claimed by the owner, the City shall hold such vehicle for a period of 30 days after the mailing of the notice or report as provided for herein, after which such vehicle may be sold at public auction in accordance with the laws of the State of Michigan.

ARTICLE VIII. TRAFFIC CONTROL ORDERS

Section 1. Issuance.

The authority in this Ordinance to regulate traffic shall be exercised by the Chief of Police by the issuance of Traffic Control Orders. A Traffic Control Order means an order which officially establishes the location of traffic control devices and traffic control signals on the streets and highways that the City of Yale has jurisdiction over. The form of a Traffic Control Order shall be approved by the Council, by resolution, from time to time. Such Traffic Control Orders shall become effective upon being filed with the City Clerk and the St. Clair County Clerk, and upon erection of adequate signs or signals which give notice of the existence of such regulation, if signs or signals are required by the provisions of the Motor Vehicle Code of the State of Michigan (hereafter referred to as the Code) which pertain to such regulation.

Section 2. Temporary Traffic Control Orders.

Traffic Control Orders may be issued by the Chief of Police on his or her own authority, but when so issued shall be known as temporary traffic control orders and shall not be effective after the expiration of 90 days from the date of filing and such temporary traffic control orders shall not be renewed or extended.

Section 3. Permanent Traffic Control Orders.

Permanent Traffic Control Orders shall be issued by the Chief of Police, approved by the City Council, and filed with the City Clerk and St. Clair County Clerk.

Section 4. Temporary Traffic Control Orders Becoming Permanent Traffic Control Orders.

Temporary orders shall become permanent orders upon being approved by the City Council, and notice of such approval shall be filed with the Clerk.

Section 5. Traffic Control Order Book.

All Traffic Control Orders and any action which modifies or repeals such orders shall be kept by the Clerk in a separate book which shall be known as the Traffic Control Order Book.

Section 6. Use of Traffic Control Orders in Court Proceedings.

A copy of a Traffic Control Order, certified by the Clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic control sign, signal, or device that conforms to the provisions of the Code was erected or in place when the alleged violation of the Code occurred, such showing shall be prima facie evidence of the existence of a lawful traffic control order which authorizes such traffic control, sign, signal, or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic control order in such cases, unless and until such presumption is rebutted by competent evidence.

ARTICLE IX. IMPOUNDMENT OF VEHICLES

Section 1. Removal of Vehicles.

Members of the police department are hereby authorized to remove a vehicle from a street, highway, alley or any other place open to travel by the public, or premises owned by the City to the nearest garage or other place of safety, or to a garage or vehicle pound designated or maintained by the City, under the following circumstances:

- A. When any vehicle is left unattended upon any bridge, viaduct or causeway, where such vehicle constitutes an obstruction to traffic.
- B. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
- C. When any vehicle is left unattended upon a street or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic, or an obstruction to street maintenance, street-cleaning or snow-removal vehicles.
- D. When a vehicle is found being driven upon a street or highway and is not in proper condition to be driven or when a vehicle is found parked or being driven without the vehicle equipped with license plates as provided in the Michigan Vehicle Code.
- E. When a vehicle is left unattended upon a street or highway continuously for more than 48 hours and may be presumed to be abandoned.
- F. When the driver of a vehicle is taken into custody by the police department and such vehicle would thereby be left unattended.
- G. When a vehicle is found to be parked in a time zone for more than twice the time allowed within that zone, or, in the case of a parking meter space where the vehicle has remained in the parking meter space for another period equal to the maximum time for that meter, or is parked in violation of a handicapped parking restriction or is parked in violation of Section 2, Article I, Section 1(B) (parking restrictions re: snow removal). Nothing in this subsection shall preclude or affect the ability of any officer or agent of the police department to issue parking violation tickets.
- H. When the owner of a vehicle has failed to answer six or more parking violation notices or citations regarding illegal parking.

ARTICLE X. SNOWMOBILE REGULATIONS

Section 1. Definitions.

The following word and phrases, when used in this ordinance, have the meaning as

respectively set forth below. When any word or phrase is not defined in this ordinance, but is defined in the Michigan Vehicle Code or in Part 821 of Act No. 451 of the Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, the definitions used therein shall be deemed to apply to the words and phrases used in this ordinance. To the extent of any conflict in the definition of such words and phrases, the State Code shall control.

- A. **Dealer.** A person who is engaged in the sale, lease, or rental of snowmobiles as a regular business.
- B. **Operate.** To ride in or on, or to be in actual physical control of, a snowmobile.
- C. **Owner.** Any of the following:
 - (1) A person who hold the legal title to a snowmobile in his or her name.
 - (2) A vendee or lessee of a snowmobile that is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
 - (3) A person renting a snowmobile, or having the exclusive use of snowmobile, for more than 30 days.
- D. **Private Property Open to the Public.** Property which is privately owned, but which is open to public access.
- E. **Public Property.** Property owned, leased, or otherwise controlled by the City of Yale, including parks, parking lots, and recreational areas.
- F. **Right-of-Way.** That portion of a street or highway less the roadway and any shoulder.
- G. **Snowmobile.** A motor driven vehicle which is designed for travel primarily on snow or ice and which utilizes sled-type runner or skis, an endless belt tread, or combination of sled-type runners or skis or endless belt, or other similar means of contact with the surface on which it is operated.

Section 2. Registration Required: Exceptions.

A snowmobile shall not be operated within the corporate limits of the City of Yale unless and until it is registered by the owner pursuant to Part 821 of Act No. 451 of the Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, except that the following snowmobiles may be operated without being registered.

- A. A snowmobile operated exclusively on lands owned by, or under the control of, the snowmobile owner.

- B. A snowmobile used entirely in an approved safety education and training program conducted by a certified snowmobile safety instructor.
- C. A snowmobile that is exclusively operated in a special event of limited duration which is conducted according to a prearranged schedule under a permit from this governmental unit.

Section 3. Certificate of Registration: Carrying; Displaying; Duplicate.

A certificate of registration shall be carried on the snowmobile when it is in operation, and shall be displayed on demand of a police officer. If the certificate is lost, mutilated, or illegible, the owner shall immediately obtain a duplicate certificate of registration by application to the Secretary of State.

Section 4. Identification Number.

The identification number of the certificate of registration shall be prominently displayed on both sides of the forward half of the snowmobile. The number shall be painted on or attached in a permanent manner in block characters of good proportion, not less than 3 inches in height, reading from left to right, and shall contrast as to be distinctly visible and legible. Other numbers shall not be attached or displayed on the snowmobile.

Section 5. Operation of Snowmobile Registered in Another State or Canada.

A snowmobile registered in another state, or in a Province of Canada, to a nonresident of this state may be operated within the City of Yale under the authority of that registration for a period of not more than 20 days.

Section 6. Brakes.

A snowmobile shall be equipped with brakes which are capable of one of the following while the snowmobile travels on packed snow and carries an operator who weights 175 pounds or more:

- A. Stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles per hour.
- B. Locking the snowmobile traction belt or belts.

Section 7. Lights.

A snowmobile shall be equipped with one headlight and one taillight. The lights shall be lighted when the snowmobile is being operated between the hours from ½ hour after sunset to ½ hour before sunrise.

Section 8. Muffler.

- A. A snowmobile shall be equipped with a muffler in good working order and 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 that has characteristics defined by American standards association s1.4 of 1966 entitled "General Purpose Sound Meter."

- B. A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 dba as measured under the 1970 society of automobile engineers code J-192.
- C. A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 society of automotive engineers code J-192a.
- D. This section does not apply to a snowmobile that is being used in an organized race on a course which is used solely for racing.
- E. American standards association, renamed American national standards institute, standard s1.4 of 1966, revised 1971 and reaffirmed 1976, may be purchased prepaid at \$5.50 per copy with a \$2.00 shipping fee from American National Institute, 1430 Broadway, New York, New York 10018, J-192a, the replacement for J-192, may be purchased from Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania, 15096, at a cost of 40 cents per page, or from Michigan State Police, 7150 Harris Drive, Lansing, Michigan 48913, at the same cost.
- F. This material in this section is incorporated by reference.

Section 9. Operation on Designated Public and Private Property.

A snowmobile shall be operated within the City limits of the City of Yale only on public property and private property open to the public which has been so designated by the City of Yale, or on property owned or under the control of the owner of the snowmobile.

Section 10. Time and Conditions of Operation.

Operation of a snowmobile on public property and private property open to the public shall be carried on only at times and under conditions determined by an official authorized by the governing body to make those decisions.

Section 11. Speeds.

A person shall not operate a snowmobile on public property or private property open to the public at a speed greater than is reasonable and proper having due regard for existing conditions.

Section 12. Operation Between Midnight and 6 A.M.

A person shall not operate a snowmobile within 100 feet of a dwelling between 12

midnight and 6 A.M. at a speed greater than the minimum required to maintain forward movement of the snowmobile.

Section 13. Operation on Cemetery or Burial Ground.

A person shall not operate a snowmobile on a public sidewalk, except that a snowmobile may be driven across a sidewalk at a regular driveway.

Section 14. Operation on Public Sidewalk.

A person shall not operate a snowmobile on a public sidewalk, except that a snowmobile may be driven across a sidewalk at a regular driveway.

Section 15. Operation on Limited Access Highway.

A person shall not operate a snowmobile on a limited access highway.

Section 16. Operation on Roadway Prohibited: Exceptions.

- A. A person shall not operate a snowmobile on any roadway within the City limits of the City of Yale, with the following exceptions:
- (1) The Chief of Police is hereby authorized to permit the operation of a snowmobile on a roadway when, because of snow or other extreme roadway conditions, conventional motor vehicles cannot be used for necessary transportation.
 - (2) A snowmobile may be operated on a roadway when necessary to cross the roadway or to cross a bridge or culvert. The snowmobile shall be brought to a complete stop before entering onto the roadway, and the operator shall yield the right-of-way to a vehicle approaching on the roadway.
 - (3) A snowmobile may be operated on a roadway only for a distance of not more than 500 feet while traveling to an area approved for snowmobile use or between two approved areas.
- B. A person shall not operate a snowmobile in any of the following locations:
- (1) In a forest nursery or a planting area or, if vegetation might be damaged, on public lands, which are posted or which are reasonably identifiable as an area of forest reproduction or as a natural dedicated area in Michigan's lower peninsula.
 - (2) On the frozen surface of public waters within 100 feet of a person, including a skater, who is not in or on a snowmobile, or within 100 feet of a fishing shanty or shelter, except at the minimum speed required to maintain forward movement of the snowmobile, or in an area that has been cleared of snow for skating purposes, unless the area is necessary for access to the public water.
 - (3) In an area in which public hunting is permitted during the season open to the taking of deer with firearms from 7 A.M. to 11 A.M. and from 2 P.M. to 5 P.M.,

except during an emergency; for law enforcement purposes; to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle; for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, and timber harvest operations; or on the person's own property, property under the person's control, or property on which the person is an invited guest.

- (4) On or across a cemetery or burial ground.
 - (5) Within 100 feet of a slide, ski, or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.
 - (6) On a railroad or railroad right-of-way, except when the railroad, a public utility, or a law enforcement employee is performing an official duty.
- C. A person shall not transport a bow or firearm on a snowmobile unless the bow is unstrung or the firearm is securely encased or equipped with, and made inoperative by, a manufactured key-locked, trigger-housing mechanism.

Section 17. Operation by Person Under 12 Years of Age.

A parent or legal guardian shall not permit a child who is under the age of 12 years to operate a snowmobile without direct supervision of an adult, except on land owned by or under the control of, the parent or legal guardian. An operator under the age of 12 years shall not cross a street or highway.

Section 18. Operation by Persons 12 to 16 Years of Age.

A person 12 to 16 years of age may operate a snowmobile if any one of the following requirements is met:

- A. He or she is under the direct supervision of a person who is not less than 18 years of age.
- B. He or she has in his or her immediate possession a snowmobile safety certificate issued to him or her.
- C. He or she is on land owned or under the control of his or her parent or legal guardian.

Section 19. Accident; Notice; Report.

- A. The operator of a snowmobile who is involved in an accident which results in an injury to, or the death of, any person or in property damage in an estimated amount of not less than \$100 shall immediately notify the police.

- B. The police department shall complete a report of the accident on a form prescribed by the director of the Department of State Police and shall forward the report to that department. A copy of the accident report shall be retained by the police department for not less than three years.

Section 20. Selling or Offering for Sale.

- A. A person shall not sell or offer to sell in this State a snowmobile that is manufactured after Joy 1, 1978, unless it meets the minimum safety standards for snowmobile product certification of the snowmobile safety and certification committee's November 23, 1976, volume 3, entitled "Safety Standards for Snowmobiles for Product Certification," including detailed standard supplement and test specifications and procedures, covering machine sound levels, seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements.
- B. Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and which is approved by the Department of Natural Resources.
- C. Copies of the standards specified in subsection 1 of this section may be purchased for \$2.50 per copy from Snowmobile Safety and Certification Committee, Incorporated, Suite 850, South 1800 "M" Street, N.W., Washington, D.C. 20036 or from Michigan State Police, 7150 Harris Drive, Lansing, Michigan 48913 at the same price.
- D. The material in this section is incorporated by reference.

Section 21. Duties of Dealer: Liability Insurance.

- A. A dealer who rents, leases, or otherwise furnishes snowmobiles to the public shall maintain the snowmobiles so rented, leased or furnished in safe operating condition. The dealer, his or her employees shall explain the operation of the snowmobile being rented, leased, or furnished. If the dealer, agent, or employee believes that the person to whom the snowmobile is to be rented, leased, or furnished is not competent to operate the snowmobile with safety to himself or herself and to others, he or she shall refuse to rent, lease, or furnish the snowmobile.
- B. A dealer who rents, leases, or otherwise furnishes a snowmobile shall carry a policy of liability insurance subject to limits, exclusive of interests and costs, with respect to the snowmobile, as follows:
 - (1) \$20,000.00 because of bodily injury to, or death of, one person in any one accident and subject to that limit for one person.

- (2) \$40,000.00 because of bodily injury to, or death of, two or more persons in any one accident.
- (3) \$10,000.00 because of injury to, or destruction of, property of others in any one accident.
- (4) In the alternative, a dealer shall demand and be shown proof that the person renting, leasing, or being furnished a snowmobile carried a liability policy of a least the type and coverage specified in this subsection.

Section 22. Registered Number as Evidence of Operation by Owner.

In a proceeding for a violation of this Ordinance involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of this offense.

Section 23. Stopping at Direction of Uniformed Police Officer; Violation; Identification of Official Law Enforcement Vehicle; Arrest Without Warrant; Procedures.

- A. The operator of a snowmobile who is given a visual or audible signal by hand, voice, emergency light, or siren by a police officer, who is acting in the lawful performance of his or her duty, which directs the operator to bring his or her snowmobile to a stop shall do so. An operator shall not willfully fail to obey the direction by increasing his or her speed, extinguishing his or her lights, or otherwise attempting to flee or elude the officer.
- B. The officer who give the signal shall be in uniform. A vehicle or snowmobile that is used at night for purposes of enforcing this Ordinance shall be identified as an official law enforcement vehicle or snowmobile.

Section 24. Violation by Person Under 16 Years of Age.

When the judge of a juvenile court determines that a person who is less than 16 years of age has violated this Ordinance, the Judge shall immediately report the determination to the Department of Natural Resources. The director of the Department of Natural Resources, upon receiving a notice of a determination pursuant to this subsection, may suspend the certificate without a hearing.

Section 25. Incorporation of State Law Regulating Snowmobiles by Reference.

Part 821 of Act No. 451 of the Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, regulating snowmobiles are incorporated herein by reference, including amendments thereof as amended from time to time, and that law shall control and have priority over subsections 1-24 hereof, which essentially set forth the current state law relative to snowmobile regulations.

ARTICLE XI. PENALTIES AND SCHEDULE OF FINES.

Section 1. Schedule of Parking Fines.

Any person, firm, or corporation who violates the provisions of this Ordinance or any amendment thereto, including the owner, possessor or occupier of any premises within the City of Yale who allows or suffers such violation upon said premises, shall be responsible for having committed a municipal civil infraction, and shall be subject to the following fines:

- A. Overtime Parking: \$5.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$15.00 if paid thereafter.
- B. Handicapped Parking: \$50.00 in accordance with State of Michigan Public Act 51 of 1982, as amended, if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.
- C. Violation of Parking Restrictions Re: Street Snow Removal (Article III, Section 1 (B)): \$50.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.
- D. Unlawful Parking of Motor Vehicles on Public School Property Interfering With Loading, Unloading or Routing of Buses Or In Violation Of A Parking Regulation As To The Same (Article VII. Section 1): \$50.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.
- E. Other Unlawful Parking On Public School Property or Violation of Any Other Parking Regulation or Parking Restriction. \$10.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$20.00 if paid thereafter.
- F. In addition, costs of the action may be imposed as provided by State law.

Section 2. Fines and Penalties for Violations of Part 821 of Act No. 451.

Any person who violates any provision of Part 81, of Act No. 451 of Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, as amended, regulating snowmobiles, shall be subject to the fines and penalties set forth in said Part of said Act, and the same are incorporated herein.

Section 3. Fines and Penalties for Violations of any other Provisions of this Ordinance.

Any other violation of this ordinance, including but not limited to violations on public school property, is a civil infraction punishable by a civil fine plus costs to be taxed by the court, as provided by State law which is incorporated herein, except as to those violations which are

misdemeanors per state law and punishable by fine and/or imprisonment per state law which are also incorporated herein by reference; provided however the City may not enforce any provision for which the maximum period of imprisonment is greater than 93 days.

ARTICLE XIII. GENERAL PROVISIONS

Section 1. Severability.

Should any section, subsection, clause or phrase of this Ordinance be declared by the courts to be invalid or unacceptable, such holding shall not affect the validity or enforceability of the ordinance as a whole or any part thereof, other than such parts so invalidated or declared unenforceable.

Section 2. Construction.

Ordinance 131, as amended, is to be construed and coordinated with all other ordinances and codes of the City of Yale. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Conversely, whenever the provisions of any other law or ordinance impose more stringent requirements, regulation, restrictions or limitations than are imposed by this Ordinance, then the provisions of such other law or ordinance shall govern.

Section 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. Effective Date.

Ordinance No. 131 was originally effective January 24, 1982, and last amended by Ordinance 180 on November 11, 2002.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that this is a true and correct copy of Ordinance No. 131 as presently amended and effective as of this date.

Date: 11-11-02

ORDINANCE # 131A

AN ORDINANCE TO AMEND ORDINANCE NO. 131 (WHICH IS THE UNIFORM TRAFFIC CODE AND POLICE DEPARTMENT ORDINANCE OF THE CITY OF YALE) TO SPECIFICALLY AUTHORIZE THE DESIGNATION OF PUBLIC PARKING LOTS ON PROPERTY OWNED BY THE CITY OF YALE AND THE REGULATION OF PARKING THEREIN, AS ADDITIONS TO THE UNIFORM MOTOR VEHICLE CODE, EFFECTIVE IN THE CITY OF YALE.

THE CITY OF YALE ORDAINS:

Section 1. Public Parking Lots on City Property

Section 1 of Article I of Chapter 21 of Ordinance 131, being the Uniform Traffic Code for Cities, Townships and Villages adopted and modified by the City of Yale, is further amended by the addition of the following as subsection C thereof:

- C. City Parking Lots: Upon the City Council designating certain areas owned by the City as public parking lots, in resolution or by ordinance, the Traffic Engineer, as provided in Section 2.25 of Chapter 2 of the Code, may issue traffic control orders to regulate parking in the same, including without limitation, the designation of certain areas to be used by certain individuals such as City employees or officials, or for certain areas to be used for certain purposes, such as library use, business at the City Hall, or otherwise.

Section 2. Construction

This Ordinance Amendment is to be construed liberally for the purpose intended. The City has exercised the authority set forth herein, under the existing Code, and the purpose of this Ordinance is to specifically

Section 3. Severability

The provisions of this Ordinance are hereby declared to be severable. If any

clause, sentence, paragraph, rule, regulation, 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.

Section 4. Effective Date

This Ordinance shall become effective immediately after publication.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that Ordinance No. 131A was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 14th day of October, 1996.

ORDINANCE NO. 131B

AN ORDINANCE TO REPEAL THAT PART OF ORDINANCE NO. 131 WHICH ADOPTED BY REFERENCE THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES, AND TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF YALE ORDAINS:

SECTION 1. Repeal of Uniform Traffic Code

That part of Ordinance No. 131 (Section 1 and Section 2 of Ordinance No. 131 as originally adopted) which adopted by reference the Uniform Traffic Code for Cities, Townships and Villages promulgated by the Director of State Police and published in the 1979 Edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 Edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby repealed. All other provisions of Ordinance No. 131 as presently amended shall continue in force.

SECTION 2. Adoption of Michigan Vehicle Code

The Michigan Vehicle Code, Public Act 300 of 1949, being MCL 257.1 to 257.923, as amended, and as further amended from time to time, is hereby adopted by reference, to the extent such adoption is permitted by Public Act 279 of 1909, as amended.

SECTION 3. Reference in Code

Reference in the Michigan Vehicle Code to "local authorities" shall mean the City of Yale.

SECTION 4. Notice to be Published

The City Clerk shall publish this Ordinance in the manner required by law and shall at the

same time publish a supplementary notice setting forth the purpose of the said Michigan Vehicle Code and of the fact that complete copy of the Code is available at the office of the City Clerk for inspection by the public at all times.

SECTION 5. Construction

This Ordinance is to be construed in harmony with all other ordinances of the City of Yale.

SECTION 6. Penalty

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the City may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

SECTION 7. Severability

Should any section, subsection, clause or phrase of this Ordinance be declared by the courts to be invalid or unacceptable, such holding shall not affect the validity or enforceability of the ordinance as a whole or of any part thereof, other than such parts so invalidated or declared unenforceable.

SECTION 8. Saving Clause

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed..

SECTION 9. Effective Date

This Ordinance shall become effective on October 2, 2002, which is more than 20 days after publication as required by law.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that Ordinance No. 131B was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 9th day of September, 2002.

ORDINANCE NO. 131B

AN ORDINANCE TO REPEAL THAT PART OF ORDINANCE NO. 131 WHICH ADOPTED BY REFERENCE THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES, AND TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF YALE ORDAINS:

SECTION 1. Repeal of Uniform Traffic Code

That part of Ordinance No. 131 (Section 1 and Section 2 of Ordinance No. 131 as originally adopted) which adopted by reference the Uniform Traffic Code for Cities, Townships and Villages promulgated by the Director of State Police and published in the 1979 Edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 Edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby repealed. All other provisions of Ordinance No. 131 as presently amended shall continue in force.

SECTION 2. Adoption of Michigan Vehicle Code

The Michigan Vehicle Code, Public Act 300 of 1949, being MCL 257.1 to 257.923, as amended, and a further amended from time to time, is hereby adopted by reference, to the extent such adoption is permitted by Public Act 279 of 1909, as amended.

SECTION 3. Reference in Code

Reference in the Michigan Vehicle Code to “local authorities” shall mean the City of Yale.

SECTION 4. Notice to be Published

The City Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Michigan Vehicle Code and of the fact that a complete copy of the Code is available at the office of the City Clerk for inspection by the public at all times.

SECTION 5. Construction

This Ordinance is to be construed in harmony with all other ordinances of the City of Yale.

SECTION 6. Penalty

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the City may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

SECTION 7. Severability

Should any section, subsection, clause or phrase of this Ordinance be declared by the courts to be invalid or unacceptable, such holding shall not affect the validity or enforceability of the ordinance as a whole or of any part thereof, other than such parts so invalidated or declared unenforceable.

SECTION 8. Saving Clause

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 9. Effective Date

This Ordinance shall become effective on October 2, 2002, which is more than 20 days after publication as required by law.

Certification

I, Linda Cronin, City Clerk of the City of Yale, do hereby certify that Ordinance No. 131B was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 9th day of September, 2002.

ORDINANCE NO. 131-C

AN ORDINANCE TO AMEND ORDINANCE NO. 131 BY RE-ADOPTING AND CODIFYING CERTAIN TRAFFIC REGULATIONS WITHIN THE CITY OF YALE (IN CONJUNCTION WITH THE REPEAL OF THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES AND THE ADOPTION OF THE MICHIGAN VEHICLE CODE BY ORDINANCE NO. 131C), INCLUDING THE ADOPTION OF PROVISIONS FOR SNOW EMERGENCIES, TRAFFIC CONTROL ORDERS AND IMPOUNDMENT OF VEHICLES; TO REGULATE THE OPERATION AND SPEED OF MOTOR VEHICLES ON PUBLIC SCHOOL PROPERTY, INCLUDING PARKING, AND TO REGULATE SNOWMOBILES AND TO INCORPORATE STATE LAW RELATIVE TO THE REGULATION OF SNOWMOBILES; TO REPEAL ORDINANCE NO. 112B CODIFIED AS ARTICLE I, CHAPTER 21, SECTION 1(B) OF ORDINANCE NO. 131, AND TO AMEND ORDINANCE NO. 136, CODIFIED AS ARTICLE II OF CHAPTER 20 OF ORDINANCE NO. 131; TO REPEAL ANY REFERENCES TO THE UNIFORM TRAFFIC CODE IN ORDINANCE NO. 131; TO REPEAL ORDINANCE NO. 175, AND TO CODIFY HEREIN ORDINANCE 168 WHICH CREATES THE ORDINANCE VIOLATIONS BUREAU OF THE CITY OF YALE; AND TO AMEND ORDINANCE NO. 131 BY INCORPORATING EXISTING TRAFFIC CONTROL ORDERS REGULATING PARKING AND TRAFFIC, TO PROVIDE FOR PENALTIES AND A SCHEDULE OF FINES FOR ANY VIOLATIONS HEREOF, A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

THE CITY OF YALE

ORDAINS: SECTION 1. Purpose

A. This Ordinance amends Ordinance 131 to supplement the Michigan Vehicle Code (adopted by a separate ordinance), relative to the regulation of motor vehicles, city streets and alleys, and parking lots, including but not limited to the designation of public parking lots, the parking and operation of vehicles in general and the designation of streets and intersections relative to the flow of traffic, the regulation of snowmobiles and to incorporate state law relative to the same, to provide for the issuance of Traffic Control Orders, the impoundment of

vehicles, the regulation of traffic and parking on property of the Yale School District, as requested and authorized by the Yale School District by Resolution, pursuant to law within the City of Yale, and to provide for regulation of traffic and parking in the event of snow emergencies, and to codify the Ordinance Violations Bureau of the City of Yale (Ord, 168) herein , together with the current provisions of Ordinance 131 relative to the Yale City Police Department and the Traffic Violations Bureau of the City.

B. Ordinance No. 136 (Parking Violations Bureau), as amended and codified as Chapter 20, Article II of Ordinance No. 131 as amended prior to this Ordinance, is amended, with its provisions provided for in various sections of this Ordinance.

C. Any references in Ordinance No. 131 as amended prior to this Ordinance, to the Uniform Traffic Code for Cities, Townships and Villages, are repealed.

D. Ordinance No. 112B, codified as Chapter 21, Article I, Section 1(B) of Ordinance No. 131, as amended prior to this Ordinance, (formerly Parking During Winter Months) is specifically repealed, in that its provisions were superceded by Ordinance No. 175.

E. Ordinance No. 175 which was not previously incorporated into Ord. 131 is repealed, with its provisions provided for this Ordinance.

F. Existing Traffic Control Orders are incorporated herein..

G. Ordinance 129, previously codified as Chapter 20 of Ordinance 131 is continued as Article II hereof and Ordinance 168 relative to the Ordinance Violations Bureau of the City of Yale is codified herein.

SECTION 2. Amendment of Title of Ordinance No. 131

The title to Ordinance No. 131 as amended by this Ordinance shall read as follows: An Ordinance Establishing the Yale Police Department, the Ticket Violations Bureau, the Ordinance Violations Bureau, and Regulating Parking and Traffic Within the City of Yale, in Conjunction with the Michigan Vehicle Code, Including Provisions for the Adoption of Traffic Control Orders, Impoundment of Vehicles, Designation of Public Parking on Property Owned By the City of Yale, and the Regulation of Parking Therein; Regulating the Operation, Parking , and the Speed of Motor Vehicles on Public School Property; Regulating the Operation of Snowmobiles and Incorporating State Law Regulating Snowmobiles; and Providing for Penalties for Violations, a Construction Clause and a Severability Clause.

SECTION 3. Michigan Vehicle Code

Sections 1 and 2 of Ordinance 131 are repealed; Article I, Section 1 and 2, set forth below are amended and shall respectively read as follows:

Article I. Michigan Vehicle Code.

Section 1. Purpose.

The City of Yale has adopted the Michigan Vehicle Code to regulate traffic, parking, motor vehicles and all related matters allowed by law to the extent such adoption is permitted by state law, including enforcement of the same on the Yale Public School property

within the City of Yale. Ordinance No.131 otherwise continues pursuant to the police power of the City of Yale and as a supplement to the Michigan Vehicle Code, including but not limited to providing for Traffic Control Orders, impoundment of vehicles, designation and regulation of city parking lots, the regulation of snowmobiles and the incorporation of state law relative to the same, and the regulation of motor vehicles on public school property.

Section 2. Local Authority

Reference in the Michigan Vehicle Code to "local authorities" shall mean the City of Yale.

SECTION 4. City Police Department.

The reference in Section 3 of Ordinance 131 to "Chapter 20, Article I. City Police Department", is amended to delete the reference to "Chapter 20 Article I" and to amend Sections 1-5 entitled City Police Department as Ordinance 129 as Article II, Section I, subparagraphs A-E, with Article II being entitled "Article II. Police Department/Parking Violations Bureau/Ordinance Violations Bureau".

SECTION 5. Police Department/Parking and Ordinance Violations Bureaus

The reference in Section 3 of Ordinance 131 to "Article II .Parking Violations, Fines and Exemptions" is deleted ; subparagraph (1) (A), (C), and (D) are amended and re-designated as Article II, Section 2, subparagraphs A, B, and C. Subparagraph (1) (A) is also amended to be one paragraph (Section 2 (A)), and the reference to paragraph B in the first sentence of (B) is amended to refer to Article XI, Section 1 Section 2 (A) and (B) of Ordinance 168 is codified herein as Article II, Section 3 (A) and (B).

SECTION 6, Fines and Penalties

Subparagraph (B) of Section 1 of Article II of former Chapter 20 of Ordinance 131 relative to fines is amended and re-designated as Article XI Section 1 (A), (B),(C), (D), and (E) respectively, of Ordinance 131, and shall read as follows

A. Overtime Parking: \$5.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$15.00 if paid thereafter.

B. Handicapped Parking: \$50.00 in accordance with State of Michigan Public Act 51 of 1982, as amended, if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.

C. Violation of Parking Restrictions Re: Street Snow Removal (Article III, Section 1 (B)): \$50.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.

D. Unlawful Parking of Motor Vehicles on Public School Property Interfering With Loading, Unloading or Routing of Buses Or In Violation Of A Parking Regulation As To The Same (Article VII, Section 1): \$50.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.

E. Other Unlawful Parking On Public School Property or Violation of Any

Other Parking Regulation or Parking Restriction. \$10.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$20.00 if paid thereafter.

SECTION 7. Parking Violation Notice/Exemptions

Section 1 (E) and Section 2 of Article II of former Chapter 20 of Ordinance 131 are amended and re-designated as Article III, Section 1 (D) Parking Violation Notice, and Article III, Section 1 (E) Exemptions, respectively.

SECTION 8. Parking Regulations

The reference to Chapter 21 in Ordinance 131 is deleted and Article I thereof, entitled Article I, Parking Regulations, is amended to be "Article III. Parking Regulations", subsection 2A and 8A are added thereto as set forth below, and paragraph A of Section 1 and subsections 4, 6, 7, and 9 thereof are amended to read as set forth below:

Section 1: A. Parallel/Angle Parking. All parking on the streets within the City of Yale shall be parallel parking only with the exception of allowing angle parking on a limited portion of Fraser Street as follows: The south side of Fraser Street between Main Street and Kennefic Street.

Section 2A. Jean Street. There shall be no parking on the West side of Jean Street from North Street in its entirety.

Section 4. Main Street. There shall be a two hour parking limit during the hours of 8 A. M. to 6 P.M. Monday through Friday on both sides of Main Street commencing with the intersection of Brockway Road and South Main North to the intersection of Main and Will Street. There shall be parking allowed on Main Street from 2:30 A.M. to 6:00 A.M. with the exception of parking between the hours of 3:00 A.M. and 5:00 A.M. Fridays.

Section 6. North Street. There shall be a two hour limitation on parking on both sides of North Street between its intersection with M-19 east to its intersection with Kennefic Street.

Section 7. Park Avenue.

- A. There shall be no parking on the north side of Park Avenue from the intersection with Main Street (M-19) west to the intersection with School Drive
- B. There shall be no parking on the south side of Park Avenue between its intersection with Main Street and its intersection with School Drive, except that two hour parking shall be permitted along the south side of Park Avenue between its intersection with Jones Street and a point 309.6 feet west of its intersection with Main Street.

Section 8A. School Drive. No parking shall be allowed on School Drive from an area south of Park Avenue to the portion of School Drive that is owned by the Yale Public School District.

Section 9. Wood Street

- A. There shall be no parking on the south side of Wood Street between its intersection with Jones Street easterly to its intersection with Mary Street.
- B. There shall be no parking on Wood Street between its intersection with M-19 westerly to its intersection with Jones Street.

SECTION 9. Directional Regulations

Article II of Chapter 21 of Ordinance 131 entitled "Through Street and Yield Right-of-Way Streets, Stop Signs, and One-Way Streets" is amended and designated as Article IV of Ordinance 131 and the title amended to read as follows: "Directional Regulations and Stop Signs"; Subsections IA, 2A, and 2B are added thereto as set forth below, and subsection 5 thereof is amended to read as follows:

Section 1A. Alleys. Traffic shall not exit onto West Wood Street from the alleyway located between West Mechanic and West Wood Streets and parallel to Jones Street and the portion running South 189 feet North of West Wood Street shall be designated one-way to the North.

Section 2A Mary Street. Traffic entering East Mechanic Street shall stop for the stop sign that has been located on the northeast corner of Mary Street at East Mechanic Street.

Section 2B. School Drive. A stop sign, placed at the intersection of School Drive and Park Avenue, shall require traffic to stop before entering Park Avenue; a stop sign placed where the Yale Junior High drive meets School Drive shall require all traffic to stop before entering School Drive, and a stop sign, placed where the Yale High School and Elementary School Drive meets School Drive shall require traffic entering School Drive to stop before proceeding.

Section 5. Wood Street.

- A. Wood Street, from its intersection with M-19 to its intersection with South Kennefic Street is hereby designated for one-way vehicular traffic only with said vehicular traffic to move only in an easterly direction.
- B. All vehicles traveling westbound on West Wood Street shall stop at the entrance to the intersection at Jones Street, before proceeding through such intersection in accordance with the stop sign erected along West Wood Street at the northeast corner of the intersection.

SECTION 10. Truck Routes

Ordinance 131 is amended to add Article V thereto which shall read as follows: Article V. Truck Routes.

Section 1. Truck Routes.

- A. No through truck traffic shall be allowed on McColl Street.

SECTION 11. Speed Limits/School Zones

Ordinance 131 is amended to add Article VI thereto which shall read as follows: Article VI. Speed Limits, School Zones, and Speed Limit on Public School Property.

Section 1. Park Avenue. The speed limit on Park Avenue between Hickory Lane and M-19 shall be 35 miles per hour, except that during the hours of 7:00 A.M. to 9:00 A.M. and 2:00 P.M. to 4:00 P.M. Monday through Friday, the school zone speed limit of 25 miles per hour shall be continued.

Section 2. Highway M-19 The maximum speed limit on State Trunkline Highway M-19 is set by State Police Order No. SP77-22-84 and has been posted accordingly.

Section 3. School Drive. The speed limit for all vehicles traveling on School Drive, between Park Avenue and the point of intersection of School Drive shall be 20 miles per hour in accordance with the speed limit sign erected . This area of the roadway shall be designated a school zone.

Section 4. Public School Property. The speed limit for all vehicles on public school property is 10 miles per hour.

SECTION 12. Parking Regulations Re: Snow

Subsection B of Section 1 of former Chapter 21, Article I, of Ordinance No. 131. 6 is amended to be Article III, Section 1 (B) and shall read as follows:

- B. Parking During Winter Months - Declaration of Snow Emergency. Notwithstanding the provisions of this Ordinance or any other Ordinance, it shall be unlawful for any person, firm or corporation to park any motor vehicle on the travel portion of paved streets or the paved right of way of said streets between the hours of 2:30 A.M. and 6:00 A.M. during the months of December, January, February and March, or any other times, days or months pursuant to a declared snow emergency, within the City of Yale. In the event of a major winter storm, the Mayor or his designee, in order to insure the public safety, shall have the authority to declare a snow emergency and expand these months and/or hours during which the provisions of this sub-section shall be enforced. The duration of the expansion of such months and/or hours shall be determined on a case by case basis. The purpose of this sub-section B is to permit the full and complete operation by the City of Yale of its snow removal and street sweeping and sanding machinery on such streets during such hours and times, for the public welfare and safety.

SECTION 13. Parking Regulations

Subsections 1 and 2 of Subsection C of Section 1 of former Chapter 21, Article I, are deleted, and subsection 3 of Subsection C of Section 1 of former Chapter 21, Article I, of Ordinance No. 131 is re-numbered and subtitled as Article III, Section I(C)(2) Trucks/Trailers/Motorhomes and

Commercial Vehicle Restrictions; the first paragraph of said Subsection C is amended to be C(1), and shall read as follows:

C. City Parking Lots.

- (1) Designated Lots. The City Council may designate certain areas owned by the City as public parking lots by resolution or by ordinance; the Chief of Police may issue traffic control orders, as provided in Article VIII of this Ordinance, to regulate parking in the same, including without limitation, the designation of certain areas to be used by certain individuals such as City employees or officials, or for certain areas to be used for certain purposes, such as library use, business at the City Hall, or otherwise.

SECTION 14. Operation and Parking of Motor Vehicles on School Property.

Ordinance No. 131 is amended to add Article VII, Operation and Parking of Motor Vehicles on School Property, which shall read as follows:

Article VII. Operation and Parking of Motor Vehicles on School Property.

Section 1. Parking of Motor Vehicle. It shall be unlawful for any person to park any motor vehicle on any School Property in violation of any posted regulation or without the express or implied consent of the District.

Section 2. Operation and Speed of Motor Vehicles.

- A. Operation of Motor Vehicle. It shall be unlawful for any person to operate any motor vehicle on any property owned by the Yale Public School District (hereinafter "School Property") in violation of any posted regulation or without the express or implied consent of the Yale Public School District (hereinafter "District") and/or in violation of the Michigan Vehicle Code,
- B. Speed Limit of Motor Vehicles and Method of Operation. It shall be unlawful for any person to operate any motor vehicle on School Property at a rate of speed in excess of 10 miles per hour, or to otherwise operate a motor vehicle on School Property in a manner posing a risk of harm to pedestrians or other motor vehicles on such property or in violation of the Michigan Vehicle Code.

Section 3. Presumption that Owner Illegally Operated Vehicle. In any proceeding for the violation of this ordinance, the registration plate displayed on a motor vehicle unlawfully operated on the School Property shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who operated or parked such motor vehicle at the point where such violation occurred.

Section 4. Impoundment of Vehicles. In addition to the penalty provisions set forth herein, the Ordinance Enforcement Officer of the City of Yale, as well as the Yale City Police Department, are authorized to remove or

cause to be removed a vehicle from School Property after having received a written complaint and authorization by the agent of the District. Said vehicle shall be removed to a garage or vehicle pound area as designated by the City. No vehicle impounded under this ordinance shall be discharged or removed from the place of impoundment except upon payment by the owner of such vehicle or his or her duly authorized representative of towing charges, plus storage.

- A. Notice to Owner. Whenever an Ordinance Enforcement Officer or City Police Officer impounds a vehicle as authorized by this ordinance, and the officer knows or is able to ascertain the name and address of the owner, such officer, within a reasonable period of time, shall give or cause to be given notice in writing to such owner of the occurrence of such removal, and reasons therefore, and of the place to which such vehicle has been removed. Such notice shall be given by certified mail, addressed to the last known address of the registered owner, and all known secured parties. In the event any such vehicle is stored in a garage or vehicle pound, a copy of such notice shall be given to the custodian of the vehicle.

- B. Report When Owner Unknown. Whenever an Ordinance Enforcement Officer or City Police Officer impounds a vehicle as authorized by this ordinance, and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as provided herein, and the vehicle is not returned to the owner within a period of ten days, then the officer, within a reasonable period of time, shall send or cause to be sent a written report of such removal by mail to the Secretary of State, and shall file a copy of such report with the proprietor of any garage or pound in which the vehicle is stored. Such report shall include a complete description of the vehicle, the date, time and place from which the vehicle was removed, the reasons for such removal, and the name of the garage or place where such vehicle is stored.

- C. Sale When Vehicle Not Claimed by Owner. Whenever any vehicle is taken into custody as provided for in this ordinance, and is not claimed by the owner, the City shall hold such vehicle for a period of 30 days after the mailing of the notice or report as provided for herein, after which such vehicle may be sold at public auction in accordance with the laws of the State of Michigan.

SECTION 15. Traffic Control Orders

Ordinance No. 131 is amended to add Article VIII, Traffic Control Orders, which shall read as follows:

Article VIII. Traffic Control Orders

Section 1. Issuance. The authority in this Ordinance to regulate traffic shall be exercised by the Chief of Police by the issuance of Traffic Control Orders. A Traffic Control Order means an order which officially establishes the location of traffic control devices and traffic control signals on the streets and highways that the City of Yale has jurisdiction over. The form of a Traffic Control Order shall be approved by the Council, by resolution, from time to time. Such Traffic Control Orders shall become effective upon being filed with the City Clerk and the St. Clair County Clerk, and upon erection of adequate signs or signals which give notice of the existence of such regulation, if signs or signals are

required by the provisions of the Motor Vehicle Code of the State of Michigan (hereafter referred to as the Code) which pertain to such regulation.

Section 2. Temporary Traffic Control Orders. Traffic Control Orders may be issued by the Chief of Police on his or her own authority, but when so issued shall be known as temporary traffic control orders and shall not be effective after the expiration of 90 days from the date of filing and such temporary traffic control orders shall not be renewed or extended.

Section 3. Permanent Traffic Control Orders. Permanent Traffic Control Orders shall be issued by the Chief of Police, approved by the City Council, and filed with the City Clerk and St. Clair County Clerk.

Section 4. Temporary Traffic Control Orders Becoming Permanent Traffic Control Orders. Temporary orders shall become permanent orders upon being approved by the City Council, and notice of such approval shall be filed with the Clerk.

Section 5. Traffic Control Order Book. All Traffic Control Orders and any action which modifies or repeals such orders shall be kept by the Clerk in a separate book which shall be known as the Traffic Control Order Book.

Section 6. Use of Traffic Control Orders in Court Proceedings. A copy of a Traffic Control Order, certified by the Clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic control sign, signal, or device that conforms to the provisions of the Code was erected or in place when the alleged violation of the Code occurred, such showing shall be prima facie evidence of the existence of a lawful traffic control order which authorizes such traffic control, sign, signal, or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic control order in such cases, unless and until such presumption is rebutted by competent evidence.

SECTION 16. Impoundment of Vehicles.

As a supplement to the provisions set forth in the Michigan Vehicle Code for the impoundment of vehicles, Ordinance No. 131 is amended to add Article IX, Impoundment of Vehicles which shall read as follows:

Article IX. Impoundment of Vehicles

Section 1. Removal of Vehicles. Members of the police department are hereby authorized to remove a vehicle from a street, highway, alley or any other place open to travel by the public, or premises owned by the City to the nearest garage or other place of safety, or to a garage or vehicle pound designated or maintained by the City, under the following circumstances: When any vehicle is left unattended upon any bridge, viaduct or causeway, where

A.

such vehicle constitutes an obstruction to traffic.

- B. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
- C. When any vehicle is left unattended upon a street or highway and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic, or an obstruction to street maintenance, street-cleaning or snow-removal vehicles.
- D. When a vehicle is found being driven upon a street or highway and is not in proper condition to be driven or when a vehicle is found parked or being driven without the vehicle equipped with license plates as provided in the Michigan Vehicle Code.
- E. When a vehicle is left unattended upon a street or highway continuously for more than 48 hours and may be presumed to be abandoned.
- F. When the driver of a vehicle is taken into custody by the police department and such vehicle would thereby be left unattended.
- G. When a vehicle is found to be parked in a time zone for more than twice the time allowed within that zone, or, in the case of a parking meter space where the vehicle has remained in the parking meter space for another period equal to the maximum time for that meter, or is parked in violation of a handicapped parking restriction or is parked in violation of Section 2, Article I, Section 1(B) (parking restrictions re: snow removal). Nothing in this subsection shall preclude or affect the ability of any officer or agent of the police department to issue parking violation tickets.
- H. When the owner of a vehicle has failed to answer six or more parking violation notices or citations regarding illegal parking.

SECTION 17. Snowmobile Regulations

Ordinance No. 131 is amended to add Article X, Snowmobile Regulations, which shall read as follows:

Article X. Snowmobile Regulations

Section 1. Definitions. The following words and phrases, when used in this ordinance, have the meaning as respectively set forth below. When any word or phrase is not defined in this ordinance, but is defined in the Michigan Vehicle Code or in Part 821 of Act No. 451 of the Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, the definitions used therein shall be deemed to apply to the words and phrases used in this ordinance. To the extent of any conflict in the definition of such words and phrases, the State Code shall control.

- A. **Dealer.** A person who is engaged in the sale, *lease*, or rental of snowmobiles as a regular business.
- B. **Operate.** To ride in or on, or to be in actual physical control of, a snowmobile.
- C. **Owner.** Any of the following:
 - (1) A person who holds the legal title to a snowmobile in his or her name.
 - (2) A vendee or lessee of a snowmobile that is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
 - (3) A person renting a snowmobile, or having the exclusive use of snowmobile, for more than 30 days.
- D. **Private Property Open to the Public.** Property which is privately owned, but which is open to public access.
Public Property. Property owned, leased, or otherwise controlled by the City of
- E. Yale, including parks, parking lots, and recreational areas.
- F. **Right-of-Way.** That portion of a street or highway less the roadway and any shoulder.
Snowmobile, A motor driven vehicle which is designed for travel primarily on
- G. snow or ice and which utilizes sled-type runners or skis, an endless belt tread, or combination of sled-type runners or skis or endless belt, or other similar means of contact with the surface on which it is operated.

Section 2. Registration Required; Exceptions. A snowmobile shall not be operated within the corporate limits of the City of Yale unless and until it is registered by the owner pursuant to Part 821 of Act No, 451 of the Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, except that the following snowmobiles may be operated without being registered:
 A snowmobile operated exclusively on lands owned by, or under the

- A. control of, the snowmobile owner.
- B. A snowmobile used entirely in an approved safety education and training program conducted by a certified snowmobile safety instructor.
- C. A snowmobile that is exclusively operated in a special event of limited duration which is conducted according to a prearranged schedule under a permit from this governmental unit,

Section 3. Certificate of Registration; Carrying; Display; Duplicate.

A certificate of registration shall be carried on the snowmobile when it is in operation, and shall be displayed on demand of a police officer. If the certificate is lost, mutilated, or illegible, the owner shall immediately obtain a duplicate certificate of registration by application to the Secretary of State.

Section 4. Identification Number. The identification number of the certificate of registration shall be prominently displayed on both sides of the forward half of the snowmobile. The number shall be painted on or attached in a permanent manner in block characters of good proportion, not less than 3 inches in height, reading from left to right, and shall contrast as to be distinctly visible and legible. Other numbers shall not be attached or displayed on the snowmobile.

Section 5. Operation of Snowmobile Registered in Another State or Canada. A snowmobile registered in another state, or in a Province of Canada, to a nonresident of this State may be operated within the City of Yale under the authority of that registration for a period of not more than 20 days.

Section 6. Brakes. A snowmobile shall be equipped with brakes which are capable of one of the following while the snowmobile travels on packed snow and carries an operator who weights 175 pounds or more:

- A. Stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles an hour.
- B. Locking the snowmobile traction belt or belts.

Section 7. Lights. A snowmobile shall be equipped with one headlight and one taillight. The lights shall be lighted when the snowmobile is being operated between the hours from 1/2 hour after sunset to 1/2 hour before sunrise.

Section 8. Muffler.

- A. A snowmobile shall be equipped with a muffler in good working order and 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 that has characteristics defined by American standards association S1.4 of 1966 entitled "General Purpose Sound Meter."
- B. A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 dba as measured under the 1970 society of automobile engineers code J-192.
- C. A snowmobile manufactured after July 1, 1977, and sold or offered for sale in this state shall not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 society of automotive engineers code J-192a.
- D. This section does not apply to a snowmobile that is being used in an organized race on a course which is used solely for racing.

E. American standards association, renamed American national standards institute, standard S1.4 of 1966, revised 1971 and reaffirmed 1976, may be purchased prepaid at \$5.50 per copy with a \$2.00 shipping fee from American National Institute, 1430 Broadway, New York, New York 10018, J-192a, the replacement for J-192, may be purchased from Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania, 15096, at a cost of 40 cents per page, or from Michigan State Police, 7150 Harris Drive, Lansing, Michigan, 48913, at the same cost.

F. This material in this section is incorporated by reference.

Section 9. Operation on Designated Public and Private Property. A snowmobile shall be operated within the City limits of the City of Yale only on public property and private property open to the public which has been so designated by the City of Yale, or on property owned or under the control of the owner of the snowmobile.

Section 10. Time and Conditions of Operation. Operation of a snowmobile on public property and private property open to the public shall be carried on only at times and under conditions determined by an official authorized by the governing body to make those decisions.

Section 11. Speeds. A person shall not operate a snowmobile on public property or private property open to the public at a speed greater than is reasonable and proper having due regard for existing conditions.

Section 12. Operation Between Midnight and 6 A.M. A person shall not operate a snowmobile within 100 feet of a dwelling between 12 midnight and 6 A.M. at a speed greater than the minimum required to maintain forward movement of the snowmobile.

Section 13. Operation on Cemetery or Burial Ground. A person shall not operate a snowmobile on or across a cemetery or burial ground.

Section 14. Operation on Public Sidewalk. A person shall not operate a snowmobile on a public sidewalk, except that a snowmobile may be driven across a sidewalk at a regular driveway.

Section 15. Operation on Limited Access Highway. A person shall not operate a snowmobile on a limited access highway.

Section 16. Operation on Roadway Prohibited; Exceptions.

A. A person shall not operate a snowmobile on any roadway within the City limits of the City of Yale, with the following exceptions:

(1) The Chief of Police is hereby authorized to permit the operation of a snowmobile on a roadway when, because of snow or other extreme

roadway conditions, conventional motor vehicles cannot be used for necessary transportation.

- (2) A snowmobile may be operated on a roadway when necessary to cross the roadway or to cross a bridge or culvert. The snowmobile shall be brought to a complete stop before entering onto the roadway, and the operator shall yield the right-of-way to a vehicle approaching on the roadway.
- (3) A snowmobile may be operated on a roadway only for a distance of not more than 500 feet while traveling to an area approved for snowmobile use or between two approved areas.

B. A person shall not operate a snowmobile in any of the following locations;

- (1) In a forest nursery or a planting area or, if vegetation might be damaged, on public lands which are posted or which are reasonably identifiable as an area of forest reproduction or as a natural dedicated area in Michigan's lower peninsula.
- (2) On the frozen surface of public waters within 100 feet of a person, including a skater, who is not in or on a snowmobile, or within 100 feet of a fishing shanty or shelter, except at the minimum speed required to maintain forward movement of the snowmobile, or in an area that has been cleared of snow for skating purposes, unless the area is necessary for access to the public water.
- (3) In an area in which public hunting is permitted during the season open to the taking of deer with firearms from 7 A.M. to 11 A.M. and from 2 P.M. to 5 P.M., except during an emergency; for law enforcement purposes; to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle; for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, and timber harvest operations; or on the person's own property, property under the person's control, or property on which the person is an invited guest.
- (4) On or across a cemetery or burial ground.
- (5) Within 100 feet of a slide, ski, or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.
On a railroad or railroad right-of-way, except when the railroad, a public
- (6) utility, or a law enforcement employee is performing an official duty.

C. A person shall not transport a bow or firearm on a snowmobile unless the bow is unstrung or the firearm is securely encased or equipped with, and made inoperative by, a manufactured, key-locked, trigger-housing mechanism.

Section 17. Operation by Person Under 12 Years of Age. A parent or legal guardian shall not permit a child who is under the age of 12 years to operate a snowmobile without the direct supervision of an adult, except on land owned by or under the control of, the parent or legal guardian. An operator under the age of 12 years shall not cross a street or highway.

Section 18. Operation by Persons 12 to 16 Years of Age. A person is 12 to 16 years of age may operate a snowmobile if any one of the following requirements is met:

- A. He or she is under the direct supervision of a person who is not less than 18 years of age.
- B. He or she has in his or her immediate possession a snowmobile safety certificate issued to him or her.
- C. He or she is on land owned or under the control of his or her parent or legal guardian.

Section 19. Accident; Notice; Report

- A. The operator of a snowmobile who is involved in an accident which results in an injury to, or the death of, any person or in property damage in an estimated amount of not less than \$100.00 shall immediately notify the police department.
- B. The police department shall complete a report of the accident on a form prescribed by the director of the Department of State Police and shall forward the report to that department. A copy of the accident report shall be retained by the police department or not less than three years.

Section 20. Selling or Offering for Sale.

- A. A person shall not sell or offer to sell in this State a snowmobile that is manufactured after July 1, 1978, unless it meets the minimum safety standards for snowmobile product certification of the snowmobile safety and certification committee's November 23, 1976, volume 3, entitled "Safety Standards for Snowmobiles for Product Certification," including detailed standard supplement and test specifications and procedures, covering machine sound levels, seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements.
- B. Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and which is approved by the Department of Natural Resources.
- C. Copies of the standards specified in subsection 1 of this section may be purchased for \$2.50 per copy from Snowmobile Safety and Certification Committee, Incorporated, Suite 850, South 1800 "M" Street, N.W., Washington, D.C. 20036 or from Michigan State Police, 7150 Harris Drive, Lansing,

Michigan 48913 at the same cost.

- D. The material in this section is incorporated by reference.

Section 21. Duties of Dealer; Liability Insurance.

- A. A dealer who rents, leases, or otherwise furnishes snowmobiles to the public shall maintain the snowmobiles so rented, leased, or furnished in safe operating condition. The dealer, his or her agents, or his or her employees shall explain the operation of the snowmobile being rented, leased, or furnished. If the dealer, agent, or employee believes that the person to whom the snowmobile is to be rented, leased, or furnished is not competent to operate the snowmobile with safety to himself or herself and to others, he or she shall refuse to rent, lease, or furnish the snowmobile.
- B. A dealer who rents, leases, or otherwise furnishes a snowmobile shall carry a policy of liability insurance subject to limits, exclusive of interests and costs, with respect to the snowmobile, as follows:
- (1) \$20,000.00 because of bodily injury to, or death of, one person in any one accident and subject to that limit for one person,
 - (2) \$40,000.00 because of bodily injury to, or death of, two or more persons in any one accident.
 - (3) \$10,000.00 because of injury to, or destruction of, property of others in any one accident.
 - (4) In the alternative, a dealer shall demand and be shown proof that the person renting, leasing, or being furnished a snowmobile carried a liability policy of at least the type and coverage specified in this subsection.

Section 22. Registered Number as Evidence of Operation by Owner. In a proceeding for a violation of this Ordinance involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of this offense.

Section 23. Stopping at Direction of Uniformed Police Officer; Violation; Identification of Official Law Enforcement Vehicle; Arrest Without Warrant; Procedures.

- A. The operator of a snowmobile who is given a visual or audible signal by hand, voice, emergency light, or siren by a police officer, who is acting in the lawful performance of his or her duty, which directs the operator to bring his or her snowmobile to a stop shall do so. An operator shall not willfully fail to obey the direction by increasing his or her speed, extinguishing his or her lights, or otherwise attempting to flee or elude the officer.

- B. The officer who gives the signal shall be in uniform. A vehicle or snowmobile that is used at night for purposes of enforcing this Ordinance shall be identified as an official law enforcement vehicle or snowmobile.

Section 24. Violation by Person Under 16 Years of Age. When the judge of a juvenile court determines that a person who is less than 16 years of age has violated this Ordinance, the Judge shall immediately report the determination to the Department of Natural Resources. The director of the Department of Natural Resources, upon receiving a notice of a determination pursuant to this subsection, may suspend the certificate without a hearing.

Section 25. Incorporation of State Law Regulating Snowmobiles by Reference. Part 821 of Act No. 451 of the Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, regulating snowmobiles, are incorporated herein by reference, including amendments thereof as amended from time to time, and that law shall control and have priority over subsections 1-24 hereof, which essentially set forth the current state law relative to snowmobile regulations.

SECTION 18. Penalties and Schedule of Fines

Ordinance No. 131 is amended to add Article XI, Penalties and Schedule of Fines shall read as follows:

Article XI. Penalties and Schedule of Fines

Section 1, Schedule of Parking Fines. Any person, firm, or corporation who violates the provisions of this Ordinance or any amendment thereto, including the owner, possessor or occupier of any premises within the City of Yale who allows or suffers such violation upon said premises, shall be responsible for having committed a municipal civil infraction, and shall be subject to the following fines:

- A. Overtime Parking: \$5.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$15.00 if paid thereafter.
- B. Handicapped Parking: \$50.00 in accordance with State of Michigan Public Act 51 of 1982, as amended, if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.
- C. Violation of Parking Restrictions Re: Street Snow Removal (Article III, Section 1 (B)): \$50.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.
- D. Unlawful Parking of Motor Vehicles on Public School Property Interfering With Loading, Unloading or Routing of Buses Or In Violation Of A Regulation As To The Same (Article VII, Section 1): \$50.00 if paid within ten workdays (Monday through Friday,

except holidays) from date of issuance of parking violation notice, and \$60.00 if paid thereafter.

- E. Other Unlawful Parking On Public School Property or Violation of Any Other Parking Regulation or Parking Restriction (Including Article V, Section 3, of this Ordinance). \$10.00 if paid within ten workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and \$20.00 if paid thereafter.

F. In addition, costs of the action may be imposed as provided by law.

Section 2. Fines and Penalties for Violations of Part 821 of Act No. 451. Any person who violates any provision of Part 821 of Act No. 451 of the Public Acts of 1994, as amended, being MCL 324.82101 to 324.82159, as amended, regulating snowmobiles, shall be subject to the fines and penalties set forth in said Part of said Act, and the same are incorporated herein.

Section 3. Fines and Penalties for Violations of any other Provisions of this Ordinance. Any other violation of this ordinance, including but not limited to violations on public school property within the City of Yale, is a civil infraction punishable by a civil fine plus costs to be taxed by the court, as provided by State law which is incorporated herein, except as to those violations which are misdemeanors per state law and punishable by fine and/or imprisonment per state law which are also incorporated herein by reference; provided however the City may not enforce any provision for which the maximum period of imprisonment is greater than 93 days.

SECTION 19. Construction

Ordinance 131 is amended to add an Article XII entitled "General Provisions"; a Severability clause is added as Section 1 and a Construction clause is added as Section 2, and shall read as follows:

Section I. Severability. Should any section, subsection, clause or phrase of this Ordinance be declared by the courts to be invalid or unacceptable, such holding shall not affect the validity or enforceability of the ordinance as a whole or of any part thereof, other than such parts so invalidated or declared unenforceable.

Section 2. Construction. Ordinance 131, as amended, is to be construed and coordinated with all other ordinances and codes of the City of Yale. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Conversely, whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed by this Ordinance, then the provisions of such other law or ordinance shall govern.

Section 3. Saving Clause. A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed

by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 20. Repeal of Ordinance Nos. 112B and 175 and Re Uniform Traffic Code For Cities, Townships and Villages.

Ordinances No. 112B and No. 175 (both Parking in Winter Months) are hereby repealed in their entirety. Any portion of Ordinance No. 131 referring to the Uniform Traffic Code for Cities, Townships and Villages is hereby repealed.

SECTION 21. Severability

Should any section, subsection, clause or phrase of this Ordinance be declared by the courts to be invalid or unacceptable, such holding shall not affect the validity or enforceability of the ordinance as a whole or of any part thereof, other than such parts so invalidated or declared

unenforceable.

SECTION 22. Effective

Date

This Ordinance shall become effective 20 days after publication as required by law.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that Ordinance No. 131C was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 9th day of September, 2002.

ORDINANCE 131 D

AN ORDINANCE TO AMEND ORDINANCE NO. 131, AS AMENDED, BEING THE CITY OF YALE ORDINANCE ESTABLISHING THE YALE POLICE DEPARTMENT, THE TICKET VIOLATIONS BUREAU, THE ORDINANCE VIOLATIONS BUREAU, AND REGULATING PARKING AND TRAFFIC WITHIN THE CITY OF YALE, IN CONJUNCTION WITH THE MICHIGAN VEHICLE CODE, INCLUDING PROVISIONS FOR THE ADOPTION OF TRAFFIC CONTROL ORDERS, IMPOUNDMENT OF VEHICLES, DESIGNATION OF PUBLIC PARKING ON PROPERTY OWNED BY THE CITY OF YALE, AND THE REGULATION OF PARKING THEREIN; REGULATING THE OPERATION, PARKING, AND THE SPEED OF MOTOR VEHICLES ON PUBLIC SCHOOL PROPERTY; REGULATING THE OPERATION OF SNOWMOBILES AND INCORPORATING STATE LAW REGULATING SNOWMOBILES; AND PROVIDING FOR PENALTIES FOR VIOLATIONS, A CONSTRUCTION CLAUSE AND SEVERABILITY CLAUSE.

THE CITY OF YALE ORDAINS:

SECTION 1. Amendment of Article III. Parking Regulations

Section 7, subparagraph (A) of Ordinance 131 is amended as follows:

- A. There shall be no parking on the north side of Park Avenue from the intersection with Main Street (M-19) west to the intersection with School Drive; provided, however, that parking shall be allowed on the north side of Park Avenue from the alley west of Main Street (M-19) west to Mill Creek Bridge on Sundays.

SECTION 2. Amendment Limitation

All provisions of Ordinance No. 131 not specifically amended hereby, shall remain in full force and effect.

SECTION 3. Severability Clause

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore other than the part declared to be invalid.

SECTION 4. Effective Date

This ordinance shall become effective 20 days after publication as required by law.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that Ordinance 131D was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City

Hall on the 28th day of June, 2004.

ORDINANCE 131 E

AN ORDINANCE AMENDING ORDINANCE 131 TO ESTABLISH SPEED LIMITS FOR THOSE PARTS OF PARK AVENUE AND NORTH STREET WHICH LIE WITHIN THE CITY LIMITS.

THE CITY OF YALE ORDAINS:

SECTION 1. Speed Limits

Article VI of Ordinance 131 is amended to add the following new section 5:

Section 5. Park Avenue and North Street.

The speed limit for any and all vehicles traveling eastbound or westbound on Park Avenue or North Street, between the west city limit to School Drive, and between Clarence Street and the east city limit, shall be 30 miles per hour. The speed limit for any and all vehicles traveling eastbound or westbound on Park Avenue or North Street, between School Drive and Clarence Street shall be 25 miles per hour.

SECTION 3. Amendment Limitation

All provisions of Ordinance No. 131 not specifically amended hereby, shall remain in full force and effect.

SECTION 4. Severability Clause

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore other than the part declared to be invalid.

SECTION 5. Effective Date

This Ordinance shall become effective 20 days after publication as required by law.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that Ordinance No. 131E was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 14th day of November, 2005.

ORDINANCE NO. 132

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE CITY OF YALE UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT (ACT 230 OF PUBLIC ACTS OF 1972).

THE CITY ORDAINS:

SECTION 1. Agency designated.

Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act 230 of the Public Acts of 1972, the mechanical official of the City of Yale is hereby designated as the enforcing agency to discharge the responsibilities of the City of Yale under Act 230 of the Public of 1972, State of Michigan. The City of Yale hereby assumes responsibility for the administration of said Act throughout its corporate limits.

SECTION 2.

All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3.

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 effect any other part or portion thereof other than the part declared void or inoperable.

SECTION 4.

This Ordinance shall be effective 20 days after publication.

Adopted: August 2, 1982

This ordinance duly adopted on August 2, 1982 at a regular meeting of the Yale City Council will become effective August 22, 1982.

ORDINANCE # 133

AN ORDINANCE TO PROVIDE FOR THE SAFE, CONVENIENT AND LAWFUL USE OF PUBLIC STREETS, SIDEWALKS AND RIGHT OF WAYS FOR ALL PEOPLE VISITING OR LIVING WITHIN THE CITY OF YALE AND TO PROVIDE FOR SAFE, CONVENIENT AND LAWFUL USE OF PRIVATE PROPERTIES BY THE OWNERS OR RENTERS OR OTHER AUTHORIZED USERS THEREOF, AND TO PROVIDE FOR A PENALTY THEREOF.

THE CITY OF YALE ORDAINS:

Section I. Purpose

This Ordinance is enacted to provide for the safe, convenient and lawful use of the public streets, sidewalks, and right of ways for all people visiting or living within the community and to provide for safe, convenient and lawful use of private properties by the owners or renters or other authorized users thereof.

Section II. Acts Prohibited

No person, firm, corporation or other entity shall:

1. Congregate or lounge on the sidewalks, streets or public right of ways or in doorways of buildings abutting the public sidewalks causing inconvenience to the owners or occupants of such buildings. Any person standing or sitting on any curb or sidewalk or in any doorway abutting the sidewalk causing concern, inconvenience or harassment to shoppers, store owners or passers by shall, when directed by a police officer, depart to his or her place of employment or residence or to some other legitimate endeavor at once. The usage of the public sidewalks by anyone including the employees of firms located adjacent to the business district or any public sidewalks or streets in the City for lounging or any other purpose that tends to discourage and inconvenience the use of public sidewalks and streets within the City of Yale is expressly prohibited.
2. Congregate, lounge or trespass on any private property within the City of Yale without permission of the owner or renter.

Section III. Violation and Penalties

Any person, firm or corporation or other entity or anyone acting on their behalf who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than Five Hundred (\$500.00) Dollars and the cost of prosecution thereof or by imprisonment in the county jail for a period not to exceed ninety (90) days or both, such fine, costs and imprisonment in the discretion of the Court. Each day that a violation is permitted to continue shall constitute a separate offense.

Section IV. Validity

This Ordinance and the various works, sections and clauses are hereby declared to be severable. If any word, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section V. Repeal

All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section VI. Effective Date

This Ordinance shall become effective 20 days after publication.

Adopted: October 4, 1982

ORDINANCE # 134

AN ORDINANCE TO DENY TAX EXEMPTION TO ALL CLASSES OF HOUSING PROJECTS WITHIN THE CITY BOUNDARIES PURSUANT TO MCLA 125. 1415A (1) AND (5), TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE, AND TO PROVIDE THAT THIS ORDINANCE SHALL BE EFFECTIVE WITH RESPECT TO HOUSING PROJECTS FOR WHICH AN EXEMPTION HAS ALREADY BEEN GRANTED ON DECEMBER 31ST. OF THE YEAR IN WHICH IT IS ADOPTED BUT NOT BEFORE.

THE CITY OF YALE ORDAINS:

Section 1.

This Ordinance shall be known as the Yale Tax Abatement Ordinance.

Section 2.

Pursuant to MCLA 125. 1415A (5), the tax exemption established in MCLA 125, 1415A. (1) shall not apply to any class of housing projects within the boundaries of the City of Yale to which said sub-section applies.

Section 3.

This Ordinance shall take effect 20 days after publication and shall be effective with respect to housing projects for which an exemption has already been granted on December 31ST of the year in which this Ordinance is adopted but not before. Copies of this Ordinance are available at the Yale City Hall during regular business hours.

Adopted: December 9, 1982

ORDINANCE 134 B

AN ORDINANCE AMENDING ORDINANCE NO. 130, AN ORDINANCE PASSED DECEMBER 7, 1981, TO GRANT CABLE TV FRANCHISES, TO SPECIFICALLY ADD A SECTION 21 THEREOF;

THE CITY OF YALE ORDAINS:

Section 1. That Ordinance No. 130, be amended by adding a new Section 21 to read as follows:

Section 21. Subsequent Assignment.

Condor Cable assigned the CATV Franchise to Satellite Management Group, Inc., a Michigan Corporation ("SMG"), on March 5, 1982, and the CATV Franchise was accepted in writing by SMG on the same date and became effective thirty (30) days later. SMG assigned its franchise rights to SMG Cable Fund I, a Michigan limited partnership ("Fund I"), on September 29, 1982, and the CATV Franchise was accepted by Fund I on the same date and became effective thirty (30) days later. Notwithstanding any other provision of this or any other ordinance, Company, without the approval of the City may 1) assign its rights under this CATV Franchise Ordinance and any implementing agreement to Satellite Management Group, Inc., a Michigan corporation ("SMG"), any subsidiary of SMG, or to any general or limited partnership in which SMG or one of its subsidiaries is a general partner, and 2) Company, or its assignee, may collaterally assign its rights under this CATV ordinance and any implementing agreements to any bank or other lender. However, Company shall promptly notify the City in writing of all such assignments.

Section 2. Except herein set forth, Ordinance No. 130 shall stand a first enacted.

Section 3. This Ordinance shall be effective on the date ratified by Fund I in writing after having been adopted by the City Council in accordance with applicable law.

Adopted February 7, 1983.

ORDINANCE # 135

AN ORDINANCE ESTABLISHING A SPEED LIMIT FOR TRAINS AND LIKE VEHICLES WITHIN THE CITY LIMITS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF, INCLUDING RESPONSIBILITY OF THE OWNER OR LESSEE OF A TRAIN OR LIKE VEHICLE.

THE CITY OF YALE ORDAINS:

Section 1.

It shall be unlawful for any engineer or other such person controlling a locomotive and/or railroad cars, or any other such vehicle designed to travel upon railroad tracks, to propel a locomotive, or other such vehicle, at a rate of speed in excess of 25 miles per hour within the City limits of the City of Yale.

Section 2.

The Company owning and/or leasing such locomotive, railroad cars, or any other such vehicle designed to travel upon railroad tracks, and the Company employing the engineer or other such person shall be responsible for a violation of Section 1 hereof and subject to the penalty provisions hereof.

Section 3.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be punished by a fine of not more than \$50.00.

Section 4.

Should any section, clause or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 5.

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed except those that are held to be more restrictive.

Section 6.

This Ordinance shall become effective upon publication as provided by law.

Adopted: November 7, 1983

ORDINANCE # 136

AN ORDINANCE TO ESTABLISH THE YALE CITY HALL AND CITY EMPLOYEES THEREIN AS THE PARKING VIOLATIONS BUREAU AND STAFF OF THE CITY OF YALE TO ACCEPT CIVIL INFRACTION ADMISSIONS IN PARKING VIOLATION CASES, AND TO COLLECT AND RETAIN FINES AND COSTS AS PRESCRIBED HEREIN, TO PROVIDE A PROCEDURE FOR THE ACCEPTANCE OF CIVIL INFRACTION ADMISSIONS AND DISPOSITION, INCLUDING THE EFFECT OF SECTION 321A OF THE MICHIGAN VEHICLE CODE, ACT 300 OF 1949 AS AMENDED [MSA 92021(1)] ON DRIVER'S LICENSES FOR FAILURE TO RESPOND TO SUCH VIOLATIONS AND EXEMPTING CERTAIN PERSONS WHEN SUCH EXEMPTION IS OTHERWISE PROVIDED FOR BY LAW.

THE CITY OF YALE ORDAINS:

Section 1.

- A. The Yale City Hall is hereby designated as the Parking Violations Bureau of the City of Yale; the Bureau is hereby established to accept civil infraction admissions in parking violation cases and to collect and retain civil fines and costs as prescribed herein. The personnel of the Bureau shall be and is hereby designated as the City employees regularly working at the Yale City Hall including the personnel of the Yale Police Department.
- B. The following schedule of predetermined fines for parking violations is hereby authorized to be collected by the parking violations bureau for violations beginning the effective date of this Ordinance:
 - 1. Overtime parking, two dollars (\$2.00) if paid within five (5) workdays (Monday through Friday, except holidays) from date of issuance of parking violation notice, and four dollars (\$4.00) is paid thereafter. Handicapped parking, twenty dollars (\$20.00) in accordance with State of Michigan Public Act 51 of 1982. The handicapped fine shall become effective on the date of this Ordinance.
 - 2. Violations of any other parking regulation or restriction, ten dollars (\$10.00).
- C. No violation not scheduled in paragraph B shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.
- D. No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking

violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any diminish the rights, privileges and protection accorded to him by law.

- E. The issuance of a parking violation notice by a police officer of the City of Yale shall be deemed an allegation of a parking violation. Such parking violation notice shall indicate the address of the parking violations bureau, the hours during which the bureau is open and the amount of the penalty scheduled for the offense for which the parking violation notice was issued. In accordance with the Michigan Vehicle Code, Act 300 of 1949, as amended, specifically, Section 321a [Michigan Statutes Annotated, Section 9.2021(1)] failure to respond to parking violations notices or citations regarding illegal parking could ultimately result in the refusal of the Secretary of State to issue or renew driver's licenses.

Section 2.

Persons exempted by the laws of the state or by the laws of the United States from depositing coins in parking meters and from observing parking time limits prescribed by local Ordinances, and who have qualified as being so exempted, shall be relieved from the effect of this Ordinance to the extent that such exemption so entitles them. This exemption shall not apply to the city off-street parking lots.

Section 3.

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 inopeable.

Section 4.

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

Section 5.

This Ordinance shall become effective 20 days after publication as provided by law.

Adopted: December 19, 1983

ORDINANCE NO. 140

AN ORDINANCE TO CHANGE THE COMPOSITION OF THE YALE TAX BOARD OF REVIEW PURSUANT TO ACT 149 OF 1984 WHICH ALLOWS THE CITY TO ESTABLISH A CITY BOARD OF REVIEW IN THE SAME MANNER AS TOWNSHIPS AND FOR THE SAME PURPOSES.

THE CITY OF YALE ORDAINS:

SECTION 1. Establishment of Board of Review as Provided by Law for Townships.

In lieu of the provisions of the Fourth Class City Statutes, the same presently being the Charter of the City of Yale, the City Tax Board of Review shall hereafter be established in the same manner and for the same purposes as a township board of review pursuant to MCL 211.28(2), as the same may be amended from time to time and which presently provides as follows:

- A. The City Council may appoint three, six or nine electors of the City who shall constitute a Board of Review for the City. If six or nine members are appointed, the membership of the board of review shall be divided into board of review committees consisting of three members each for the purpose of hearing and deciding issues protested to the board of review. Two of the three members of a board of review committee shall constitute a quorum for the transaction of business of the committee. All meeting of the members of the board of review and committees shall be held during the same hours of the same day at the same location.
- B. A majority of the entire board or review membership shall endorse the assessment role. The duties and responsibilities of the board except as otherwise provided herein shall be carried out by the entire membership of the board of review and a majority of the membership shall constitute a quorum for such purposes.
- C. At least two-thirds of the members of the board of review shall be property taxpayers of the City. Members appointed to the board of review shall be for terms of two years beginning at noon on January 1 of each odd number years. Each member of the board of review shall qualify by taking the constitutional oath of office within 10 days after appointment. The City Council may fill any vacancy which shall occur in the membership of the board of review. A member of the City Council shall be eligible to serve on the board or to fill any vacancy. A majority of the board of review shall constitute a quorum for the transaction of business, but a lesser number may adjourn and a majority vote of those present shall decide all questions. At least two members of a three member board of review shall be present to conduct any business or hearings of the board of review.

SECTION 2. Construction of Ordinance.

It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or with any rules or regulations previously adopted or issued or which shall be adopted or issued including the City Charter except as to those provisions prescribing the size, composition and manner of appointment of the City Tax Board of Review which are repealed to the extent of any conflict herewith.

SECTION 3. Severability.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or sub-section 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.

SECTION 4. Effective Date.

This ordinance shall become effective 20 days after publication as provided by law.

Adopted April 7th, 1986

ORDINANCE #141

DRUG PARAPHERNALIA

(A) The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of state or local law. It includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substance;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any pieces of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride mannitol, marmite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sitters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injected controlled substances in the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, *cocaine*, *hashish*, or hashish oil into the human body, such as:
 - (a) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or

- without screens, permanent screens, hashish heads, or punctured metal bowls;
- (b) water pipes;
 - (c) carburetion tubes and devices
 - (d) smoking and carburetion mask
 - (e) roach clips: meaning objects used to hold burning materials, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (f) miniature cocaine spoons and cocaine vials;
 - (g) chamber pipes;
 - (h) carburetor pipes;
 - (i) electric pipes;
 - (j) air-driven pipes;
 - (k) chillums;
 - (l) bongs;
 - (m) ice pipes or chillers.

(B) In determining whether an object is "drug paraphernalia", a court or other authority should consider in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the objects concerning its use;
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substances;
- (3) The proximity of the object, in time and space, to a direct violation of state law;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, intends to use the object to facilitate a violation of state or local law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of state law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (7) Instruction, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community.
- (14) Expert testimony concerning its use.

SECTION II: POSSESSION OF DRUG PARAPHERNALIA.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state or local law.

SECTION III: MANUFACTURE, DELIVERY OR SALE OF DRUG PARAPHERNALIA

It is unlawful *for any person to deliver*, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state law.

SECTION IV: ADVERTISEMENT OF DRUG PARAPHERNALIA.

It is unlawful for any person to place in any newspaper, magazine, handbill, sign, poster, or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

SECTION V: EXCEPTIONS.

This ordinance shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists, and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

SECTION VI: CIVIL FORFEITURE.

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this article shall be seized and forfeited to the CITY OF YALE.

SECTION VII: PENALTY.

Any person who shall be convicted of violating any of the provisions of this ordinance, except as specified in Section (VIII) shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment not to exceed ninety (90) days, or both, in the discretion of the court. Each day a violation continues shall be considered a separate offense and may be punished accordingly.

SECTION VIII: DELIVERY OR SALE TO A MINOR.

An individual 18 years of age or over who violates section (III) by delivering or selling, to an individual under 18 years of age, drug paraphernalia, knowing that it will be used to plant, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of state law shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$250 nor more than \$500, and by imprisonment of not less than three (3) days nor more than ninety (90) days, in the discretion of the court.

SECTION IX: SEVERABILITY.

If any section, subsection, clause, phrase or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION X: EFFECTIVE DATE.

Adopted December 1, 1986.

ORDINANCE NO. 144

AN ORDINANCE REGULATING THE USE OF ALCOHOLIC BEVERAGES AND DRUGS AT OPEN HOUSE PARTIES, DEFINING CERTAIN TERMS AND IMPOSING PENALTIES.

THE CITY OF YALE ORDAINS:

SECTION 1. Definitions.

For the purpose of this Ordinance, the following terms shall be defined as follows:

- A. Adult means a person seventeen (17) years of age or older.
- B. Alcoholic beverage means any beverage containing more than 1/2 of 1% of alcohol by weight. The percentage of alcohol by weight shall be determined in accordance with the provisions of Michigan Compiled Laws, Section 436.2, as the same may be amended from time to time.
- C. Minor means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to Michigan Compiled Laws 436.33b, as the same may be amended from time to time.
- D. Residence means a home, apartment, condominium or other dwelling unit and includes the curtilage of such dwelling unit.
- E. Open house party means a social gathering of persons at a residence other than the owner or those with rights of possession or their immediate family.
- G. Drug means a controlled substance as defined now or hereafter by the Public Acts of the State of Michigan. Currently, such controlled substances are defined by Act No. 196 of the Public Acts of 1971, as amended, being Sections 335.301 to 335.367 of the Michigan Compiled Laws.
- H. Control means any form of regulation or dominion including a possessory right.

SECTION 2. Responsibility of Adult having Control of Residence.

No adult having control of any residence in the City of Yale shall allow an open house party to take place at said residence if any alcoholic beverage *or drug* is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug at said residence.

SECTION 3. Exception.

The provisions of this Ordinance. shall not apply to legally protected religious observances or legally protected educational activities.

SECTION 4. Penalties.

The penalties for violation of this Ordinance shall be as follows:

A. For the first violation, a fine not exceeding \$500.00 or imprisonment in the county jail for a term not to exceed 30 days or by both such fine and imprisonment

B. For subsequent violations, a fine not exceeding \$500.00 or imprisonment in the county jail for a term not to exceed 90 days or by both such fine and imprisonment.

SECTION 5. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 6. Severability.

Should any section, subdivision, clause or phrase of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

SECTION 7. Effective Date

Adopted by the City Council March 10, 1988

ORDINANCE NO. 145 (AS AMENDED)

AN ORDINANCE TO PROVIDE A SPECIAL ASSESSMENT PROCEDURE TO BE USED, INCLUDING THE TIME WHEN SPECIAL ASSESSMENTS MAY BE LEVIED, THE KINDS OF LOCAL PUBLIC IMPROVEMENTS FOR WHICH A HEARING IS REQUIRED UNDER THE RESOLUTION LEVYING SPECIAL ASSESSMENTS, THE PREPARING OF PLANS, SPECIFICATIONS, ESTIMATED COSTS, THE PREPARATION, HEARING, AND CORRECTION OF THE SPECIAL ASSESSMENT ROLL, THE COLLECTION OF SPECIAL ASSESSMENTS, THE ASSESSMENT OF SINGLE LOTS OR PARCELS AND OTHER MATTER CONCERNING THE MAKING OF IMPROVEMENTS BY SPECIAL ASSESSMENT, INCLUDING AUTHORIZATION OF ADDITIONAL ASSESSMENTS, REFUNDING OF CERTAIN EXCESS ASSESSMENTS, ESTABLISHING A DEBT AGAINST THE OWNER OF SAID PREMISES, AND PROVIDING FOR A LIMITATION OF ACTIONS RELATIVE TO CHALLENGING ANY SPECIAL ASSESSMENT, DEFINING CERTAIN TERMS AND PROVISIONS FOR CUMULATIVE REMEDIES.

THE CITY OF YALE ORDAINS

SECTION 1. Definitions

For the purpose of this ordinance, the following definitions shall apply:

A. Cost. The term cost when referring to the cost of any public improvement shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction and legal fees and all other costs incidental to the making of such improvement, the special assessments therefor and the financing thereof.

B. Public Improvement. The term public improvement shall mean any public work or public improvement for which any part of the cost is to be assessed against one or more lots or parcels to be specially benefited thereby.

SECTION 2. General Authority for Assessments

The entire cost and expense or any part thereof of all public improvements may be defrayed by special assessment upon the lands specially benefited by the improvement in the manner provided in this ordinance.

SECTION 3. Initiation of Proceedings -- By Petition of Property Owners

Initiation of public improvements may be by petition to the City Council, signed by property owners whose property is subject to being benefited. Such petition shall be printed on forms approved by the City Attorney and shall set forth the location, extent and character of the desired public improvement. All petitions for public improvements shall be referred to the City Clerk for report and recommendation. After receiving the City Clerk's report and recommendation, the City Council shall proceed in the same manner as provided herein for public improvements initiated by the city council.

SECTION 4. Initiation of Proceedings - By City Council

Proceedings for making public improvements and defraying the entire cost or any part thereof by special assessment may be initiated by resolution of the city council.

SECTION 5. City Clerk's Investigation and Report

A. Whenever the City Council shall determine to make any public improvement and defray the entire cost and expense thereof or any part thereof by special assessment, the council shall, by resolution, direct the city clerk to make an investigation of the proposed public improvement and report the clerk's findings to the council.

B. The city clerk's report referred to in subsection A above shall include an analysis of the estimated cost of the proposed public improvement and plans and specifications for the public improvement. There shall also be included recommendations as to the following:

1. The portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the city at large;
2. The extent of the improvement and boundaries of the district;
3. The number of installments in which assessments maybe paid; and
4. Any other facts or recommendations which will aid the council in determining whether the improvement shall be made and how the same shall be financed.

SECTION 6. Tentative Determination by Council; Direction to Prepare Assessment Roll

Upon receipt of the report by the City Clerk referred to in Section 5, if the council shall determine to proceed with the improvement, it shall, by resolution, accept the city clerk's report and direct the filing of the same. In addition, by such resolution, the council shall tentatively determine to proceed with the public improvement, tentatively determine the necessity thereof and set forth the nature thereof, tentatively designate the limits of the special assessment district to be affected and describe the lands to be assessed, tentatively determine the part or portion of the cost of the public improvements to be paid by the lands specially benefited thereby and the part or portion, if any, to be paid by the city at large for benefit to the city at large, the part or proportion of the cost to be borne by the lands specially benefited according to the benefits received and to report the same to the council.

SECTION 7. Filing of Assessment Roll; Fixing Time for and Giving and Giving Notice of Public Hearing

When the special assessment roll has been reported to the council, it shall order the same filed in the office of the city clerk for public examination along with the report of the city clerk required to be made pursuant to Section 4 and 5, and shall fix a date, time and place when the council shall meet to finally determine the necessity of the improvement, composition of the district and to review the roll and to hear complaints. The city clerk's report and the assessment roll shall be open to public inspection for a period of seven days before the hearing required by this section. The city clerk shall give notice of the hearing by the council to determine the necessity for the improvement, composition of the district and review the special assessment roll and to hear complaints, by publication at least once in a newspaper printed and circulated in the city at least ten days prior to the time of the meeting, and shall further cause notice of the meeting to be mailed by first class mail to each property owner in the special assessment district, as shown by the current assessment rolls of the city, at least ten days prior to the time of the hearing, the notice to be mailed to the names and addresses shown on the current assessment rolls of the city. Such notice shall state that the plans, estimate of cost and special assessment rolls are on file with the city clerk.

SECTION 8. Conduct of Hearing; Second Hearing Required for Certain Changes

The council shall meet and hear objections to a proposed public improvement, to the special assessment district and the special assessment roll therefor at the time and place appointed or

at any adjourned meeting thereof and shall consider any objections thereto. The council may revise, correct or amend the plans, estimates of cost, special assessment district and special assessment roll. If any changes are made which result in additions to the special assessment district or increases in the special assessment roll, then a second hearing shall be held with respect to the changes and notices of such hearing shall be given in the same manner as required for the first hearing.

SECTION 9. Action by Council Following Public Hearing; Finality of Assessment Roll

After the hearing, or second hearing if required, as provided for in Section 8, the council may, by resolution, determine to proceed with the public improvement, set forth the nature thereof, designate the limits of the special assessment district to be affected and describe the lands to be assessed, finally determine the part or portion of the cost of the public improvement to be paid by the lands specially benefited thereby and the part or portion, if any, to be paid by the city at large for benefit to the city at large. The council may also confirm the special assessment roll with such corrections as it may have made, if any, or may refer it back to the city assessor for revision, or may annul it or any proceedings in connection therewith. The city clerk shall endorse the date of confirmation upon each special assessment roll. Such roll shall be, upon ratification, and confirmation, final and conclusive.

SECTION 10. Required Vote in Case of Objections

If at or prior to the hearing by the city council, the owners of more than one-half of the property to be assessed based upon the basis of assessment, such as frontage, shall object in writing to the improvement, assessment shall not be made without an affirmative vote of five of the council elect.

SECTION 11. Creation of Lien; When Due; Installment Payments

All special assessments contained in any special assessment roll, including any part thereof to be paid in installments, shall, from the date of confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land as a debt to the city from the persons to whom they are assessed. Such lien shall be of the same character and effect as the lien created by the City Charter for city taxes and shall include accrued interest and fees. No judgment or decree nor act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as, by a regular mode of proceeding, might be lawfully assessed thereon. All special assessments shall become due upon confirmation of the special assessment roll or in annual installments, not to exceed twenty in number, as the council may determine at the time of confirmation, and if in annual installments, the council may determine the first installment to be due upon confirmation or upon any other date the council may prescribe, and the subsequent installments annually thereafter. Deferred installments shall bear interest at such rate as the council may prescribe.

SECTION 12. Collection

Whenever any special assessment roll shall be confirmed and be payable, the council shall direct the city clerk to transmit the assessment roll to the city treasurer for collection. The city treasurer shall mail statements of the several assessments to the respective owners of the several lots and parcels of land assessed, as indicated by the records of the city assessor, stating the amount of the assessment and the manner in which it may be paid; provided, however, failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment; provided further, the Council may grant an extension of ten (10) days

from the date of any late mailing, within which payment may be made and all or a portion of the penalty and interest may be waived for that portion of the delinquency and interest, if any, caused by the late mailing only. The whole or any part of such assessment may be paid in full at any time after the date of confirmation of the special assessment roll until such time as the council shall prescribe, without interest or penalty. Each special assessment shall be collected by the city treasurer with the same rights and remedies as provided for the collection of taxes, except as otherwise herein provided. All collection fees shall belong to the city and be collectible in the same manner as the collection fee for city taxes.

SECTION 13. Fees and Interest

After the expiration of the period provided for in Section 12 for payment without interest or fees, any installment may be discharged by paying the face amount thereof together with fees and interest thereon from the date of confirmation to the date of payment.

SECTION 14. Additional Assessments

Should the assessments on any special assessment roll, including the amount assessed to the city at large, prove insufficient for any reason to pay the cost of the improvement for which they were made, then the council may make additional pro rata assessments to supply the deficiency against the city and the several lots and parcels of land in the same ratio as the original assessments, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement.

SECTION 15. Refunds

Should the special assessment or the proceeds of sale of any special assessment bonds prove larger than necessary to meet the costs of the improvement or to meet the principal and interest requirements of any special assessment bonds and expenses incidental thereto, the excess shall be placed in the city treasury. If 5 percent or more, the excess shall be returned pro rate according to the assessments, except as otherwise specifically provided. No refunds may be made which contravene the provisions of any evidence of indebtedness secured in whole or in part by such special assessments.

SECTION 16. Division of Lots After Confirmation of Assessment

Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the city assessor shall apportion the uncollected amounts upon the several lots and lands so divided, and shall enter the several amounts as amendments upon the special assessment roll. The city treasurer shall, within ten days after such apportionment, send notice of such action to the persons concerned, at their last known address, by first class mail. Such apportionment shall be final and conclusive on all parties unless protest in writing is received by the city treasurer within 20 days of the mailing of the aforesaid notice. The name and address of the persons shall be those set forth on the current assessment rolls of the city.

SECTION 17. Assessment Defects

Whenever the council deems any special assessment invalid or defective, or whenever a court adjudges an assessment to be illegal in whole or in part, the council may cause a new assessment to be levied for the same purpose, whether or not the improvement or any part thereof has been completed, or any part of the special assessment collected. All proceedings on such

reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment. If any portion of the original special assessment is collected and not refunded, it shall be applied upon the reassessment, and the reassessment shall, to that extent, be deemed satisfied. If more than the amount reassessed is collected, the balance shall be refunded to the person making such payment. If in any action it shall appear that, by reason of any irregularities or informalities the assessment has not been properly made against the person assessed or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the person assessed or the lot or premises in question, render judgment for the amount properly chargeable against such person or upon such lot or premises.

SECTION 18. Additional Procedure

In any case where the provisions of this ordinance may prove to be insufficient to carry into full effect the making of any improvement or the special assessment therefor, the city council may provide any additional steps or procedure required to effect the improvement by special assessment in the resolution declaring the determination of the city council to make such improvement in the first instance.

SECTION 19. Single Lot Assessments - Generally

A. When any expense shall be incurred by the City upon or in respect to any separate or single lot, parcel of land or premises, which, by the provisions of any law, charter, or ordinance, including but not limited to the Blight Ordinance and the Sidewalk Ordinance, the Council is authorized to charge and collect as a single lot special assessment against the same, and which is not of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, together with administrative including costs of enforcement, legal, engineering or other pertinent costs or expenses, shall be reported to the City Council in a manner it prescribes. The accounting reported to the Council shall include a description of the lot or premises on or in respect to which the expense was incurred, the name of the owner or person chargeable therewith, and the costs and expenses and the services performed. The provisions of the preceding sections of this Ordinance with reference to pro rata special assessments generally, and the proceedings necessary to be had before making the improvement, shall not apply to single lot assessments contemplated in this section. Substantial compliance with procedures for single lot assessments shall be deemed sufficient for all purposes herein.

A. The city council, after review of the single lots assessment account, shall determine what amount or part of every such reported expense shall be charged, and the premises upon which the same shall be levied as a single lot special assessment. As often as the city council may deem it expedient, it shall require all of the several amounts so reported and determined and the several lots or premises chargeable therewith respectively to be reported by the city clerk to the city assessor, who shall spread such amounts against the real property chargeable therewith on the next tax roll for the collection of general city taxes.

SECTION 20. Single Lot Assessments - Prior or Subsequent Approval of Expenses

Notwithstanding the procedure set forth herein, the Council may elect to approve estimates of costs prior to the work or services being performed or incurred as to single lot special assessments. Single lot assessments shall be applicable generally to violations of the Blight Ordinance and the procedures therein may be used if substantially the same as set forth herein and

constituting compliance with this Ordinance as to single lot special assessments based upon Blight Ordinance violations.

SECTION 21. Procedure for Collection of Expenses Incurred by City Which are Assessable Against Private Property.

When any expense shall have been incurred by the City upon or in respect to any single premises, which expense is chargeable against such premises and the owner thereof under the provisions of the Charter, any ordinance of the City or other law, and is not of that class required to be prorated among several lots and parcels of land in a special assessment district, an account of the labor, material expenses and service for which such expenses were incurred, with a description of the premises upon or in respect to which the expenses were incurred, and the name of the owner, if known, or the name appearing on the current tax roll, shall be reported to the City Treasurer, who shall immediately charge and bill the owner, as set forth on the current tax rolls or any other owner, if known. The city clerk shall, at such times as the clerk may deem advisable, direct the preparation of a special assessment roll covering all such charges which shall not have been paid. Such roll shall be filed in the city clerk's office and shall be presented to the city council for confirmation as a single lot assessment.

SECTION 22. Method of Service of Notices Where Certain Expenses Incurred by City are Assessable Against Private Property.

Notice regarding sidewalk construction or repairs, dangerous structures, abating nuisances or any other act, the expense of which, if performed by the city, may be assessed against the premises under the provisions of this Ordinance shall be served:

- A. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business, with some person of suitable age and discretion, or
- B. By mailing the notice by certified or registered mail, to such owner at his last known address, or
- C. If the owner is unknown, by posting the notice in some conspicuous place on the premises for five days;
- D. Such other reasonable notice as provided by any other pertinent Ordinance, such as the Blight Ordinance for blight violations and abatement thereof.
- E. Owner for purposes of this Ordinance shall be defined as the name and address as set forth on the current tax rolls.

SECTION 23. Remedies Cumulative

After the date of confirmation of any resolution levying a special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the premises subject thereto, and that amount shall also be a debt of the person to whom assessed until paid, and in case of a delinquency, may be collected as delinquent city property taxes or by a suit against the person, or by both methods until collected, or by any other lawful means, all of these being cumulative.

SECTION 24. Limitation of Action Contesting A Special Assessment or the Collection Thereof

An action of any kind shall not be instituted by any person for the purpose of

contesting or enjoining the collection of any special assessment unless a protest has been made at the public hearing and unless that action is commenced within 30 days after confirmation of the roll.

SECTION 25. Severability

Should any section, clause or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 26. Repealing Clause

All ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION 27. Effective Date

This Ordinance and the amendment to this Ordinance were all effective 20 days after publication of this Ordinance and the amendment.

Certification

Ordinance 145 was amended by Ordinance 145-A, and the amendment thereto was lawfully adopted and published.

ORDINANCE NO. 147

AN ORDINANCE TO PROHIBIT NUISANCES, TO DESIGNATE ONE OR MORE OF THE SAME SPECIFICALLY OR GENERALLY, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION HEREOF.

THE CITY OF YALE ORDAINS:

SECTION 1. Enumeration of Public Nuisances

Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public, interferes with or destroys or renders dangerous any street, highway or navigable stream, allows accumulation of junk or obnoxious materials on private property or in any way renders the public insecure in life or property is hereby declared a Nuisance. Public shall include but shall not be limited to, whatever is forbidden by any provision of this ordinance and the common and statute law of State.

SECTION 2. Certain Noises Prohibited; Exceptions

A. Among others, each of the following Acts is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive, namely:

1. Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion or, if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended. The creation by means of any such signal device of any unreasonably loud or harsh should; and the sounding of such device for an unnecessary and unreasonable period of time.
2. Radio and Musical Instruments. The playing of any radio, television, phonograph, tape deck, compact disc or musical instrument in such a manner or with such volume, particularly, but not limited to, during the hours between 11:00 P.M. and

7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any person in the vicinity.

3. Shouting and Whistling. Yelling, shouting, hooting, whistling or singing or the making of any loud noise on the public streets and sidewalks between the hours of 11:00 P.M. and 7:00 A.M. or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type residence or of any person in the vicinity.
4. Animal and Bird Noises. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any person.
5. Whistle or Siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.
6. Engine Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud and/or explosive noises therefrom.
7. Construction Noises. The erection, excavating, demolition, alterations or repair of any kind of building or excavation of streets and highways, other than between the of 10:00 P.M. and 6:00 A.M. unless otherwise approved by the Building Inspector.
8. Handling Merchandise. The creating of an excessively loud noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
9. Devices to Attract Attention. The unreasonable use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention.
10. Noise or Commotion in Vehicles. To make unnecessarily loud noises in vehicles, whereby the peace and good order of the neighborhood are disturbed.
11. Sound Truck. To unreasonably operate or cause to be operated a sound truck with radio or amplifier within the city.

B. Exceptions. None of the prohibitions herein shall apply to or be enforced against:

1. Any authorized emergency vehicle when responding to an emergency call.
2. Necessary excavations or repairs of bridges, streets or highways by or on behalf of the City, County, or State during the night when public safety, welfare, and convenience renders it impossible to perform such work during the day.
3. The reasonable use of stationary amplifiers or loud speakers in the course of public addresses.

SECTION 3. Penalties.

Any person, firm, corporation or other entity or anyone acting on their behalf who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than \$500.00 and the cost of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both, such fine, cost and imprisonment in the discretion of the court.

SECTION 4. Severability

Should any section, clause, paragraph or other part of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part thereof other than the specific part declared to be invalid.

SECTION 5. Clause Re: Interpretation of Ordinance

This ordinance is to be interpreted in conjunction with all other applicable laws. Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern. Conversely, whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed by this ordinance, then the provisions of such other law shall govern.

SECTION 7. Effective Date

This ordinance shall become effective 20 days after publication.

Adopted August 14, 1989

ORDINANCE 149

AN ORDINANCE REQUIRING THE LICENSING OF SOLICITORS AND REGULATING THE SAME, TO PROVIDE FOR AND REGULATE A SPECIAL EVENT PERMIT WITHIN DESIGNATED PORTIONS OF THE CITY OF YALE, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY ORDAINS:

SECTION 1. Solicitor Defined

The word “solicitor” as used in this ordinance shall include any individual, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from house to house, taking or attempting to take orders for sale of goods, wares, and merchandise, books or magazine, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, and such definitions shall include any payments on such sales or not, and such definitions shall include any person whom for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery. The word “solicitor” shall include the word “canvasser”.

SECTION 2. Permit Required

No person shall engage in the business of solicitor within the City of Yale without first obtaining a license therefor from the clerk of the City.

SECTION 3. User Permit

Upon application the Yale City Council shall review and may issue an exclusive Special Event Permit for certain areas of the City of Yale relative to the use thereof by any one person or organization for a special event or project.

SECTION 4. License and Permit Application

An application for a license or Special Event Permit shall be filed with the City of Yale upon a form supplied by the City which shall include the following information, except that (8) through (10) shall apply only to a solicitors license application:

- 1. Name and description of applicant.**
- 2. Permanent home address and full local address of the applicant.**
- 3. A brief description of the nature of the business and the good to be sold, if any.**
- 4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.**
- 5. The length of time for which the right to do business is desired.**
- 6. If applicable, the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery. As to a Special Event Permit only, the specific area of the City for which the Permit is requested shall be clearly described with a sketch attached.**
- 7. Applicant will be required to sign a "Privacy Act Release" Authorization form and the same shall be attached to the application.**
- 8. A photograph of the applicant, taken within sixty (60) days immediately prior to date of the filing of the application, which picture shall be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.**

9. **The fingerprints of the applicant and the names of at least two reliable property owners of the County of St. Clair, State of Michigan, who will certify as to the applicant's good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.**
10. **A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.**

SECTION 5. License and Permit Fee

- A. **The fee for a solicitor's license or a renewal thereof shall be \$3.00 for any calendar year or lesser portion thereof for each individual and shall be paid with the application.**
- B. **The fee for a Special Event Permit shall be \$3.00 per permit, and shall be paid at the time the application is submitted.**

SECTION 6. Exempt Persons

The following persons or organizations shall be exempt from the licensing requirements of this ordinance:

1. **Persons soliciting as a duly authorized representatives or agents of any church or charitable organization or of any political group seeking funds or membership or contacting members or electors.**
2. **Persons traveling on an established route at the request, expressed or implied, of their customers.**
3. **Newspaper sales persons.**
4. **Sales persons calling on business establishments.**
5. **Any person under 18 years of age or engaged in soliciting in the neighborhood**

of their residence under the direct supervision of any school or recognized charitable or religious organization.

SECTION 7. Term and Conditions of License and Permit

- A. Persons licensed under this ordinance are required to exhibit their licenses at the request of any citizen and any such license shall be limited to a term of one calendar year or less and may be renewed thereafter.**

- B. The Special Event Permit shall be limited to a 72 hour period or less and no more than one permit shall be issued to**

AN ORDINANCE TO ESTABLISH CERTAIN CHARGES FOR FIRE DEPARTMENT SERVICES, TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES INCLUDING LIENS AND ADDING SUCH CHARGES TO THE TAX ROLLS AS BEING IN THE NATURE OF A SPECIAL ASSESSMENT, AND TO PROVIDE EXEMPTIONS THEREFROM AND A REVIEW AND APPEAL PROCESS.

THE CITY OF YALE ORDAINS:

SECTION 1. Purpose

The purpose of this Ordinance is to provide for certain charges for fire protection services provided by the City of Yale to help defray the overall cost of the fire department.

SECTION 2. Charges

A...Subject to subparagraph B, a charge of \$450 shall hereafter be due and payable to the City from a recipient of such fire protection services. For purposes of this Ordinance, the recipient shall be deemed to include the owner and/or person in possession and control of any real estate, building, vehicle, or other structure or personality in or upon which a fire truck responds, including false alarms.

B...The charge for a false alarm shall be \$200.

C...In addition to any other charge herein, the cost of the collection of a fire charge, including the City's administrative overhead costs, attorney fees, etc. shall be added to the same if not voluntarily and timely paid.

D...The charges set forth herein may be changed from time to time by the City Council, by Resolution.

E...All charges collected pursuant to this Ordinance shall be deposited in the Equipment Fund for the exclusive purpose of equipment purchases for the Fire Department.

SECTION 3. Time for Payment for Run

The initial determination of the charges due, including costs, and the persons or

property liable therefore shall be determined by the Fire Chief; such charges shall be due and payable within thirty (30) days from the mailing of the bill for the services rendered and in default of payment may be collectible through proceedings in District Court or in any other court of competent jurisdiction as a delinquent debt, and/or in the case of real or personal property on the tax rolls, such charges may be added to the tax rolls and collected in the same manner and nature as a special assessment, as provided in Section 5 (B). The Fire Chief shall administer and interpret this Ordinance subject to Section 8.

SECTION 4. Exemptions

The following properties and services shall be exempt from the foregoing charges:

A....Fires involving City buildings, grounds and/or property.

B....Fire service performed outside the jurisdiction of the City under a mutual aid contract with an adjoining municipality.

SECTION 5. Lien Rights

- A. Additionally, where land or other property of value remains following a fire call by the City Fire Department, the City shall hereby have a lien upon the same to secure the payment of the foregoing rates and charges due to the City resulting from such fire protection service being provided or available. Such lien shall remain upon the property until the charges have been paid in full and may be foreclosed by the City to secure such charges in the same manner as the foreclosure of a mortgage under the laws and statutes of the State of Michigan existing at the time of such foreclosure.
- B. The foregoing lien rights shall not preclude the City from proceeding in district court by suit to collect those monies or any portion of monies remaining unpaid or by collecting such amounts by adding the same to the tax roll, if applicable, in the nature of a special assessment; provided however, prior to adding any such charges and/or costs as provided herein to the tax roll, the same shall be submitted to the City Council for approval with notice to the persons liable therefor, including opportunity to present any objections to the charge to their liability. Such charges, including costs, may then, if appropriate, be added to the tax roll if so directed by the City Council in an amount and upon such property as is determined and confirmed by the City Council.

SECTION 6. Nonexclusive Charge

The foregoing rates and charges shall not be exclusive of the charges that may be made by the City for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by the City through general taxation under any lawful method established under Michigan Statutes. General fund appropriations may also be made to cover such additional costs and expenses. All rights and remedies herein are cumulative. To the extent that state or Federal law or other City ordinances impose additional or higher rates and charges, if any, or other or additional liability, the additional rates and charges or higher rates and charges, and liability therefor pursuant to other law, such as Act 307 of 1982, shall continue and the same shall be due and owing pursuant thereto, with credit given for any rates and charges paid pursuant to this Ordinance, if any. This ordinance shall not be construed as a limitation or waiver of such other law, such as Act 307 of 1982.

SECTION 7. Multiple Property Protection and Appeal

- A. Where a particular service rendered by the City Fire Department directly benefits more than one person or property, the owner of each property so benefitted and each person so benefitted where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is the responsibility of the Fire Chief in accordance with Section 3 of this Ordinance.
- B. No charge for any ambulance services is included herein. Any charges for an ambulance responding to a location, to which the fire department has been summoned, shall be billed by the Ambulance Director separate and independent of any charges herein.

SECTION 8. Appeals

- A. The interpretation of this Ordinance and imposition of the charges provided for in this Ordinance are subject to appeal as set forth in Section 8, within the time limits for payment to the City Council and shall be administered so that charges shall only be collected from the recipients of the service, including false alarms.

- B. Any person aggrieved by a charge against them may appeal the charge within thirty (30) days from the mailing of the bill for services by filing with the City Clerk, their appeal, setting forth the reasons for their appeal.
- C. The Clerk shall notify the appellant, in writing, of the time, place, and date the City Council will hold a hearing on their appeal.
- D. The Council may grant relief on appeal for any of the following reasons, upon submission of evidence to support the claim:
 - 1. The fire run was exempt.
 - 2. The fire was under permit (if a permit is required), and was under control and was contained entirely on the owner's property, and was not threatening neighboring property and when the Fire Department was called by a person other than the property owner.
 - 3. For other good cause with sufficient proof, including but not limited to waiving charges for a false alarm when the fire department is called by a person other than the property owner without any reasonable basis for the call.
- E. The Council may grant financial relief from the charges by extending the time for payment for a period not to exceed one (1) year, or under hardship, to grant partial or total relief from the obligation. Hardship may be determined on the basis of a person's financial situation, together with any other unusual circumstances where the consequences of payment would work a clear deprivation to the owner or his dependents or would otherwise be clearly unwarranted and unfair.
- F. Under no circumstances may relief be granted under Sections 8B and 8E, above, where the asset of insurance coverage is available. If there is a dispute as to coverage, and relief is otherwise justified, the owner shall assign his rights.

SECTION 9. Severability

Should any section, clause or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 10. Effective Date

This Ordinance shall take effect 30 days after publication.

Certification

I, Linda M. Cronin, Clerk of the City of Yale, do hereby certify that this Ordinance No. 159 was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 4th day of May , 1992.

ORDINANCE NO. 182-A

AN ORDINANCE TO AMEND ORDINANCE NO. 159, BEING THE CITY OF YALE FIRE CHARGES ORDINANCE, TO SPECIFY AND TO AMEND CERTAIN CHARGES

THE CITY OF YALE ORDAINS:

SECTION 1. Amendment of Purpose.

Section 1 of Ordinance 159 is amended to read as follows:

The purpose of this Ordinance is to provide for certain charges for fire department services provided by the City of Yale to help defray the overall cost of the fire department.

SECTION 2. Amendment of Section 2 re: Charges

Paragraphs i and ii of Section 2 are amended to read as follows:

- i. Subject to subparagraph B, a charge of \$1,000 shall hereafter be due and payable to the City from a recipient of fire department services. For purposes of this ordinance, fire department services shall mean any response to a fire report or fire alarm, odor investigation, wires down, traffic accident, hazardous materials leak or spill, confined space rescue or other activity where a response by the fire department is requested. For purposes of this ordinance, the recipient shall be deemed to include the owner and/or person in possession and control of any real estate, building, vehicle, or other structure or personality in or upon which a fire truck responds, including false alarms.
- ii. The charge for a false alarm shall be \$250.

SECTION 3. Amendment of Section 3 re: Time for Payment

The 30 day time period to pay charges set forth in Paragraph A of Section 3 of Ordinance 159 is amended to be 60 days.

SECTION 4. Amendment of Section 3 re Late Payment Charge

Section 3 of Ordinance 159 is amended to add paragraph B, as follows:

- B. Any party responsible for the payment of any billing pursuant to Section 2 above who does not make such payment within 60 days of a bill being mailed or otherwise delivered to such person shall be assessed a late payment charge of \$50. Should the bill remain unpaid for 120 days, an additional \$50 late payment charge shall be assessed.

SECTION 5. Amendment of Section 7 re: Multiple Protection

Paragraph B of Section 7 of Ordinance 159 is amended to read as follows:

- B. No charge for any ambulance services is included herein. Any charges for an ambulance responding to a location, to which the fire department has been summoned, shall be billed by the responding ambulance service separate and independent of any charges herein.

SECTION 6. Amendment Limitation

All provisions of Ordinance No. 159 not specifically amended hereby, shall remain in full force and effect.

SECTION 7. Severability Clause

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore other than the part declared to be invalid.

SECTION 8. Effective Date

This Ordinance shall become effective 20 days after publication as required by law.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that Ordinance No. 159-A was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 28th day of April, 2003.

I further certify that said Ordinance No. 159-A adopted by the Yale City Council on the 28th day of April, 2003 was published once as provided by law in The Yale Expositor, a paper published in the County of St. Clair and circulated in the City of Yale on the 7th day of May, 2003, this being the first and final day of publication of this ordinance.

ORDINANCE NO. 183

AN ORDINANCE TO AMEND ORDINANCE NO. 159 AND ORDINANCE 159A, BEING THE ORDINANCE TO ESTABLISH FIRE FEES IN THE CITY OF YALE, RELATIVE TO CORRECTING THE ORDINANCE NUMBER

THE CITY OF YALE ORDAINS :

SECTION 1. Amendment of the Ordinance Numbers of two Ordinances Establishing Fire Fees, Being Ordinance 159 and Ordinance 159A

The Ordinance to establish fire fees, being Ordinance 159, and an amendment thereto being Ordinance 159A, are renumbered to be Ordinance 182 and Ordinance 182A respectively. Any reference to Ordinance 159 and 159A within either of these Ordinances is amended to refer to this Ordinance re-numbered as Ordinance 182 and 182A.

SECTION 2. Amendment Limitation

All provisions of the above Ordinances, No. 159 and No. 159A, not specifically amended hereby, shall remain in full force and effect as Ordinance 182 and Ordinance 182A. This Ordinance amendment shall have no effect in the Zoning Ordinance of the City of Yale and any amendments thereto.

SECTION 3. Severability Clause

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 4. Effective Date

This Ordinance shall become effective 7 days after publication.

Certification

I, Linda Cronin, Clerk of the City of Yale, do hereby certify that Ordinance No. 183 was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 9th day of October, 2006.

I further certify that said Ordinance No. 183 adopted by the Yale City Council on the 9th day of October, 2006, was published once as provided by law in the Yale Expositor, a paper published in the County of St. Clair and circulated in the City of Yale on the 18th day of October, 2006, this being the first and final day of publication of this ordinance

ORDINANCE NO. 184

AN ORDINANCE REQUIRING THE LICENSING OF SOLICITORS AND REGULATING THE SAME, TO PROVIDE FOR AND REGULATE A SPECIAL EVENT PERMIT WITHIN DESIGNATED PORTIONS OF THE CITY OF YALE, TO PROVIDE FOR AND REGULATE TEMPORARY BUSINESSES, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF YALE ORDAINS:

SECTION 1. Definitions

Solicitor: The word "solicitor" as used in this ordinance shall include any individual, taking or attempting to take orders for sale of goods, wares, merchandise, books, or magazines, personal property of any nature whatsoever, or for services to be furnished or performed concurrently or in the future, whether or not such individual has, carries or displays for sale a sample or whether he is collecting advance payments on such sales or not, and such definitions shall include any person whom for himself, or for another person, hires, leases, uses, or occupies any structure, whether permanent or temporary, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking order(s) for delivery or immediate sale.

Special Event: The term "Special Event" as used in this ordinance shall mean any event which is designed to be conducted outdoors on public property, open to the public or to a specific group of individuals. The term shall not apply to family, class or other reunions which do not include performances by paid entertainment.

Temporary Business: The term "Temporary Business" as used in this ordinance shall mean any individual or group that offers for sale goods or services directly from a vehicle a room, building, structure, tent or lot rented on a daily basis.

SECTION 2. Permit Required

No person shall engage in the business of Solicitor or put on a Special Event or conduct a Temporary Business within the City of Yale without first obtaining a license therefor from the Clerk of the City.

SECTION 3. User Permit

Upon application the Yale City Council shall review and may issue an exclusive Special Event Permit for a certain area of the City of Yale relative to the use thereof by any one person or organization for a special event, project or temporary business.

SECTION 4. License and Permit Application

An application for a **solicitor** license, Special Event Permit or Temporary Business, shall be filed with the City of Yale upon a form supplied by the City which shall include the following information, except that (8) through (10) shall apply only to a solicitor's license application.

1. Name and description of applicant.
2. Permanent home address and full local address of the applicant.
3. A brief description of the nature of the business and the goods to be sold, if any.
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
4. The length of time for which the right to do business is desired.
6. If applicable, the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery. As to a Special Event Permit only, the specific area of the City for which the Permit is requested shall be clearly described with a sketch attached.
7. Applicant will be required to sign a "Privacy Act Release" Authorization form and the same shall be attached to the application.
8. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
9. The fingerprints of the applicant and the names of at least two reliable property owners of the County of St. Clair, State of Michigan, who will certify as to the applicant's good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
10. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.

SECTION 5. License and Permit Fee

- A. The fee for a solicitor's license or a renewal thereof shall be \$30.00 for any 30 day period or lesser portion thereof for each individual and shall be paid with the application.
- B. The fee for a Special Event or Temporary Business Permit shall be \$30.00 per permit for any 48 hours, and shall be paid at the time the application is submitted.
- C. The City Council may waive the permit fee if they deem it is in the best interest of

the City.

SECTION 6. Exempt Persons

The following persons or organizations shall be exempt from the licensing requirements of this ordinance:

1. Persons soliciting as a duly authorized representatives or agents of any church or charitable organization, educational or fraternal organization or of any political group seeking funds or membership or contacting members or electors.
2. Persons traveling on an established route at the request, expressed or implied, of their customers.
 1. Newspaper sales persons.
 2. Sales persons calling on business establishments.
5. Any person under 18 years of age or engaged in soliciting in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization.

SECTION 7. Term and Conditions of License and Permit

- A. Solicitors licensed under this ordinance are required to exhibit their licenses at the request of any citizen and any such license shall be limited to a term of thirty (30)days and may be renewed thereafter.
- B. The Special Event Permit or Temporary Business Permit shall be limited to a 48 hour period or less and no more than one permit shall be issued to the same person within any one 60 day period. The permit shall be limited to a specifically designated area of the City.

SECTION 8. Prohibited Conduct

Soliciting on a street or within an area which has been closed by the City for an art fair, street fair, parade or other special event is prohibited, unless in conjunction with a Special Event Permit issued to the person soliciting.

SECTION 9. Penalties for Violations

- A. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be deemed punishable by a fine of not more than One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail of St. Clair County for not more than ninety (90) days, or both.
- B. In addition to the above penalty, the permit or license issued to any person or

organization may be revoked for violation of the provisions of this ordinance after written notice of the alleged violation and a hearing before the Yale City Council, except that where the City Clerk determines that, in the interests of the public health, morals, safety or welfare, that an immediate suspension of a license is necessary, the Clerk shall order the same. In such case the Clerk shall forthwith send a notice to the licensee or permit holder by registered mail to his last known address, which notice shall contain a statement of the charge against the licensee or permit holder and a definite time and place for a hearing of the charge before the City Clerk and shall order the licensee or permit holder to show why his license or permit should not be suspended for an additional period of time, pending a revocation hearing before the City Council. Unless the licensee or permit holder requests a longer time, the City Clerk shall conduct such hearing within five business days from the order of suspension, at which time and place the licensee or permit holder shall have an opportunity to present a defense to the charge and to cross-examine any witnesses and examine all evidence produced against him. No fee for any license or permit which has been suspended or revoked pursuant to the provisions of this section shall be refunded.

SECTION 10. Severability

Should any section, clause or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 11. Repealing Clause

All ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed, specifically including Ordinance No. 114 and 149.

SECTION 12. Effective Date

This ordinance shall become effective 20 days after publication.

Certification

I, Linda Cronin, Clerk of the City of Yale do hereby certify that Ordinance No. 184 was adopted by the Yale City Council at a regular meeting of the Yale City Council held at the City Hall on the 13th day of October, 2008.

I further certify that said Ordinance No. 184 adopted by the Yale City Council on the 13th day of October, 2008, was published once as provided by law in The Yale Expositor, a paper published in the County of St. Clair and circulated in the City of Yale on the 15th day of October, 2008, this being the first and final day of publication of this ordinance.

Ordinance approved 10/13/2008 - published 10/15/2008 - Effective 11/05/2008

