

Village of Ashley
Book of Ordinances

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ASHLEY VILLAGE ORDINANCE TO PROVIDE WATER SUPPLY
ORDINANCE NO. 101

AN ORDINANCE TO PROVIDE FOR A WATER SUPPLY SYSTEM FOR THE VILLAGE OF ASHLEY, MICHIGAN: TO PROVIDE FOR THE, ISSUANCE AND CALL OF REVENUE BONDS TO DEFRAY A PART OF THE COST THEREOF: TO PROVIDE FOR THE RETIREMENT AND SECURITY OF SAID BONDS: AND TO PROVIDE FOR OTHER LETTERS RELATIVE TO SAID SYSTEM AND SAID BONDS.

THE VILLAGE OF ASHLEY (GRATIOT COUNTY, MICHIGAN) ORDAINS:

Section 1. Whenever used in this ordinance or in the bonds to be issued hereunder, except when otherwise indicated by the context:

- (a) The term "village" shall be construed to mean the Village of Ashley.
- (b) The term "council" shall be construed to mean the Council of said Village of Ashley, the legislative and governing body of said village.
- (c) The term "project" shall be construed to mean the water supply system to be acquired pursuant to this ordinance.
- (d) The term "acquired" shall be construed to include acquisition by purchase, construction or by any other method.
- (e) The term "water supply system" shall be construed to include all plants, works, instrumentalities and properties (as the same shall from time to time exist), used or useful in connection with the obtaining of a water supply, the treatment of water and/or the distribution of water, by the village.
- (f) The term "system" shall be deemed to refer to the water supply system of the village.
- (g) The term "revenues" and "not revenues" shall be construed as de-fined in Section 3 of Act No. 94, Michigan Public Acts of 1933, as now amended.
- (h) The term "Current Expenses" shall include all reasonable and necessary cost of operating, repairing, maintaining and insuring the project, but shall exclude depreciation, payments into the Depreciation Fund and into the Bond and Interest Redemption Fund.

Section 2. The council hereby determines it to be advisable and necessary to acquire a water supply system for the village by acquiring the followings

- 1 75,000 gallon elevated tank
- 2 325 ft. artesian wells
- 2 200 GPM deepwell pumps with controls
- 2 Pump houses
- 1 Zeolite water softening plant
- 26 Fire hydrants
- 57 Gate valves including separately gated hydrants
- 17,900 ft. of 4", 6", and 8" distribution pipe and fittings all

substantially in accordance with maps, plans and specifications prepared by Michigan Associates, registered professional engineers, which maps, plans and specifications are now on file with the Village Clerk and are hereby approved and adopted,

Section 3. The Council does hereby adopt the said engineers' estimate of 40 years and upwards as the period of usefulness of said project and also the said engineers' estimate of One Hundred Thirty Four Thousand Dollars (\$134,000) as the cost of said

project, including 1 years' interest upon the bonds herein authorized therefore, both of which estimates are on file with the Village Clerk,

Section 4. There are hereby authorized to be Issued and sold pursuant to the provisions of Act No. 94, Michigan Public Acts of 1933, as amended, revenue bonds in the aggregate principal sum of Ninety Seven Thousand Dollars (\$97,000), for the purpose of paying a part of the cost of the said project, Said Bonds shall be known as "Village of Ashley Waterworks Revenue Bonds of 1958; shall be dated as of May 1, 1958; shall be numbered consecutively in the direct order of their maturities from 1 to 97, both inclusive; shall be coupon bonds in the denominations of \$1,000 each: shall be registerable as to principal only, in the manner hereinafter set forth in the bond form; shall bear interest at a rate or rates to be hereafter determined not exceeding 4 1/2% per annum, payable on November 1, 1958, and thereafter semi-annually on the first days of May and November in each year; and shall mature on May first in each year as follows: \$1,000 in each of the years 1961 thru 1964, \$2,000 in each of the years 1961 thru 1964, \$2,000 in each of the years 1965 thru 1975, \$3,000 in each of the years 1976 thru 1982, \$4,000 in each of the years 1983 thru 1988, \$5,000 in each of the years 1989 thru 1992, and \$6,000 in the year 1993. The bonds of said issue maturing subsequent to May 1, 1968 shall be subject to redemption prior to maturity, in whole or in part, at the option of the villager in inverse numerical order, on any one or more interest payment dates on and after May 1, 1968. Each bond called for redemption shall be redeemed at the par value thereof and accrued interest to redemption date, plus a premium of 1/4th of 1% of the principal amount thereof for each year or fraction thereof from the redemption date to the stated maturity, such premium in no event to exceed 4% of such principal amount.

Notice of redemption shall be given to the holders of the bonds to be redeemed by publication of such notice not less than sixty (60) days prior to the date fixed for redemption at least once in a newspaper or publication circulated in the City of Detroit, Michigan, which carries as a part of its regular service, notices of the sale of municipal bonds; provided, that where any bond shall be registered, then notice of the redemption thereof shall be given by registered United States mail addressed to the registered holder thereof at the address shown on the Village Clerk's registration books, which notice shall be mailed not less than sixty (60) days prior to the date fixed for redemption. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the paying agent to redeem the same.

The principal of said bonds and the interest thereon shall be payable in lawful money of the United States of America at such bank or, trust company as shall be designated by the original purchaser of the bonds (or if the said original purchaser is the housing and home Finance Agency of the United States of America at First State Bank in the Village of Ashley, Michigan), upon presentation and surrender of said bonds and attached coupons as they severally mature,

Section 5 The President and Village Clerk of the village shall execute said bonds for and on behalf of the village by respectively signing and countersigning the same and shall affix the seal of the village thereto, and the Treasurer of the village is hereby authorized and directed to execute the interest coupons to be attached to said bonds by causing to be affixed thereto his facsimile signature. The Treasurer

of the village shall deliver said bonds and attached coupons to the purchaser thereof as hereafter determined by the Council, upon receipt of the purchase price therefor.

Section 6. The bonds herein authorized shall be sold in the manner provided in Section 12 of Act No. 94, Michigan Public Acts of 1933, as amended.

Section 7. Said bonds and attached coupons shall not be a general obligation of the village and shall not be an indebtedness of the village within any state constitutional provision or statutory limitation or within any charter limitation. The principal of and interest on said bonds shall be payable solely from the net revenues derived from the operation of the system, including future improvements, enlargements, and extensions thereof. To secure the payment of the principal of and interest on the bonds issued hereunder and on any additional bonds of equal standing issued as hereinafter provided, there is hereby created in favor of the holders of said bonds and the interest coupons pertaining thereto, and each of such holders, a first lien (by said Act No. 94, Michigan Public Acts of 1933, as amended, made a statutory lien) upon the net revenues from the said system, including future improvements, enlargements and extensions thereof. The net revenues so pledged shall be and remain subject to said lien until the payment in full of the principal of and interest on said bonds.

Section 8. The holder or holders of any of the bonds or interest coupons herein authorized to be issued, shall have all the rights and remedies given by law and particularly by said Act. No. 94, Michigan Public Acts of 1933, as amended, for the collection and enforcement of said bonds and coupons and the security therefor, including the right to have a receiver appointed for the system in event of default on the part of the village in the performance of the terms of the bond contract.

Section 9. The system shall be operated upon the basis of a fiscal year beginning on April 1 of each year and ending on March 31, of the following year.

Section 10. The operation, maintenance and management of the system shall be under the immediate supervision and control of the Council or of such officer or board as shall be designated or created by the Council and subject to its control. Each officer or employee of the village having custody of funds of the water supply system shall be bonded at all times in an amount at least equal to the maximum amount of such funds in his custody at any one time.

Section 11. Charges for water service to each premises within the village connected with the water supply shall be \$5.00 per month, except that water to be furnished by the system to school premises of the school district, in which the village is located, shall be measured by a meter installed and controlled by the village and the charges for such water shall be set at a rate of not less than \$840 per year. Charges for water service to premises outside the village shall be fixed by the Council, but shall be at least \$.50 per month higher than to premises within the village.

The village shall pay for all water used by it at the foregoing rates, except that for fire hydrant service, the charge shall be at least Fifty Dollars (\$50.00) per year for each hydrant in the village. Charges against the village shall be payable

in quarterly installments from the current funds of the village or from the proceeds of taxes, which the village, within constitutional limitations, is hereby authorized and required to levy in an amount sufficient for that purpose.

Section 12. No free service shall be furnished by the system to the village or to any person, firm or corporation, public or private, or to any public agency or Instrumentality. Charges for services furnished by the system shall be billed and collected quarterly or oftener, as shall be determined by the Council, and such charges shall become due at such times, not exceeding 20 days after the water bill is rendered; as shall be established by resolution of the Council. If such charges are not paid on or before such due date, then a penalty of 10% shall be added thereto. In the event that, the charges for any such services furnished to any premises shall not be paid within 60 days after the due date thereof, then all services furnished by the system to such premises shall be discontinued. Services so discontinued shall not be restored until all sums then due and owing, including penalties, shall be paid, plus the shut-off and turn-on charge of \$5.00 as above provided.

Section 13. Charges for services furnished by the system to any premises shall be a lien thereon, and on May 1 of each year the person or agency charged with the management of said system, shall certify any such charges which have been delinquent six (6) months or more, to the village assessor, who shall enter the same upon the next tax roll against the premises to which such services shall have been rendered, and said charges shall be collected and said lien shall be enforced in the same manner as provided in respect to taxes assessed upon such roll: provided, that when a tenant is responsible for the payment of any such charge against any premises, and the village is so notified in writing, with a true copy of the lease of the affected premises (if there be one) attached, then no such charge shall become a lien against such premises from and after the date of such notice. However, in event of the filing of such notice, no further service shall be rendered by the system to such premises until a cash deposit equal to three (3) times the average quarterly charge to such premises shall have been made as security for the payment of charges thereto.

Section 14. The rates hereinbefore established are estimated to be sufficient to provide for the payment of the expenses of administration and operation of the system and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order; to provide for the payment of the interest upon and the principal of all bonds payable therefrom, as and when the same shall become due and payable, and for the creation of a reserve for the payment of principal and interest as required in this ordinance; and to provide for such other expenditures and funds for the system as are required by this ordinance. Rates shall be fixed and revised from time to time by the Council so as to produce the foregoing amounts, and the village covenants and agrees to maintain at all times such rates for services furnished by the system as shall be sufficient to provide for the foregoing.

Section 15. The revenues of the system are hereby pledged for the purpose of the following funds, and as collected shall be set aside into a fund to be known as the "Receiving Fund" of the system, and shall be transferred therefrom periodically into separate and special funds as follows:

1. Operation and Maintenance Fund.

Out of the revenues in the Receiving Fund, there shall be first set aside in each month into a fund to be designated "Operation and Maintenance Fund," a sum sufficient to provide for the payment for the next month of all current expenses of the system, plus such sums as shall from time to time be required to maintain in said fund a reserve equal to the amount of such current expenses for the next ensuing two months. The Council at the beginning of operation of the system for the remainder of the fiscal year and thereafter at the beginning of each fiscal year, shall adopt a budget covering on a monthly basis the foregoing current expenses for such year, and such expenses shall not exceed the amount specified in said budget except by an unanimous vote of the members of the Council declaring the necessity thereof. A copy of each such budget and subsequent amendments thereto shall be filed with the original purchase of the bonds within 60 days after adoption.

2. Bond and Interest Redemption Fund.

out of the remaining revenues in the Receiving Fund, there shall be next et adide each April 15 and October 15 in each year into a fund to be designated "Bond and Interest Redemption Fund," a sum proportionately sufficient to provide for the payment as the same become due of the next maturing principal and interest on each issue of bonds then payable from the revenues of the system; provided, that the amount so set aside for interest on the bonds herein authorized, on each October 15, shall not be less than the total amount of interest (not capitalized) maturing on the following November first, and on each April 15, shall not be less than the total amount of interest (not capitalized) maturing on the following Hay first, and the amount so set a side for principal on the bonds herein authorized, on each October 15 and April 15, shall not be less than one-half (1/2) of the amount of principal maturing on the May first immediately following, and if there shall be any deficiency in the amount previously set aside, then the amount of such deficiency shall be added to the current requirement,

In addition thereto, there shall also be set aside on each April 15 and October 15 for the purpose of creating a reserve in said Bond and Interest Redemption Fund, for the bonds herein authorized, all remaining revenues in said Receiving Fund until said reserve shall equal at least \$6,000, and if at any time thereafter said reserve shall be less than \$6,000, then there shall be" set aside in said reserve each April 15 and October 15 a sum sufficient to restore said reserve to \$6,000 at the earliest possible time. If any additional bonds of equal standing shall be issued, the authorizing ordinance shall provide for a comparable reserve therefor. Moneys in said Bond and Interest Redemption Fund may be used for the redemption of bonds: provided, that except in case of refunding, no bonds less than all the out-standing bonds of said issue shall be called for redemption unless the village shall have on hand in said fund sufficient moneys therefor not otherwise appropriated or pledged, in excess of the amount of interest and principal maturing within the next eighteen (18) months from the redemption date, and for the purpose of determining the amount on hand, moneys in the reserve shall not be considered as appropriated or pledged. In any case where moneys are available for the redemption of bonds, such moneys may be used instead to purchase bonds on the open market at the best price or prices obtainable, but not in excess of the then redemption price. When the principal amount owing upon any bonds shall be reduced to the amount of the reserve therefor, then the principal of such bonds shall be paid from such reserve.

3. Depreciation Fund.

Out of the remaining revenues in the Receiving Fund, there shall be next set aside within thirty (30) days after the end of each fiscal year of the system in a fund to be designated "Depreciation Fund," a sum not less than \$500 per year. Moneys in said fund may be used for the purpose of paying the cost of unusual or extraordinary maintenance, repairs, renewals and replacements, not included in the annual budget for current expenses of the system,

4. Surplus Fund.

Revenues remaining in said Receiving Fund at the end of any fiscal year after all periodical transfers have been made therefrom as above required, shall be deemed to be surplus and may be left in the Receiving Fund or may be transferred to a fund to be designated "Surplus Fund." Moneys in said Surplus Fund from time to time may be transferred to one or more of the foregoing funds or may be used to redeem outstanding bonds pursuant to the redemption provisions thereof, or for any expenditures, including the payment of debt service, in improving or restoring any existing portions of the system or the construction of extensions and improvements thereto: Provided, however, that if at any time there shall exist any default in making any periodical transfer to any of the above mentioned funds, then such default shall be rectified so far as possible by the transfer of moneys from said Surplus Fund. If any such default shall exist as to more than one fund at any one time, then such transfers shall be made in the order in which such funds are listed above.

No disbursements shall be made from said Receiving Fund except to the special funds as above provided.

Section 16. In the event that moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or the Bond and Interest Redemption Fund, any moneys and/or securities in other funds of the system shall be transferred, first, to the Operation and maintenance Fund, and, second, to the Bond and Interest Redemption Fund, to the extent of any deficits therein. Any amount so transferred from the Depreciation Fund shall be replaced as soon as possible.

Section 17. All moneys in the several funds of the system except those in the Bond and Interest Redemption Fund, shall be deposited with the First State Bank in the Village of Ashley, Michigan. All moneys from time to time in the Bond and Interest redemption Fund (including reserve moneys) shall be kept on hand with the bank or trust company at which the principal and interest on the herein authorized bonds are currently payable. The moneys in the Receiving Fund, in the Operation and Maintenance Fund and in the Bond and Interest Redemption Fund, shall each be kept in a separate depository account. Moneys in the Bond and Interest Redemption Fund, over and above those being accumulated for the payment of the next maturing principal and interest, and moneys in any other fund except the Receiving Fund and the Operation and Maintenance Fund, may be invested in United States Government obligations. In the event of any such investment, the securities representing the same shall be kept on deposit with the bank or trust company having the deposit of the fund from which such purchase was made but the income therefrom shall become a part of the Receiving Fund as revenues of the project.

Section 18. The village hereby covenants and agrees with the holder or holders, from time to time, of the bonds herein proposed to be issued, that it will punctually perform all duties with reference to the system and said bonds required by the constitution and laws of the State of Michigan and the charter of the village and by this ordinance; that it will construct the project herein provided for in substantial accordance with the maps, plans and specifications hereinbefore referred to, and will have the same in operation on or before the 1st day of May, 1959; that it will not sell, lease, mortgage or in any manner dispose of the system or any substantial part thereof, until all bonds payable from the revenues thereof shall have been paid in full; and that it will not permit any person, firm or corporation to compete with it in the furnishing of water to premises within its corporate limits. Said village further covenants and agrees with the holders of said bonds that it will maintain said system in good condition and operate the same in an efficient manner and at a reasonable cost, so long as any of said bonds are outstanding; that it will maintain insurance on the system for the benefit of the holders of said bonds in an amount which usually would be carried by private companies engaged in a similar type of business; that it will prepare, keep and file such records, statements and accounts as may be required by Act No. 94, Michigan Public Acts of 1933, as now or hereafter amended; that it will promptly file with the original purchasers of said bonds a copy of each annual statement which it is required to file with the municipal Finance Commission and will also file with such purchasers a copy of the Annual Audit of the system certified to by a Certified Public Accountant, within 60 days after the close of each fiscal year; and that it shall furnish a copy of the foregoing statement and audit to any bondholder upon payment of the actual cost of such copy. Any such audit shall be in such reasonable detail as will present the full financial conditions and record of operation of the system to the holders of bonds and shall include auditor's comments on the manner in which the system's management has complied with the provisions of this ordinance in respect to the several funds of the system.

Section 19. While any of the bonds herein authorized to be issued shall be outstanding, no additional bonds payable from the revenues of the system shall be issued which shall have a prior or equal standing therewith, except as hereinafter provided. The village shall have the right to issue additional bonds payable from the net revenues of the system for the purpose of improving, enlarging and/or extending the system, which bonds when issued shall have equal standing with the bonds herein authorized; provided, that no such additional bonds of equal standing shall be issued unless the average net revenues for the then two preceding fiscal years plus the lowest estimated additional revenues from the improvements, enlargements and extensions to be financed by such additional bonds, in any fiscal year beginning with the first full fiscal year following the time of completion thereof as fixed in the ordinance authorizing such additional bonds shall be equal to at least 135% of the largest amount of principal and interest thereafter maturing in any fiscal year on any bonds then outstanding payable from the revenues of the system and on such additional bonds then being issued.

Such additional net revenues shall be estimated by a registered Professional Engineer who shall be selected by the Council but who shall not be a regular officer or employee of the village. The selection of such person shall be subject to

disapproval by the Municipal Finance Commission. No such additional bonds shall be issued if the system shall then be in default in making any payments to the Operation and maintenance Fund or the Bond and Interest Redemption Fund. Permission by the Municipal Finance Commission of the State of Michigan (or such other state commission or agency as shall have jurisdictions over the issuance of municipal bonds) to issue such additional bonds shall constitute a conclusive presumption of the existence of condition; permitting the issuance thereof.

Section 20. The bonds and attached coupons herein authorized to be issued shall be substantially in the following form, to-wit:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF GRATIOT
VILLAGE OF ASHLEY

Number \$1,000
VILLAGE OF ASHLEY WATERWORKS REVENUE BOND OF 1958 KNOW ALL MEN BY THESE PRESENTS, the Village of Ashley, Gratiot County, Michigan, hereby acknowledges that it is indebted and for value received promises to pay to the bearer hereof (or if this bond be registered, to the registered holder hereof) the sum of

ONE THOUSAND DOLLARS
on the first day of May, A.D. 19___, and to pay interest thereon at the rate of _____(____) per centum per annum, from the date hereof until paid, said interest being payable on November 1, 1958 and thereafter semiannually on the first days of May and November in each year, which principal and Interest are to be paid solely out of the revenues hereinafter specified. Both principal and interest are payable in lawful money of the United States of America at _____, in the _____ of _____, Michigan, upon presentation and surrender of this bond and the coupons Hereto attached as they severally mature.

This bond is one of a series of bonds of, like date and tenor except as to maturity _____, numbered consecutively in the direct order of their maturities from 1 to 97, both inclusive, aggregating the principal sum of Ninety Seven Thousand Dollars (\$97,000) issued by said Village of Ashley under and pursuant to and in full conformity with the constitution and statutes of the State of Michigan (especially Act No. 94 of the Michigan Public Acts of 1933, as amended), the charter of said village and Ordinance No.____ duly adopted by the council of said village on the ____ day of _____, 1958, for the purpose of defraying a part of the cost of acquiring a water supply system for said village.

This bond is a self-liquidating revenue bond, is not a general obligation of said village, and does not constitute an indebtedness of the said village within any constitutional, statutory or charter limitation. The principal of and interest on the bonds of this series are payable solely from the revenues of said water supply system (including future improvements, enlargements and extensions thereof) remaining after deducting the reasonable expenses of the administration, operation and maintenance of said system, and the payment of both the principal of and interest on said bonds, and on any additional bonds of equal standing which may be

issued pursuant to the terms of said ordinance, is secured by a statutory first lien on such net revenues.

The bonds of this series maturing subsequent to May 1, 1968, are subject to redemption prior to maturity in whole or in part, at the option of the village, in inverse numerical order, on any one or more interest payment dates on and after May 1, 1968. Each bond called for redemption shall be redeemed at the par value thereof and accrued interest to redemption date, plus a premium of 1/4th of 1% of the principal amount thereof for each year or fraction thereof from the redemption date to the stated maturity, such premium in no event to exceed 4% of such principal amount.

Notice of redemption shall be given to the holders of bonds called to be redeemed, by publication of such notice not less than sixty (60) days prior to the date fixed for redemption, at least once in a newspaper or publication circulated in the City of Detroit, Michigan, which carries as a part of

its regular services, notices of the sale of municipal bonds, provided, that here any bond shall be registered, then notice of the redemption thereof shall be given by registered mail addressed to the registered holder thereof at the address shown on the bond registration books of the village clerk of said village, which notice shall be mailed within the State of Michigan, not less than sixty (60) days prior to the date fixed for redemption. Bonds so called for redemption, shall not bear interest after the date fixed for redemption provided funds are on hand with the paying agent to redeem the same.

The Village of Ashley hereby covenants and agrees that at all times while any of the bonds of this issue shall be outstanding, it will maintain such rates for services furnished by said water supply system as shall be sufficient to provide for the payment of the expenses of administration and operation of said system and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order; to provide for the payment of the interest upon and the principal of all bonds payable therefrom, as and when the same become due and payable and for the creation of reserves as required in said ordinance; and to provide for such other expenditures and funds for said system as are required by said ordinance, Rates shall be fixed and revised from time to time by the council of said village so as to produce the foregoing amounts.

This bond may be registered as to principal only in the name of the holder on the books of the village clerk of said village, and such registration noted on the back hereof by said clerk, and thereafter no transfer shall be valid unless made upon the said books and likewise noted on the back hereof. Transferability by delivery may be restored by registration to the bearer. Negotiability of the interest coupons shall not be affected by registration.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed, precedent to and in the issuance of the bonds of this series, existed, have happened and have been performed in due time, form and manner as required by law

IN WITNESS WHEREOF, the village of Ashley, Gratiot County, Michigan, by its council,

has caused this bond to be signed in its name by its President and countersigned by its Village Clerk, and its corporate seal to be affixed hereto, and has caused the annexed interest coupons to be executed with the facsimile signature of its Village Treasurer, all as of the first day of May, A.D., 1958.

Countersigned: Village of Ashley
Village Clerk
President (COUPON) Number _____ \$ _____

On the first day of _____, A.D. 19__, the Village of Ashley, Gratiot County, Michigan, will pay to the bearer hereof the sum of _____ Dollars, lawful money of the United States of America, at the _____, in the _____ of _____ Michigan, same being the semi-annual interest due on that day on its Village of Ashley Waterworks Revenue Bond of 1958, No. _____ dated May 1, 1958. This coupon is not a general obligation of said village, is payable solely from certain revenues as set forth in the bond to which this coupon pertains, and is subject to the redemption provisions in said bonds.

In Whose Name Date of Registered Registration
Village Treasurer
Signature of Village Clerk of Village of Ashley, Michigan

Section 21. The proceeds of the sale of the bonds herein authorized to be issued, shall be deposited in the First State Bank, in the Village of Ashley, Michigan. From said moneys there shall first be transferred to the Bond and Interest Redemption Fund, any premium and accrued interest paid to the village by the purchaser of said bonds and one year's capitalized interest. The balance of such proceeds shall be used solely to pay the cost of the project hereinbefore described and any engineering, legal and other expenses incident thereto, and shall be paid out only upon authorization of the Council: provided, that said Council shall not authorize the payment of any such moneys for construction work until there shall have been first filed with it by the consulting engineer in charge of such work, a written statement to the effect that the sum so to be paid is in full or partial payment of a contract obligation in connection with said project and that the village has received the consideration for such payment. Said statement of the engineer shall also show the amount of construction estimates which have been heretofore approved by him for payment and the amount of the balance which will be required for the completion of the project.

Section 22. The said Village of Ashley Waterworks Revenue Bonds of 1958 shall not be Issued until the Municipal Finance Commission of the State of Michigan has approved such issuance, and the Village Clerk is hereby Authorized and directed to make application to said commission for such approval

Section 23. Any unexpended balance of the proceeds of the sale of the bonds herein authorized, remaining after the completion of the project, shall be paid immediately into the Bond and Interest Redemption Fund and the same shall be used only for the redemption, or purchase at not more than the fair market value, of said bonds and any bonds so acquired by redemption for purchase shall be canceled and shall not be re-issued, provided, however, that such unexpended balance of the proceeds may to

the extent of Fourteen Thousand Dollars (\$14,000) be used for the improvement, enlargement and/or extension of the system, if such use shall be approved in advance by the Municipal Finance Commission and by the housing and home Finance Agency of the United States of America, if the bonds authorized herein are purchased by such agency.

Section 24. This ordinance shall be recorded in the minutes of the meeting of the Council at which it was adopted, as soon as practicable after its passage, which record shall be authenticated by the signatures of the Village President and Village Clerk of said village, and shall be published once in the Gratiot County Herald, a newspaper of general circulation within the said village. This ordinance shall become effective immediately upon its adoption.

Section 25. If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the same shall not affect any other part of this ordinance.

Section 26. All ordinances and resolutions and parts thereof, insofar as the same may be in conflict herewith, are hereby repealed. JAMES TANNER
Village President W. M. BUCKINGHAM.
Village Clerk

STATE OF MICHIGAN)
) SS:
COUNTY OF GRATIOT)

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the certain proceedings taken by the Council of the Village of Ashley, Michigan, at the meeting above indicated, the original of which is on file in my office,

W. M. BUCKINGHAM
Village Clerk Dated: Oct. 31, 1958.

Ordinance # 104

An ordinance to amend that Ordinance or the Village of Ashley, Michigan, known as the "Zoning Ordinance of the Village of Ashley."

The Village of Ashley ordains:

That the Zoning Ordinance of the Village of Ashley shall be amended in the following respects:

ARTICLE I
DEFINITIONS, PURPOSES, AND DISTRICTS.

Section I. DEFINITIONS is hereby amended by the addition of the following:

Mobile home: Any structure used for sleeping, living, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks or similar support, and which has been, or reasonably can be transported from place to place by being towed or driven on streets or highways. Embraced within such definition shall be trailers, trailer homes, coaches, trailer-coaches and mobile housing units.

ARTICLE II
DISTRICT and DISTRICT REGULATIONS

Article II shall be amended by the addition of section 4, Temporary Dwellings, as follows:

Section 4, Temporary Dwellings. No temporary dwellings such as basements, trailers, trailer-homes, coaches, trailer-coaches, mobile housing units or mobile homes shall be located in any District in the Village of Ashley, provided however, that the same may be located in a properly established mobile home park or trailer park as approved by the Village Council of the Village of Ashley and the Health Department of the State of Michigan or other governmental agency of the State of Michigan authorized by law to license and regulate mobile home parks or trailer parks.

ARTICLE IX
AMENDMENTS

Section 1

That except as herein provided the Zoning Ordinance of the Village of Ashley shall be operative as first enacted.

Section 2.

This Amending Ordinance shall take effect 20 days after its passage.
Passed, Ordained, and ordered published by the Village Council of the
Village of Ashley, Michigan, at a regular meeting held October 5, 1965.

Paul R Beck President
President

W. M. Buckingham
W. M. Buckingham, Village Clerk

ORDINANCE NO. 104
AMENDMENT NO. 1

AN AMENDMENT OF SECTION II OF ORDINANCE NO 104, AS ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN AT ITS REGULAR MEETING HELD SEPTEMBER 7, 1971.

THE VILLAGE OE ASHLEY GRATIOT COUNTY MICHIGAN ORDAINS:

SECTION II. (A) Charges for water service to each premises within the village connected with the water supply shall be \$5.50 per month, except that water to be furnished to school premises of the school district, in which the village is located shall be set at a rate of not less than \$840.00 per year. Any existing meter rates shall be increased by 10%. Charges for water service to premises outside the Village shall be fixed by the Council, but shall be at least \$2.50 per month higher than to premises within the village.

(B) as amended-Charges for water service to each premises within the Village connected with the water supply and having a swimming pool with a capacity of 7500 gallons of water or more, shall be \$5.50 per month plus a flat rate charge of \$25.00 per calendar year, with the said flat charge of \$25.00 per year due and payable on. the 1st day of July of each year.

This ordinance shall take effect and be in. full force fifteen (15) days after its enactment.

Dated at Ashley Michigan, this 7th day of September 1971.

Marie Haruska
President Pro-tem

WK Collins
Village Clerk

I W K Collins, Clerk of the Village of Ashley do hereby certify that copies of the above were posted in the Ashley Village Hall, Ashley Branch Bank of Alma and the Ann Arbor Railroad Depot, Village of Ashley for a period of 30 days.

W K Collins
Village Clerk

ORDINANCE NO. 104.
AMENDMENT NO. 2

AN ORDINANCE TO AMEND SECTION 11 OF ORDINANCE NO. 101, AS ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ASHLEY GRATIOT COUNTY MICHIGAN ON OCTOBER 31, 1958 AND AMENDED ON DECEMBER 12, 1958 AND ON JANUARY 2, 1962 AND ON MARCH 5, 1968, TO PROVIDE FOR A WATER SUPPLY SYSTEM FOR THE VILLAGE OF ASHLEY MICHIGAN. THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN ORDAINS:

SECTION 1. Section II of Ordinance no 101 of the Ordinances of the Village of Ashley entitled as applicable; reads "Charges for water service to each premises within the village connected with the water supply shall be \$5.00 per month, except that water to be furnished to school premises of the school district in which the village is located, shall be measured by a meter installed and controlled by the village and the charges for such water shall be set at a rate of not less than \$840 per year. Charges for water service to premises outside the village shall be fixed by the Council, but shall be at least \$0.50 per month higher than to premises within the village", is hereby amended to read as follows:

SECTION II. Charges for Water service to each premises within the village connected with the water supply shall be \$6.50 per month with the effective date of this ordinance and \$7.00 six months after the effective date of this ordinance. ALL other metered and flat rates shall be increased by twenty percent (20%) with the effective date of this ordinance and five percent (5%) six months after the effective date of this ordinance. Charges for water service to premises outside the village shall be fixed by the council but shall be at least \$2.50 per month higher than to premises within the village.

SECTION III. Where sewer rates are determined for metered and other flat rate service, other than residential, these rates shall be computed at a water rate in effect prior to the adoption of this amendment, and shall continue in effect until the sewer rates themselves are increased by amendment to the proper ordinances of the Village of Ashley.

Passed, Ordained, and ordered posted by the Village Council, Village of Ashley, at its regular meeting held June 7, 1977.

Howard E. Bryant
Village President

W. K. Collins
Village Clerk

I certify that the foregoing is a true and complete copy of amendment #2 Ordinance #104 as adopted by the Ashley Village Council at its regular meeting held June 7, 1977 and that a copy was posted at three conspicuous places in

the Village for a period of 30 days.

W. K. Collins
Village Clerk

Ordinance No. 104
Amendment No. 3

AN ORDINANCE TO AMEND SECTION 11 OF ORDINANCE NO. 101, AS ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN ON OCTOBER 31, 1958 AND AMENDED ON DECEMBER 12, 1958 AND ON JANUARY 2, 1962 AND ON MARCH 5, 1968, TO PROVIDE FOR A WATER SUPPLY SYSTEM FOR THE VILLAGE OF ASHLEY MICHIGAN.

THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN ORDAINS:

SECTION 1. SECTION 11 OF ORDINANCE NO 101 OF THE ORDINANCES OF THE VILLAGE OF ASHLEY, AS AMENDED; ENTITLED AS APPLICABLE, READS "CHARGES FOR WATER SERVICE TO EACH PREMISES WITHIN THE VILLAGE CONNECTED WITH THE WATER SUPPLY SHALL BE \$6.50 PER MONTH WITH THE EFFECTIVE DATE OF THIS ORDINANCE AND \$7.00 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE. ALL OTHER METERED AND FLAT RATES SHALL BE INCREASED BY TWENTY PERCENT (20%) WITH THE EFFECTIVE DATE OF THIS ORDINANCE AND FIVE PERCENT (5%) SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE. CHARGES FOR WATER SERVICE TO PREMISES OUTSIDE THE VILLAGE SHALL BE FIXED BY THE COUNCIL BUT SHALL BE AT LEAST \$2.50 PER MONTH HIGHER THAN TO PREMISES WITHIN THE VILLAGE. THE FOREGOING SECTION IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 11. CHARGES FOR WATER SERVICE TO EACH PREMISES WITHIN THE VILLAGE CONNECTED WITH THE WATER SUPPLY SHALL BE \$9.00 PER MONTH WITH THE EFFECTIVE DATE OF THIS ORDINANCE. METERED RATES WILL BE COMPUTED AS FOLLOWS:

FIRST 10,000 MINIMUM	\$30.43
NEXT 140,000 GALLONS	.83 PER THOUSAND
NEXT 550,000 GALLONS	.59 PER THOUSAND
NEXT 500.000 GALLONS	.41 PER THOUSAND
OVER 1,000,000 GALLONS	.31 PER THOUSAND

THE VILLAGE SHALL PAY FOR ALL WATER USED BY IT AT THE FOREGOING RATES EXCEPT FOR FIRE HYDRANT SERVICE, THE CHARGE SHALL BE ONE THOUSAND FIVE HUNDRED DOLLARS (\$1500.00) PER CALENDAR QUARTER COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE. CHARGES PAYABLE BY THE VILLAGE OF ASHLEY SHALL BE PAYABLE FROM THE PROCEEDS OF TAXES, WHICH THE VILLAGE, WITHIN CONSTITUTIONAL LIMITS, IS HEREBY AUTHORISED AND REQUIRED TO LEVY IN AN AMOUNT SUFFICIENT FOR THAT PURPOSE. RATES FOR WATER SERVICES TO PREMISES OUTSIDE THE VILLAGE SHALL BE \$2.50 PER MONTH HIGHER THAN TO PREMISES WITHIN THE VILLAGE.

ALL OTHER PROVISIONS OF ORDINANCE NO. 101 AS STATED OR AMENDED REMAIN UNCHANGED BY THIS AMENDMENT.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FIFTEEN (15) DAYS AFTER ITS ENACTMENT.

DATED AT ASHLEY MICHIGAN THIS 6th DAY OF JULY 1988.

R. L. Beracy
President

W. K. Collins
Clerk

I CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE COPY OF AMENDMENT #2 TO
ORDINANCE #104 AS ADOPTED BY THE ASHLEY VILLAGE COUNCIL AT ITS REGULAR MEETING HELD
JULY 6, 1988 AND THAT A COPY WAS POSTED AT THREE CONSPICIOUS PLACES IN THE VILLAGE
FOR A PERIOD OF 30 DAYS.

W K Collins
Clerk

ORDINANCE NO. 104
Amendment No. 4

AN ORDINANCE TO AMEND SECTION 11 OF ORDINANCE NO. 101, AS AMENDED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN ON OCTOBER 31, 1958 AND AMENDED ON DECEMBER 12, 1958, JANUARY 2, 1962, MARCH 1968 and on JULY 6, 1988, TO PROVIDE FOR A WATER SUPPLY SYSTEM FOR THE VILLAGE OF ASHLEY MICHIGAN.

THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN ORDAINS:

SECTION 11(A) SECTION 11(A) OF ORDINANCE NO 101 OF THE ORDINANCES OF THE VILLAGE OF ASHLEY, AS AMENDED, ENTITLED AS APPLICABLE, READS: "CHARGES FOR WATER SERVICE TO EACH PREMISES WITHIN THE VILLAGE CONNECTED WITH THE WATER SUPPLY SHALL BE \$9.00 PER MONTH WITH THE EFFECTIVE DATE OF THIS ORDINANCE. METERED RATES WILL BE COMPUTED AS FOLLOWS:

First 10,000 MINIMUM	\$30.43
NEXT 140,000 GALLONS	.83 PER THOUSAND
NEXT 350,000 GALLONS	.59 PER THOUSAND
NEXT 500,000 GALLONS	.41 PER THOUSAND
OVER 1,000,000 GALLONS	.31 PER THOUSAND

THE ABOVE SECTION 11(A) is HEREBY AMENDED TO READ:

CHARGES FOR WATER SERVICE TO EACH PREMISES WITHIN THE VILLAGE CONNECTED WITH THE WATER SUPPLY SHALL BE \$14.00 PER MONTH WITH THE EFFECTIVE DATE OF THIS ORDINANCE. METERED RATES WILL BE COMPUTED AS FOLLOWS:

FIRST 10,000 MINIMUM	\$57.53 MINIMUM
NEXT 140,000 GALLONS	1.56 PER THOUSAND
NEXT 350,000 GALLONS	1.10 PER THOUSAND
NEXT 500,000 GALLONS	.77 PER THOUSAND
OVER 1,000,000 GALLONS	.57 PER THOUSAND

CHARGES MADE TO THE ASHLEY COMMUNITY SCHOOLS SHALL BE \$212.65 PER MONTH.

SECTION II(B) OF ORDINANCE NO 101 OF THE ORDINANCES OF THE VILLAGE OF ASHLEY, AS AMENDED, READS: "CHARGES FOR WATER SERVICE TO EACH PREMISES WITHIN THE VILLAGE OF ASHLEY, CONNECTED WITH THE WATER SUPPLY SYSTEM AND HAVING A SWIMMING POOL WITH A CAPACITY OF 7500 GALLONS OF WATER OR MORE, SHALL BE \$9.00 PLUS A FLAT RATE CHARGE OF \$25.00 PER CALENDAR YEAR, WITH THE SAID FLAT CHARGE OF \$25.00 PER YEAR BEING DUE AND PAYABLE ON THE 1ST DAY OF JULY OF EACH YEAR." THE FOREGOING SECTION IS HEREBY AMENDED TO READ AS FOLLOWS:

CHARGES FOR WATER SERVICE TO EACH PREMISES WITHIN THE VILLAGE OF ASHLEY, CONNECTED WITH THE WATER SUPPLY SYSTEM AND HAVING A SWIMMING POOL WITH A CAPACITY OF 7500 GALLONS OF WATER OR MORE SHALL BE \$14.00 PLUS A FLAT RATE CHARGE OF \$38.75 PER CALENDAR YEAR, WITH THE SAID FLAT CHARGE OF \$38.75 PER YEAR BEING DUE AND PAYABLE ON THE 1ST DAY OF JULY OF EACH YEAR.

ALL OTHER PROVISIONS OF ORDINANCE NO.101 REMAIN UNCHANGED BY THIS AMENDMENT. AS STATED OR AMENDED REMAIN UNCHANGED AFTER ITS ENACTMENT.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FIFTEEN (15) DAYS AFTER ITS ENACTMENT.

DATED AT ASHLEY MICHIGAN THIS 5th DAY OF July 1989.

R. L. Beracy
PRESIDENT

W. K. Collins
CLERK

ORDINANCE NO. 104
Amendment No. 5

AN ORDINANCE TO AMEND SECTION II OF ORDINANCE NO. 104, AS AMENDED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN ON OCTOBER 31, 1958 AND AMENDED ON DECEMBER 12, 1958, JANUARY 2, 1962, MARCH 5, 1968, JULY 6, 1988 AND ON JULY 5, 1989 TO PROVIDE FOR A WATER SUPPLY SYSTEM FOR THE VILLAGE OF ASHLEY MICHIGAN.

THE VILLAGE OF ASHLEY, GRATIOT COUNTY MICHIGAN ORDAINS:

SECTION II OR ORDINANCE NO. 104 IS HEREBY AMENDED BY THE ADDITION OF NEW SECTION II(C) AS FOLLOWS:

SECTION II(C). SPECIAL RATES.

WHEN, IN THE OPINION OF A MAJORITY OF THE DULY ELECTED TRUSTEES OF THE ASHLEY VILLAGE COUNCIL, THERE EXISTS A NEED FOR SPECIAL CONSIDERATION OF RATES, DUE TO TEMPORARY OR PERMANENT CIRCUMSTANCES, THE VILLAGE COUNCIL MAY, AFTER FIRST NOTIFYING THE PARTY(S) INVOLVED, VOTE TO ADOPT SUCH SPECIAL RATES. THE PARTY(S) INVOLVED WILL BE GIVEN AN AMPLE OPPORTUNITY TO APPEAR AT A REGULAR OR SPECIAL VILLAGE COUNCIL MEETING TO VOICE CONCERNS ABOUT ANY SUCH SPECIAL RATES.

SPECIAL RATES MAY BE ASSESSED IN CASES OF, BUT NOT LIMITED TO, UNUSUAL WATER CONSUMPTION EITHER THROUGH NEGLIGENCE OR THROUGH OTHER MEANS.

ALL OTHER PROVISIONS OF ORDINANCE NO. 101 AS STATED OR AMENDED REMAIN UNCHANGED BY THIS AMENDMENT.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FIFTEEN (15) DAYS AFTER ITS ENACTMENT.

DATED AT ASHLEY MICHIGAN THIS 7TH DAY OF MAY 1991.

R. L. Beracy
PRESIDENT

W. K. Collins
CLERK

I, William K Collins, Ashley Village Clerk, do hereby certify that the above is a true copy of an ordinance amendment passed by the Ashley Village Council on May 7, 1991. This ordinance was posted on the bulletin boards at the Ashley Branch, Bank of Alma, and the Ashley Fire Hall for a period of 15 days following passage.

W. K. Collins
Village Clerk

ORDINANCE NO. 105

THE VILLAGE OF ASHLEY ORDAINS THAT PURSUANT TO THE PROVISIONS OF ACT 62 OF THE PUBLIC ACTS OF 1956, STATE OF MICHIGAN, THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES IS ADOPTED BY REFERENCE BY THE COUNCIL OF THE VILLAGE OF ASHLEY AT ITS REGULAR MEETING HELD AT THE ASHLEY VILLAGE HALL TUESDAY MAY 7th, 1968.

THE PURPOSE OF SUCH CODE IS TO REGULATE THE OPERATION OF VEHICLES, TO PROVIDE FOR THE REGULATION AND USE OF STREETS, HIGHWAYS AND ALLEYS AND OTHER PUBLIC AND SEMI-PUBLIC PLACES WITHIN THE VILLAGE OF ASHLEY AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID CODE.

COMPLETE COPIES OF THE UNIFORM TRAFFIC CODE SHALL BE AVAILABLE AT THE OFFICE OF THE VILLAGE CLERK FOR INSPECTION BY AND DISTRIBUTION TO THE PUBLIC AT ALL TIMES.

NO FURTHER PUBLICATION OF THIS ORDINANCE SHALL BE REQUIRED THAN THE PLACING OF A COPY OF THE ORDINANCE IN A PUBLIC PLACE WITHIN THE VILLAGE OF ASHLEY.

ADOPTED MAY 7th, 1968.

Clarence Luckhardt
Village President

I, William K. Collins, do hereby certify the fore going to be a true and accurate copy of an ordinance adopted by the Village Council at its regular meeting Tuesday may 7th, 1968.

W. K. Collins
Village Clerk

ORDINANCE NO. 106

An Ordinance to amend Section 4 of Article II and Section 3, 5, and 6 of Article IV of the Ordinance of the Village of Ashley, Michigan, known as the "Zoning Ordinance of Ashley".

THE VILLAGE OF ASHLEY ORDAINS:

That the Zoning Ordinance of the Village of Ashley be amended in the following respects:

1. Article II, Section 4, Temporary Dwellings is amended by the deletion of the present Article II, Section 4, Temporary Dwellings and by substituting the following in its place and stead:

"Section 4, Temporary Dwellings. No Temporary Dwellings such as basements, trailers, trailer-homes, coaches, trailer-coaches, mobile housing units or mobile homes shall be located in any district of Ashley except on application to and approval by the Board of Zoning Appeals; provided further, however, that trailers, trailer-homes, coaches, trailer-coaches, mobile housing units or mobile homes may be located in a properly established mobile home park or trailer park as approved by the Village Council of the Village of Ashley and the Health Department of the State of Michigan or any other governmental agency of the State of Michigan authorized by law to license and regulate mobile home parks or trailer parks."

2. Article IV, Section 3, Board of Zoning Appeals is amended by the addition thereto of Section 3A. Section 3A shall read as follows:

"Section 3A, Special Use Permit for Temporary Homes. Upon application by the owners of the land affected, the Zoning Board of Appeals may grant a special use permit for the use of a mobile home or a temporary home as a residence in an RA district. The application shall be accompanied by an application fee of Twenty-five DOLLARS (\$25.00). The applicant shall also furnish to the Board all necessary information concerning the height, width, and length of the structure; the manner of securing the structure to the soil; length of anticipated use; livable area in square feet; and a plan showing the location of the proposed use on the land, and such other and additional information as the Board deems necessary in order to reach a decision.

The Board of Zoning Appeals shall review the particular circumstances and facts of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on a proposed location:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Ashley Zoning Ordinance of current adoption;
2. Will be designed, constructed, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that the person or agency responsible for the establishment of the proposed use shall be able to provide adequately any such service;
5. Will be consistent with the intent and purpose of this Ordinance and;
6. Will comply with all specific requirements which are imposed on other residential uses in an RA district.

3. Article IV, Section 5, Jurisdiction - Hearing and Decision Upon Appeal is amended by the addition thereto of Section 5A. The said Section 5A shall read as follows:

"Section 5A. Special Use Permits for Temporary Dwellings or Mobile Homes. The Board of Zoning Appeals may, in a proper case, authorize by special use permit the use of a temporary dwelling or mobile home in accordance with the requirements set forth in the Article IV, Section 3A, and the subsections thereto, of this Ordinance."

4. Article IV, Section 6, Special Permits by the Board of Appeals, is amended by adding thereto subparagraph (e).

"(e) The Board of Zoning Appeals may in a proper case authorize by special use permits the use of a temporary dwelling or mobile home in accordance with the requirements set forth in paragraph 3A, and the subparagraphs thereto, of Article IV of this Ordinance."

5. This amending Ordinance shall take effect 20 days after its passage.

Passed, ordained and ordered, published by the Village Council of the Village of Ashley at a regular meeting held on the 3rd day of September, 1968.

William J. Strpko
Village President Pro-Tem

W. K. Collins
Village Clerk

ORDINANCE NO. 106
AMENDMENT NO. 1

An Ordinance to amend Section 4 of Article II of the Ordinance of the Village of Ashley known as the "Trailer Ordinance"

THE VILLAGE OF ASHLEY ORDAINS:

That the Trailer Ordinance of the Village of Ashley be amended by adding the following:

1. No permit may be issued for temporary dwellings such as basements, trailers, trailer-homes, coaches, trailer-coaches, mobile housing units or mobile homes located outside a properly established mobile home park or trailer park as approved by the Village Council of the Village of Ashley and the Health department of the State of Michigan or any other governmental agency of the State of Michigan authorized by law to license and regulate home parks or trailer parks, for a period longer than twelve calendar months. Except that such permit may be extended by the Board of Zoning appeals for an additional three months provided bona-fide construction has been initiated, and a legal building permit secured, toward the construction of a permanent dwelling.

This amending ordinance shall take effect 30 days after its passage.

Passed, ordained, and ordered posted by the Village Council of the Village of Ashley at a regular meeting held on the 5th day of April 1977

Howard E. Bryant
Village President

W. K. Collins
Village Clerk

I hereby certify that the foregoing is an amendment ordinance passed by the Ashley Village Council at its regular meeting held April 5, 1977. I further certify that a copy of this ordinance was posted at three conspicuous places in the Village of Ashley for a period of 30 days.

W. K. Collins
Village Clerk

ORDINANCE NO. 107

AN ORDINANCE TO PROHIBIT THE UNLAWFUL STORAGE AND PLACEMENT OF GARBAGE AND/OR REFUSE; TO PROVIDE FOR ORDERLY STORAGE AND DISPOSAL OF GARBAGE AND/OR REFUSE; TO ESTABLISH RATES TO BE PAID BY OCCUPANTS OF BUILDINGS FOR COLLECTING; TO DEFINE TERMS USED; AND TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE.

THE VILLAGE OF ASHLEY ORDAINS:

Section 1. Definitions. As used in this ordinance, the words "garbage", "refuse", and "ashes" shall have the following meanings:

A. Garbage: Waste resulting from the handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce.

B. Refuse: Combustible trash, including, but limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; non-combustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral wastes; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles; provided, refuse shall not include dirt and wastes from building operations, nor shall it include solid wastes resulting from industrial processes, and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

C. Ashes: Residue from fires used for cooking and for heating buildings.

Section 2. Uncovered Garbage. It shall be unlawful to place or permit to remain anywhere in the village any garbage, or other material, subject to decay, other than leaves or grass, excepting in a tightly covered container.

Section 3. Windblown Refuse. It shall be unlawful to cause, or permit to accumulate, any dust, ashes, or trash of such material that it can be blown away by the wind anywhere in the village, excepting in a covered container.

Section 4. Deposits on Streets. It shall be unlawful to deposit or permit to fall from any vehicle, any garbage, refuse or ashes on any public street or alley in the village; provided, that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this ordinance preparatory to having such materials collected and disposed of in the manner provided herein.

Section 5. Consent of Owner. It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the village without the consent of the owner of such premises.

Section 6. Disposal. It shall be unlawful to dispose of any garbage, refuse or ashes anywhere in the village excepting in an incinerator, or disposal device, properly constructed and operated within a fully enclosed building, or in a

lawfully established garbage or refuse dump. Such material not so properly disposed of shall be placed in containers for collection as herein prescribed.

Section 7. Collection, Rates, Exemptions. Collection of garbage, refuse and ashes in the village shall be by a contract-or to be selected by the Village Council. The collection shall be made from all premises at least once each week, provided that the material is properly stored for collection in a container complying with the provisions of this ordinance.

The fees for such collection shall be paid monthly, in advance, and shall be as follows:

Single family residence, \$3.00 per month
Multi-family residence or apartment buildings, \$3.00 per month for each housekeeping unit
Business and commercial establishments, \$3.50 per month

All unoccupied homes, housekeeping units or business establishments are exempt during the period of such unoccupancy. All single family residences and housekeeping units which are occupied by a senior citizen having a current property tax exemption certificate also are exempt from the fees required by this ordinance.

The occupant of each residence, housekeeping units or business establishment shall be billed monthly, in advance, for the collection service. It shall be the responsibility of each occupant to advise the Village Treasurer of his or her vacation of the premises which have previously been billed in his or her name. It shall also be the responsibility of each new occupant to advise the Village Treasurer of such new occupancy.

Each Occupant, subject to the fee schedule, shall be required to pay the stated fee within thirty (30) days of billing. Failure to pay within that time shall subject the account to an additional fee of fifty cents (\$.50) for each thirty (30) days of delinquency. Failure to pay for three (3) consecutive billings shall be grounds for refusal of further collection of garbage and/or rubbish.

Section 8. Limitations of Amounts. Whenever the collection of garbage and/or rubbish from any residence, housekeeping unit or commercial building shall exceed a normal amount for such a place or the fee prescribed for such collection is not fair as applies to that particular place, the Village Council may establish a special rate for such establishment.

Whenever the cost for collection of garbage and/or rubbish is increased or lowered so that the fees as prescribed by this ordinance are not fair and reasonable, the Village Council may amend the fee schedule provided for herein.

Section 9. Containers. All garbage for collection shall be placed in water proof containers equipped with a cover and equipped with handles so that they may be lifted and carried by one man. No such container shall have a capacity of more than twenty (20) gallons. All refuse and ashes for collection shall be placed in water proof containers not larger or heavier than may be lifted and carried by one man.

Section 10. Collection Schedule. The Village Clerk shall post a schedule in the

Village Hall showing the day of the week that the garbage and refuse shall be collected in the various areas of the Village. The schedule shall further show the portion of the premises on which the collection shall be made. The occupants of the various premises shall place all garbage and refuse at the collection point.

Section 11. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and subject to a penalty of a fine not exceeding ONE HUNDRED DOLLARS (\$100.00) and/or a maximum of ninety (90) days in the county jail. It shall be deemed a separate offense on each day during or on which a violation occurs or continues.

Section 12. Presumption. The fact that garbage, refuse or ashes remain on any occupant's premises in the village in violation of this ordinance shall be prima facie evidence that the occupant of such premises is responsible for the violation of the ordinance.

Section 13. Effective Date. This ordinance shall take effect and be in force twenty (20) days after its passage.

Passed and approved by the Village Council for the Village of Ashley, Michigan, in regular session held on the 4th day of March, 1969.

We, the undersigned. President and Clerk of the Village of Ashley, do hereby certify that the above and foregoing ordinance known as Ordinance No. 107 of the Village of Ashley was passed at a regular session of the Village Council held on the 4th day of March, 1969.

Charles E. Luckhardt
President

W. K. Collins
Village Clerk

ORDINANCE #107
AMENDMENT #1

ASHLEY VILLAGE ORDINANCE #107, COMMONLY KNOWN AS THE TRASH PICKUP ORDINANCE IS
HEREBY AMENDED AS FOLLOWS:

SECTION 7 PARAGRAPH 3 READING "SENIOR CITIZENS HAVING A CURRENT PROPERTY TAX
EXEMPTION CERTIFICATE" SHALL BE CHANGED TO READ "SENIOR CITIZENS SIXTY-FIVE (65)
YEARS OF AGE OR OLDER.

THIS AMENDMENT SHALL BE EFFECTIVE TWENTY (20) DAYS FROM ITS ADOPTION BY THE VILLAGE
COUNCIL.

W. K. Collins
Clerk

Gordon Overholt
President

I, WILLIAM K COLLINS, CLERK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE
FOREGOING AMENDMENT TO ORDINANCE #107 WAS ADOPTED BY UNANIMOUS VOTE AT A SPECIAL
MEETING OF THE VILLAGE COUNCIL HELD IN THE VILLAGE HALL TUESDAY MAY 20, 1969.

W. K. Collins
Clerk

I, WILLIAM K COLLINS, CLERK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE
ABOVE AMENDMENT WAS POSTED IN THE ASHLEY BRANCH BANK OF ALMA, BUCK'S BARBER SHOP AND
THE ASHLEY VILLAGE HALL ON WEDNESDAY MAY 21, 1969.

W. K. Collins
Clerk

ORDINANCE #107
AMENDMENT #2

ASHLEY VILLAGE ORDINANCE #107, COMMONLY KNOWN AS THE TRASH PICKUP ORDINANCE IS
HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 2. UNCOVERED GARBAGE. IT SHALL BE UNLAWFUL FOR ANY OWNER OR OCCUPANT TO
PLACE OR PERMIT TO REMAIN ANYWHERE IN THE VILLAGE ANY GARBAGE OR OTHER MATERIAL,
SUBJECT TO DECAY, OTHER THAN LEAVES OR GRASS EXCEPTING IN A TIGHTLY COVERED
CONTAINER. SECTION 3. WINDBLOWN REFUSE. IT SHALL BE UNLAWFUL FOR ANY OWNER OR
OCCUPANT TO CAUSE, OR PERMIT TO ACCUMULATE ANY DUST, ASHES, OR TRASH OF SUCH
MATERIAL THAT IT CAN BE BLOWN AWAY BY THE WIND ANYWHERE IN THE VILLAGE, EXCEPTING IN
A COVERED CONTAINER. SECTION 13. EFFECTIVE DATE. THIS AMENDMENT SHALL TAKE EFFECT
AND BE IN FORCE TWENTY (20) DAYS AFTER ITS PASSAGE.

GORDON OVERHOLT,
VILLAGE PRESIDENY

W K COLLINS,
VILLAGE CLERK

I, WILLIAM K COLLINS, CLERK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE
FOREGOING AMENDMENT TO ORDINANCE #107 WAS ADOPTED BY UNANIMOUS VOTE OF THE COUNCIL
AT ITS REGULAR MEETING HELD AT THE VILLAGE HALL TUESDAY JUNE 3rd, 1969.

W K COLLINS,
VILLAGE CLERK.

I, WILLIAM K COLLINS, CLERK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE
FORGOING AMENDMENT TO ORDINANCE #107 WAS OSTED AT BUCKS BARBER SHOP, ASHLEY BRANCH
BANK OF ALMA AND THE VILLAGE FIRE HALL ON FRIDAY JUNE 6th, 1969.

W K COLLINS,
VILLAGE CLERK

ORDINANCE # 107
AMENDMENT #3

ASHLEY VILLAGE ORDINANCE #107, AS AMENDED, COMMONLY KNOWN AS THE TRASH PICKUP ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

AMENDMENT #1 of SECTION 7 PARAGRAPH 3, READING SENIOR CITIZENS SIXTY-FIVE (65) YEARS OF AGE OR OLDER ALSO ARE EXEMPT FROM THE FEES PRESCRIBED BY THIS ORDINANCE SHALL BE CHANGED TO READ: SENIOR CITIZENS SIXTY-FIVE (65) YEARS OF AGE OR OLDER SHALL BE REQUIRED TO PAY ONE DOLLAR \$100 PER MONTH FOR THIS SERVICE,

Gordon Overholt
PRESIDENT

W. K. Collins
Clerk

I, WILLIAM K COLLINS, CLERK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE FOREGOING AMENDMENT TO ORDINANCE #107 WAS ADOPTED BY UNANIMOUS VOTE AT A SPECIAL MEETING OF THE VILLAGE COUNCIL HELD IN THE VILLAGE HALL TUESDAY FEBRUARY 3, 1970.

W. K. Collins
CLERK

I, WILLIAM K COLLINS, CLERK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE ABOVE AMENDMENT WAS POSTED IN THE ASHLEY BRANCH BANK OF ALMA, ASHLEY VILLAGE HALL, AND ANN ARBOR RAILROAD DEPOT ON WEDNESDAY FEBRUARY 4, 1970, and posted for a period of 10 days.

W. K. Collins
Clerk

ORDINANCE #108

AN ORDINANCE TO DEFINE AND REGULATE AND TO DEFINE AND ELIMINATE NUISANCES: TO PROVIDE PROCEDURE FOR ABATEMENT AND RE-COUPING THE COST OF ABATEMENT; DECLARING PENALTY FOR VIOLATION OF THE ORDINANCE.

THE VILLAGE OF ASHLEY ORDAINS:

1. Any of the following acts or conditions is hereby declared a nuisance:

- A. When any cellar, vault, lot, sewer, drain, place or premises within the Village, shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or be in such condition as to produce offensive exhalation;
- B. When any lot, building or structure, within the Village, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds becomes a public hazard which is dangerous to the health, safety or welfare of the public.
- C. When any lot, building or structure, becomes vermin infested.
- D. When the Health Officer of the Village of Ashley, the County of Gratiot, or the Tri-County Board of Health declares that a building or structure is condemned.

Section 2. It shall be unlawful for any person to create or permit to exist, upon land controlled by him, any nuisance enumerated in Section 1 of this Ordinance.

Section 3. When any of the conditions set forth in Section 1 of this Ordinance exist, the Village Council may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, and to the owner or occupant of the building or structure creating a nuisance, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the Council, which time shall be commensurate with the nature of the nuisance.

Section 4. If the owner or owners or occupant of any lot or premises, when required by the Council to remove any nuisance or abate any such nuisance shall neglect to do so within the time specified by the Council, and if the Council shall incur any expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the Village in an action of debt or assumes it against the owner or occupant of such lot or premises.

Section 5. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not exceeding

\$100.00 or by imprisonment in the County Jail not exceeding 90 days or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 6. This ordinance shall take effect and be in full force fifteen (15) days after its enactment.

Dated at Ashley, Michigan, this 8 day of August 1969.

Gordon Overholt
Mayor

Elton Mills
Acting Clerk

ORDINANCE NUMBER #109

An Ordinance regulating and controlling the traffic in alcoholic liquors within the Village of Ashley.

The Village of Ashley ordains:

Section 1. That no person, either directly or Indirectly by him self, clerk, agent, servant or employee, shall, at any time, sell, furnish, give or deliver any alcoholic liquor, beer or wine to any person, unless such person shall have attained the ago of 21 years; nor shall any person, either directly or indirectly, by himself clerk, agent, servant or employee, at any time sell, furnish, give or deliver any alcoholic liquor to any person who is under the influence of intoxicating beverages. Further, any person under the age of 21 years purchasing or offering to purchase beer or wine or any alcoholic beverage, who falsely represents himself to be over the age of 21 years, or who makes any false statement or gives false information regarding his age to any public officer, or employee in charge of any place where beer or wine or any other alcoholic beverages are sold, or any other person who makes false representations in order to procure the sale or furnishing of any such beverage or beverages be a person under the age of 21 years, shall be deemed guilty of a misdemeanor.

Section 2. It shall be unlawful for any person under the age of 21 years to be permitted in any place in the Village of Ashley where beer and wine or other alcoholic beverages are sold for consumption on the premises. After 900PM local time.

Section 3. Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine not exceeding One Hundred (\$100.00) Dollars together with costs of prosecution or by imprisonment in the county Jail, not exceeding ninety (90) days, or both, in the discretion of the court.

Section 4. This Ordinance shall take effect and be enforced 20 days after it's passage.

Section 5., This Ordinance shall be published or posted as required by law within the Village of Ashley.

Passed, Ordained and Ordered Published by the Village Council of the Village of Ashley, Michigan at a regular meeting held

Gordon Ovorholt
Village President

W K Coffins
Village Clerk

I, W K Collins, Village Clerk of the Village of Ashley Michigan do hereby certify that the above ordinance was posted in three public places in the Village of Ashley on the 19th day of August, 1969.

W K Collins
Ashley Village Clerk

ORDINANCE #109
AMENDMENT #1

ASHLEY VILLAGE ORDINANCE #109, GOVERNING MINORS IN PLACES WHERE ALCHOHOLIC BEVERAGES ARE SOLD FOR CONSUMPTION ON THE PROPERTY, IS AMENDED AS FOLLOWS:

SECTION 2 OF ORDINANCE #109 IS HEREBY AMENDED BY ADDING THE FOLLOWING SENTENCE:

"THIS SHALL NOT BE SO CONSTRUED SO AS TO PREVENT MINORS, WHO HAVE ORDERED A MEAL PRIOR TO 8:30PM (EIGHT THIRTY) LOCAL TIME, TO BE GIVEN A REASONABLE TIME TO FINISH THE CONSUMPTION OF THE SAME."

W. K. Collins
Clerk

Gordon Overholt
President

I, William K Collins, Clerk of the Village of Ashley do hereby certify that the foregoing amendment to Ordinance #109 was adapted by unanimous vote at a regular meeting of the village council held in the village hall Tuesday February 3. 1970.

W. K. Collins
Clerk

I, William K Collins, Clerk of the Village of Ashley do hereby certify that the above amendment was posted in the Ashley Branch Bank of Alma, Ashley Village Hall and Ann Arbor Railroad Depot on Wednesday February 4, 1970, and posted for a period of 20 days.

W. K. Collins
Clerk

ORDINANCE #109
AMENDMENT #2

ASHLEY VILLAGE ORDINANCE #109, GOVERNING MINORS IN PLACES WHERE ALCHOHOLIC BEVERAGES ARE SOLD FOR CONSUMPTION ON THE PROPERTY, IS AMENDED AS FOLLOWS:

SECTION 2 OF ORDINANCE #109 IS HEREBY AMENDED BY ADDING THE FOLLOWING SENTENCE:

"MINORS MAY, HOWEVER, BE ALLOWED TO ENTER THE ASHLEY LOUNGE, INTO A SPECIALLY ROPED-OFF AREA AFTER THE 9PM CURFEW, AND BE ALLOWED TO PURCHASE BUT NOT CONSUME FOODS AND NON ALCHOHOLIC BEVERAGES IN THE ASHLEY LOUNGE. THE VILLAGE COUNCIL MAY BUT SHALL NOT BE REQUIRED TO ESTABLISH THE LIMITS OF THE ROPED-OFF AREA."

W. K. COLLINS
CLERK

GORDON OVERHOLT
PRESIDENT

I, WILLIAM K COLLINS, CLKRK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE FOREGOING AMENDMENT TO ORDINANCE #109 WAS ADOPTED BY MAJORITY VOTE AT A REGULAR MEETING OF THE VILLAGE COUNCIL HELD IN THE VILLAGE HALL TUESDAY MARCH 9, 1971.

W. K. COLLINS
CLERK

I, WILLIAM K COLLINS, CLERK OF THE VILLAGE OF ASHLEY DO HEREBY CERTIFY THAT THE ABOVE AMENDMENT WAS POSTED IN THE, ASHLEY BRANCH BANK OF ALMA, ASHLEY VILLAGE HALL AND ANN ARBOR RAILROAD DEPOT ON WEDNESDAY MARCH 10, 1971, AND POSTED FOR A PERIOD OF 20 DAYS.

W. K. COLLINS
CLERK

ORDINANCE #109
AMENDMENT #3

ASHLEY VILLAGE ORDINANCE NUMBER 109, COMMONLY REFERRED TO AS THE LOCAL LIQUOR CONTROL ORDINANCE NOW READS:

"SECTION 2. IT SHALL BE UNLAWFUL FOR ANY PERSON UNDER THE AGE OF 21 YEARS TO BE PERMITTED IN ANY PLACE IN THE VILLAGE OF ASHLEY WHERE BEER AND WINE OR OTHER ALCOHOLIC BEVERAGES ARE SOLD FOR CONSUMPTION ON THE PREMISES, AFTER 9:00PM LOCAL TIME."

THE VILLAGE OF ASHLEY ORDAINS:

SECTION 2 OF ASHLEY VILLAGE ORDINANCE #109 IS HEREBY AMENDED TO READ AS FOLLOWS:

"SECTION 2. IT SHALL BE UNLAWFUL FOR ANY PERSON UNDER THE AGE OF 18 YEARS TO BE PERMITTED IN ANY PLACE IN THE VILLAGE OF ASHLEY WHERE BEER AND WINE OR OTHER ALCOHOLIC BEVERAGES ARE SOLD FOR CONSUMPTION ON THE PREMISES, AFTER 9:00PM LOCAL TIME."

ALL OTHER PROVISIONS OF ORDINANCE #109 REMAIN AS HERETOFORE ORDAINED AND AS AMENDED.

THIS ORDINANCE AMENDMENT SHALL TAKE EFFECT AND BE IN FULL FORCE FIFTEEN (15) DAYS AFTER ITS ENACTMENT.

DATED AT ASHLEY MICHIGAN THIS 3rd DAY OF January 1989.

R. L . Beracy
Village President

W. K. Collins
Village Clerk

ORDINACE NO. 110

AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE GRATIOT COUNTY SANITARY SEWAGE DISPOSAL SYSTEM NO. 2 (VILLAGE OF ASHLEY) ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED. i THE VILLAGE OF ASHLEY HEREBY ORDAINS:

Section 1. It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Ashley, that the Gratiot County Sanitary Sewage Disposal System No, 2 (Village of Ashley) be operated by said Village as lessee and agent of Gratiot County and the Gratiot County Board of Public Works on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 2, Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete Gratiot County Sanitary Sewage Disposal System No. 2 (Village of Ashley), including all sewers, pump, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may here-after be acquired,

Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933 as amended.

Section 3. The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Village Council, subject to the terms of the contract dated August 19, 1969 between the County of Gratiot and the Village of Ashley. Said Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient. management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 4. Rates to be charged for service furnished by the System shall be as follows:

Sewer Use Charges

Sewer use charges to each single-family residential premises served by the System shall be in the flat amount of \$8.00 per month. Each premisss other than a single-family residence shall pay a monthly charge of \$8.00 multiplied by a factor representing a ratio of sewage use by such class of premises to normal single-family residential sewage use. The Village Council shall adopt and revise from time to time a schedule of such single-family residence equivalents or ratios; provided, however, that the minimum monthly charge to any premises shall be \$8.00.

Special Rates

For miscellaneous or special services for which a special rate shall be established, such rates shall be fixed by the Village Council.

Billing

Bills will be rendered monthly in conjunction with water billings of the Village and shall be subject to the same penalty provisions as said water billings.

Enforcement

The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933 as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and when-ever any such charge against any piece of property shall be delinquent for six(6) months, the Village official or officials in charge of the collection, thereof shall certify annually, on March 1st of each year, to the tax-assessing office of the Village the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general village taxes against such premises are collected and the lien thereof enforced: Provided, however where notice is given that a tenant is responsible such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$20.00 shall have been made as security for payment of such charges and service.

In addition to the foregoing, the village shall have the right to shut off sewer service to any premises for which charges for sewer service are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by the Village Council, have been paid. Further, such charges and penalties may be recovered by the Village by Court Action.

Section 5, No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6. All premises to which service of the System shall be available shall connect to said System within sixty (60) days after the mailing of a notice by the appropriate Village official to said premises that said services are available.

Section 7. The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said System as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the village to the County of Gratiot pursuant to the aforesaid contract between Said County and the Village of Ashley as the same become due, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

Section 8. The System shall be operated on the basis of an operating year commencing on March 1 and ending on the last day of February next following.

Section 9. The revenues of the system shall be set aside, as collected, and deposited in a separate depository account in Ashley Branch, Bank of Alma Michigan, a bank duly qualified to do business in Michigan, in an account to be designated SEWAGE DISPOSAL SYSTEM RECIEVING FUND (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues so deposited shall be transferred from the Receiving Fund periodically in the manner and at the times hereinafter specified.

(A) OPERATION AND MAINTENANCE FUND

Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated OPERATION AND MAINTENANCE FUND, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

(B) CONTRACT PAYMENT FUND

There shall next be established and maintained a depository account, to be designated CONTRACT PAYMENT FUND, which shall be used solely for the payment of the Village's obligations to the County of Gratiot pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the System, prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Village legally available for such purpose.

(G) REPLACEMENT FUND

There shall next be established and maintained a depository account, designated REPLACEMENT FUND, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Village Council shall deem necessary for this purpose.

(D) IMPROVEMENT FUND

There shall next be established and maintained an Improvement Fund for the Purpose of making improvements, extensions and enlargements to the System, There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Village Council shall determine.

(E) SURPLUS MONEYS

Moneys remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Village Council, be transferred to the improvement Fund or used in connection with any other project of the Village reasonably related to purposes of the System.

(F) BANK ACCOUNTS

All moneys belonging to any of the foregoing funds or accounts may be kept in one

bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth. Section 10. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any moneys and/or securities in other funds a the System, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, and to the extent of any deficit therein.

Section 11. Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933 as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Section 12. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the Invalidity of such section paragraph, clause or provision, shall not effect any of the other provisions of this ordinance.

Section 13. 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 14. This ordinance shall be published once, in full, in the Gratiot County Herald, a newspaper of general circulation within the boundaries of the Village and qualified under State Law to publish legal notices, within two(2) weeks after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the President and Village Clerk.

Section 15. This ordinance shall become effective Immediately upon its adoption,

Passed, Ordained and Ordered published by the Village Council at its regular meeting held October 7, 1969.

W K Colllms
Village Clerk

Gordon Overholt
Village President

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 110 duly adopted by the Village Council of the Village of Ashley, County of Gratiot, Michigan, at a regular Meeting held on October 7, 1969, and that public notice of said meeting has given pursuant be act no 261, Public Acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting,

I further certify that the following Councilmen were present at said Meeting Boog, Mills, Paksi, Butcher, and that the following Councilmen were absent Sparks, Haruska

I further certify that Councilman Butcher moved adoption of said ordinance, and that said motion was supported by Councilman Mills

I further certify that the following Councilmen voted for adoption of said ordinance Boog - Mills - Paksi - Butcher and that the following Councilmen voted against adoption of said ordinance 110

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

W K Collins
Village Clerk

ORDINANCE #110
AMENDMENT #1

Ashley Village Ordinance #110, commonly referred to as the sewer ordinance, adopted by the Ashley Village Council on October 7, 1969 is hereby amended by adding the following;

SECTION 4. SPECIAL RATES, "Premises served by the System and having metered water service shall pay sewer use charges equal to 150% of water charges. Premises outside of the Village limits served by the System shall pay sewer use charges on the basis of \$14.00 per month for a single-family residence and in accordance with the aforementioned schedule of single-family residence equivalents or ratios, based on \$14.00 per month, for other than single-family residences."

SEWER TAP CHARGE

All single-family residential premises connecting to the System after June 1, 1971 shall pay in cash at the time of application for a sewer tap permit a tap charge in the amount of \$250.00. Premises other than single-family residences so connecting shall pay such charge in a similar manner but in amounts based upon \$250.00 times the single-family residence equivalents or ratio as specified by the Village Council for sewer use charges.

Passed, Ordained and ordered published by the Village Council at its regular meeting held May 5, 1970.

WK Collins
Village Clerk

Gordon Overholt
President

I hereby certify that the foregoing constitutes a true and complete copy of amendment #1 Ordinance #110 duly adopted by the Village Council of the Village of Ashley, County of Gratiot, Michigan, at a regular meeting held on May 5, 1970, and that public notice of said meeting was given pursuant to Act no 261, Public Acts of Michigan, 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting,

I further certify that the following councilmen were present at same meeting and that the following councilmen were absent I further certify that councilman Butcher moved adoption of said amendment, and that said motion was supported by councilman Boog.

I further certify that the following councilmen voted for adoption of said ordinance and that the following councilmen voted against adoption of said ordinance. I further certify that said ordinance has been recorded in the Ordinance Book of the Village and that such! recording has been authenticated by the signatures of the President and Village Clerk, and that said amendment has been posted for 20 days in Bucks Barber Shop, Ashley Branch Bank of Alma, and the Ashley

Village Hall, all in the Village of Ashley.

W. K. Collins
Clerk

ORDINANCE #110
AMENDMENT #2

Ashley Village Ordinance #110, commonly referred to as the sewer ordinance, adopted by the Ashley Village Council on October 7, 1969 and amended May 5, 1970, is hereby amended by adding the following:

SECTION 4. SPECIAL RATES. "WHEREAS BY THE VERY NATURE OF ITS EXISTENCE AND THE CHARGES MADE BY IT, IT IS DEEMED TO BE CONTRARY TO THE INTERESTS OF THE RESIDENTS OF THE VILLAGE TO ASSESS 150% OF METERED WATER BILL AGAINST ANY LAUNDROMAT WHICH IS METERED FOR WATER USE PURPOSES. THEREFORE, WITH THE PASSAGE OF THIS AMENDMENT NUMBER TWO (#2) SEWER CHARGES WILL BE ASSESSED UPON SUCH LAUNDROMATS AT THE RATE OF SEVENTY-FIVE PERCENT (75%) OF WATER BILLS INSTEAD OF ONE HUNDRED AND FIFTY PERCENT (150%).

Passed, Ordained, and ordered posted by the Village Council at its Regular meeting held March 3, 1971.

W K Collns
Village Clerk

Gordon Overholt
Village President

I hereby certify that the foregoing constitutes a true and complete copy of amendment #2. Ordinance #110 duly adopted by the Village Council of the Village of Ashley, County of Gratiot, Michigan, at a regular meeting held on March 3, 1971, and that public notice of said meeting was given pursuant to Act no 261 Public Acts of Michigan 1968, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting.

I further certify that the following councilmen were present at same meeting, Boog, Mills, Paksi, Butcher, M Haruska, and that the following councilmen were absent, J Haruska. I further certify that councilman Butcher moved adoption of Said amendment, and that said motion was supported by councilman Boog.

I further certify that the following councilmen voted for adoption of said ordinance Boog, Mills, Paksi, Butcher, and that the following councilmen voted against adoption of said ordinance, M Haruska.

I further certify that said ordinance has been recorded in the Ordinance Book of the Village and that such recording has been authenticated by the signature of the President and Clerk, and that said amendment has been posted for 20 days in the Ashley Branch Bank of Alma, Ashley Village Hall and Ann Arbor Railroad Depot, all in the Village of Ashley.

W. K. Collins
Village Clerk

ORDINANCE NO. 110
AMENDMENT NO. 3

ASHLEY VILLAGE ORDINANCE #110, COMMONLY REFERRED TO AS THE SEWER ORDINANCE, ADOPTED BY THE ASHLEY VILLAGE COUNCIL ON OCTOBER 7, 1969, AND AS AMENDED ON MAY 5, 1970 AND MARCH 5, 1971, IS HEREBY AMENDED AS FOLLOWS:

SECTION 4 AS AMENDED NOW READS; "SEWER USE CHARGES-SEWER USE CHARGES TO EACH SINGLE-FAMILY RESIDENTIAL PREMISES SERVED BY THE SYSTEM SHALL BE IN"THE FLAT AMOUNT OF \$8.00 PER MONTH. EACH PREMISES OTHER THAN A SINGLE-FAMILY RESIDENCE SHALL PAY A MONTHLY CHARGE OF \$8.00 MULTIPLIED BY A FACTOR REPRESENTING A RATIO OF SEWAGE USE BY SUCH CLASS OF PREMISES TO NORMAL SINGLE-FAMILY RESIDENTIAL SEWAGE USE. THE VILLAGE COUNCIL SHALL ADOPT AND REVISE FROM TIME TO TIME A SCHEDULE OF SUCH SINGLE-FAMILY RESIDENCE EQUIVALENTS OR RATIOS; PROVIDED, HOWEVER, THAT THE MINIMUM MONTHLY CHARGE TO ANY PREMISES SHALL BE \$8.00. SPECIAL RATES -"PREMISES SERVED BY THE SYSTEM AND HAVING METERED WATER SERVICE SHALL PAY SEWER USE CHARGES EQUAL TO 150% OF WATER CHARGES. PREMISES OUTSIDE THE VILLAGE LIMITS SERVED BY THE SYSTEM SHALL PAY SEWER USE CHARGES ON THE BASIS OF \$14.00 PER MONTH FOR A SINGLE-FAMILY RESIDENCE AND IN ACCORDANCE WITH THE AFOREMENTIONED SCHEDULE OF SINGLE-FAMILY RESIDENCE EQUIVALENTS OR RATIOS, BASED ON \$14.00 PER MONTH FOR OTHER THAN SINGLE-FAMILY RESIDENCES" SEWER TAP CHARGE-ALL SINGLE-FAMILY RESIDENTIAL PREMISES CONNECT-ING TO THE SYSTEM AFTER JUNE 1, 1971 SHALL PAY IN CASH AT THE TIME OF APPLICATION FOR A SEWER TAP PERMIT A TAP CHARGE IN THE AMOUNT OF \$250.00. PREMISES OTHER THAN A SINGLE-FAMILY RESIDENCE SHALL BE CHARGED IN A SIMILAR MANNER BUT IN AMOUNTS BASED UPON \$250.00 TIMES THE SINGLE-FAMILY RESIDENCE EQUIVALENTS OR RATIO SO SPECIFIED BY THE VILLAGE COUNCIL FOR SEWER USE CHARGES."

THE VILLAGE OF ASHLEY ORDAINS:

ASHLEY VILLAGE ORDINANCE #110 IS HEREBY AMENDED TO READ AS FOLLOWS: SECTION 4.

SEWER USE CHARGES

SEWER USE CHARGES TO EACH SINGLE-FAMILY RESIDENTIAL PREMISES SERVED BY THE SYSTEM SHALL BE IN THE FLAT AMOUNT OF \$6.00 PER MONTH. EACH PREMISES OTHER THAN A SINGLE-FAMILY RESIDENCE SHALL PAY A MONTHLY CHARGE OF \$6.00 MULTIPLIED BY A FACTOR REPRESENTING A MONTHLY CHARGE OF \$6.00 MULTIPLIED BY A FACTOR REPRESENTING A RATIO OF SEWAGE USE BY SUCH CLASS OF PREMISES TO NORMAL SINGLE-FAMILY RESIDENTIAL SEWAGE USE. THE VILLAGE COUNCIL SHALL ADOPT AND REVISE FROM TIME TO TIME A SCHEDULE OF SUCH SINGLE-FAMILY EQUIVALENTS OR RATIOS; PROVIDED, HOWEVER, THAT THE MINIMUM MONTHLY CHARGE TO ANY PREMISES SHALLBE \$6.00.

SPECIAL RATES

PREMISES SERVED BY THE SYSTEM AND HAVING METERED WATER SERVICE SHALL PAY SEWER USE CHARGES EQUAL TO 67% OF WATER CHARGES. PREMISES OUTSIDE THE VILLAGE LIMITS SERVED BY THE SYSTEM SHALL PAY SEWER USE CHARGES ON THE BASIS OF\$14.00 PER MONTH FOR A SINGLE FAMILY RESIDENCE AND IN ACCORDANCE WITH THE AFOREMENTIONED EQUIILAVENTS OR RATIOS, BASED ON \$14.00 PER MONTH, FOR OTHER THAN SINGLE-FAMILY RESIDENCES.

SEWER TAP CHARGE

ALL SINGLE FAMILY RESIDENTIAL PREMISES CONNECTING TO THE SYSTEM AFTER JUNE 1, 1971 SHALL PAY IN CASH AT THE TIME OF APPLICATION FOR A SEWER TAP PERMIT, A TAP CHARGE IN THE AMOUNT OF \$500.00. PREMISES OTHER THAN A SINGLE-FAMILY RESIDENCE SHALL PAY SUCH CHARGE IN A SIMILAR MANNER BUT IN AMOUNTS BASED UPON \$500.00 TIMES THE SINGLE-FAMILY RESIDENCE EQUIVALENTS OR RATIO AS SPECIFIED BY THE VILLAGE COUNCIL FOR SEWER USE CHARGES.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE FIFTEEN (15) DAYS AFTER ITS ENACTMENT.

DATED AT ASHLEY MICHIGAN THIS 6TH DAY OF JULY 1988.

R. L. Beracy
PRESIDENT

W. K. Collins
CLERK

I certify that the foregoing is a true and complete copy of amendment #3 to ordinance #110 as adopted by the Ashley Village Council at its regular meeting held July 6, 1988 and that a copy was posted at three conspicuous places in the village for a period of 30 days.

W. K. Collins
CLERK

ORDINANCE NO. 111

SEWER RULES AND REGULATIONS ORDINANCE

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS OF SECTIONS THEREOF; IN THE VILLAGE OF ASHLEY MICHIGAN.

THE VILLAGE OF ASHLEY ORDAINS:

SECTION I-DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning or terms used in this ordinance shall be as follows:

- A. "Sewage Works" shall mean all facilities For collecting, pumping, treating, and disposing of sewage.
- B. "Inspector" shall mean any person or persons duly authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sewer system.
- C. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- D. "Sewer" shall mean a pipe or conduit for carrying sewage.
- E. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- F. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce,
- G. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- H. "Shall" is mandatory; "May" is permissive.

SECTION II-USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an. unsanitary manner upon public or private property within Ashley Michigan, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.
- B. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village any sanitary sewage, industrial

waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance,

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities intended or used for the disposal of sewage.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and be connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred 100 feet of the property line,

SECTION I II-PUBLIC SEWAGE DISPOSAL

A. Where a public sanitary or combined sewer is not available under the provisions of section II D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the state board of health.

B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

C. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section IID, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the state Board of Health.

SECTION IV -BUILDING SEWERS AMD CONNECTIONS.

A. No unauthorized person shall uncover, make any connections will, or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village.

B. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person ins installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.

C. Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said Inspector to meet all requirements of this ordinance.

D. The building sewer shall be constructed of either Vitrified Clay Sewer Pipe and fittings meeting the current A.S.T.M. specifications for standard or extra strength

clay sewer pipe, Asbestos Cement meeting the current A.S.T.M. specifications, Extra Heavy Cast Iron Soil Pipe meeting the current A.S.T.M. specifications or the Department of Commerce Commercial Standards for Extra Heavy cast Iron Soil Pipe and Fittings, or Concrete sewer pipe and fittings meeting the current A.S.T.M. specifications for standard or Extra Strength Concrete Sewer Pipe, or Plastic Solid Wall Pipe, welded joint, may be accepted if laid on a suitable improved bed or cradle as approved by said inspector.

E. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made Resilient Compression Joints meeting the current A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to the joint specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

F. The size and slope of the building sewers shall be subject to the approval of said Inspector, but in no event shall the diameter of pipe for residential properties be less than four (4) inches, and for other than residential six (6) inches. The slope of such pipe shall be not less than one-eighth (1/8) inch per foot.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. specifications except that no backfill shall be placed until the work has been, inspected by the Inspector or his representative.

H. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

J. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property. Any connection not made at the designated "Y" branch in the main sewer shall be made only as directed or permitted by the said Inspector.

K. The applicant for the building sewer shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.

L. All excavations for building sewer installation shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in manner satisfactory to the said Village.

SECTION V-USE OF THE PUBLIC SEWERS.

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

B. No person shall discharge or cause to be discharges to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard, be structures, equipment, and personnel of the sewage works, or other interference with the proper operation of the sewage works.

C. Grease, oil, and sand interceptors shall be provided when in the opinion, of said inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the superintendent or Inspector, who may prescribe limits on the strength and character of these waters or wastes. Where necessary, in the opinion, of the Inspector, the owner shall provide, at his expense, such preliminary treatment as may be necessary be treat these wastes prior to discharge to the public sewer. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and efficient operation by the owner at his expense.

E. When required by the Village, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined In accordance with "Standard. Methods for the Examination of Water and Sewage" and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which, the building sewer is connected.

SECTION VI-PROTECTION FROM DAMAGE

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

SECTION VII-POWERS AND AUTHORITY OF INSPECTORS

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

one dollar(\$1.00) shall be paid to said inspector at time of initial inspection, new installations, and receipt for this amount shall be evidence that said inspection has been performed.

SECTION VIII-PENALTIES

A. Any person found to be violating any provision of this ordinance except section VI shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time line provided for in Section VIII A, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than One Hundred Dollars (\$100) and not more One Hundred Dollars (\$100) for each violation. Each day in which, any such violation shall continue shall be deemed a separate offense.

C. Any person, violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

Section IX-CONDITIONS OF SERVICE

A. The Village shall install and maintain at its expense that portion of the service from the main to the lot or easement line, and the customer shall install and maintain at his expense that portion of the service from said lot or easement line to his premises.

B. Applications may be canceled and/or sewer service discontinued the Village for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
2. Nonpayment of bills.
3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

C. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers effected by such interruption will be notified in advance whenever it is possible to do so.

D. The Village shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled, to damages nor have any portion of a payment refunded for any interruption.

E. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Village.

F. Special terms and conditions may be made where sewer service is used by the Village or community for public purposes such as public parks, etc.

G. These rules may be changed or amended. SECTION X-VALIDITY

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

Section XI -Ordinance IN FORCE

This ordinance to be in full force and effect from and after its passage, approval, and publication, according to the law of the state of Michigan.

Passed by the Village Council of Ashley Michigan on the 7th day of July 1.970 and posted by the Village Clerk in, accordance with existing statutes.

Following members voted Aye:

Following members voted Nay:

Gordon Overholt
Village President

W. K. Collins
Village Clerk

ORDINANCE NO. 111
AMENDMENT NO. 3

SEWER RULES AND REGULATIONS ORDINANCE

Ashley Village Ordinance number 111, "SECTION IV "BUILDING SEWERS", Paragraph "D" is hereby amended by adding the following sentence

PLASTIC PIPE SHALL BE ABS OR PVC SOLID WALL SCHEDULE 40 PLASTIC WHIT CHEMICALLY WELDED JOINTS, HAVING A WALL THICKNESS OF NOT LESS THAN . 233 INCHES FOR 4-INCH PIPE AND NOT LESS THAN .29 INCHES FOR 6-INCH PIPE.

Passed by the Village Council of Ashley Michigan on the 4th. Day of May 1971 and posted by the Village Clerk in accordance with existing statutes.

Following members voted aye : Butcher, Haroska, Paski, Boog, Mills, Keck.

Following member's voted nay: None

Gordon Overholt
Village President

W K Collins
Village Clerk

ORDINANCE #112

AN ORDINANCE TO REJECT THE ADDITION OF FLUORIDE INTO THE PUBLIC WATER SUPPLY OF THE VILLAGE OF ASHLEY.

SECTION 1. THE VILLAGE OF ASHLEY MICHIGAN, GRATIOT COUNTY, IN ACCORDANCE WITH THE STATUTES OF THE STATE OF MICHIGAN, NAMELY ACT NO. 346 OF THE PUBLIC ACTS OF 1968, HEREBY REJECTS THE ADDITION OF FLUORIDE INTO THE PUBLIC WATER SUPPLY OF THE VILLAGE OF ASHLEY.

SECTION 2. THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM THE PASSAGE DATE THEREOF.

AYES: Carmany, Keck, Butcher, Paksi

NAYS: None

Absent. Luckhardt, Mills.

PASSED BY THE VILLAGE COUNCIL OF ASHLEY MICHIGAN ON THE 4th DAY OF DECEMBER 1973 AND POSTED BY THE VILLAGE CLERK IN ACCORDANCE WITH EXISTING STATUTES.

MAURICE CARMANY
VILLAGE PRESIDENT

W K COLLINS
VILLAGE CLERK

VILLAGE OF ASHLEY MICHIGAN
GRATIOT COUNTY
ORDINANCE NO. 113

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 Ashley Village Council, State of Michigan:

Section 1. That the Village of Ashley adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.4-31 to R 325.440 of the Michigan Administrative Code.

Section 2. That it shall be the duty of the Village Council, Village of Ashley 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 and re-inspections based on potential health hazards involved shall be as established by the Ashley Water Department and as approved by the Michigan Department of Public Health.

Section 3. That the representative of the Ashley Village Council shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Ashley Michigan 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 or systems 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 Ashley Water Department 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 connection(s) has 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 Village or County 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:

"WATERUNSAFE FOR DRINKING"

Section 6. That this ordinance does not supersede the state plumbing code but is supplementary to it.

Section 7. That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the Ashley Water Department, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500 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.

PASSED, ORDAINED AND ORDERED PUBLISHED THIS 7TH DAY OF FEBRURARY 1978.

W. K. Collins
VILLAGE CLERK

Howard E. Bryant
VILLAGE PRESIDENT

PROCEEDINGS OF THE VILLAGE COUNCIL
OF THE
VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN

Minutes of regular meeting of the Village Council of the Village of Ashley, Gratiot County, Michigan, held in the Council Chamber of said Village, on the first day of April, 1958

Present; President James Tanner and Trustees Wm. Strpko, I. L. Osborn, Robert Kent, Elton Mills, Ernest Mckendry and also the Village Clerk.

Trustee Kent then introduced the following ordinance:

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

THE VILLAGE OF ASHLEY ORDAINS;

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, its successors and assigns.

SECTION 2. The right, power and authority is hereby granted to said Grantee to construct, maintain and use electric lines consisting of poles, masts, towers, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges and other public places in the Village of Ashley Gratiot County, Michigan, and to do a local electric business therein, for a period of thirty years.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction and maintenance, and shall be restored to the same good order and condition as when such work was commenced.

SECTION 4. All poles, masts, towers and other supports shall be set and all wires shall be suspended in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the chairman of the street committee of the Village. The Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the poles, masts, towers, wires and other structures and appliances, the erection and maintenance of which are hereby authorized.

SECTION 5. Said Grantee shall be entitled to charge said Village and its inhabitants for electric energy for light, heat and power, the rates now on file with the Michigan Public Service Commission and at present effective within said Village. Said rates shall be subject to review at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Commission or its successors, as applicable to said Village of Ashley, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in. said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 7. The rights, power and authority herein granted, are not exclusive.

SECTION 8. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Village voting thereon at a regular or special municipal election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Village Clerk its written acceptance, subject to the ratification by the electors of the Village. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Village and the Grantee for the full term of thirty (30) years from and after the date of such ratification by the electors.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Ashley, Michigan, on the first day of April, 1958

James M Tanner
Village President

Attest:
W. M. Buckingham
Village Clerk

I hereby certify that the foregoing ordinance was posted at:

Ashley Village Fire Hall
Window of First State Bank of Ashley
Window of Clerk's Office

being three of the most public places in said Village, on the seventh day of April, 1958.

W. M. Buckingham
Village Clerk

Trustee Robert Keck moved that the ordinance as read, be adopted, which motion was supported by Trustee I. L. Osborn.

The following was the vote thereon:

Yes: Trustees Strpko, Osborn, Kent, Mill, McKendry

No: None

The President thereupon declared said ordinance duly carried.

The acceptance of the above franchise ordinance, duly executed by the Consumers Power Company was then filed with the Village Clerk, and upon motion, the same was received and ordered recorded.

ACCEPTANCE

The Consumers Power Company does hereby accept the terms of the ordinance adopted on the first day of April, 1956, by the Village Council of the Village of Ashley, Gratiot County, Michigan, subject to the approval thereof by at least three-fifths of the electors voting thereon at a regular or special municipal election to be held in said Village, which said ordinance is entitled as follows;

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

IN WITNESS WHEREOF, said Consumers Power Company has caused this acceptance to be executed by its duly authorized officer, this first day of April, 1958.

Trustee Mills then introduced

and moved the adoption of the following resolution, which was supported by Trustee Strp

WHEREAS, the Village Council of the Village of Ashlay has this day adopted an ordinance entitled;

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

the same being a public utility franchise; and,

WHEREAS, said Consumers Power Company has heretofore filed with the Village Clerk its written acceptance as provided in said ordinance; and

WHEREAS, it is the desire of the Village Council and of said Consumers Power Company that the enactment of said franchise ordinance be submitted to the vote of the electors of said Village at a special election to be held therein on Wednesday, the 21st day of May, 1958, and said Grantee has indicated its willingness to pay in advance the estimated expense of holding such special election, as determined by the Village Council;

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$73.11 be, and the same is hereby determined as the estimated expense of holding such special election, which amount shall be paid in advance by said Consumers Power Company to the Village Treasurer.

The following was the vote upon the above resolution:

Yes: Trustees Strpko, Mills, Osborn, McKendry, Kent.
No: None

The President thereupon declared the same carried,

Trustee McKendry then introduced and moved the adoption of the following resolution, which was supported by Trustee Kent:

RESOLVED, that a special Village election be ordered to be held in the Village of Ashley, Gratiot, County, Michigan, on Wednesday, the 21st day of May, 1958, for the purpose of submitting to the vote of the electors of said Village voting at such election, the question of approving the franchise ordinance adopted by the Village Council of said Village at its meeting held on the first day of April, 1955, which said ordinance is entitled as follows:

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

The following was the vote upon the above resolution:

Yes: Trustees Strpko, Mills, Osborn, Kent, McKendry.
No: None

The President thereupon declared the same carried.

Trustee Osborn then introduced and moved the adoption of the following resolution, which was supported by Trustee Mills:

RESOLVED, that the Village Clerk be directed to give notice of the submission of said question to the electors at said election in the manner required by law, and that on the 30th day, as determined by statute, prior to such election the Clerk

shall review the registration and shall register any qualified electors who are not registered and who shall appear and apply therefor, notice of such registration to be given in the manner required by law;

RESOLVED, FURTHER, that the Board of Village Election Commissioners for said election be and are hereby directed to prepare and supply necessary ballots for submitting such question, which said ballots shall be substantially in the following form, to-wit:

OFFICIAL BALLOT

Shall the ordinance duly adopted by the Village Council of the Village of Ashley, upon the first day of April, 1958, entitled as follows:

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

be ratified and approved?

Yes

NO

INSTRUCTIONS

If you wish to vote in the affirmative, place a cross in the square after the word "yes".

If you wish to vote in the negative, place a cross in the square after the word "no".

Any other mark renders this ballot void.

RESOLVED, FURTHER, that the inspectors of said election, immediately after the closing of the polls, and without adjournment, shall publicly canvass the vote cast upon said proposition, and declare the result, and upon the same day or the next day, shall make a statement in writing, setting forth in words at full length, the whole number of votes given upon said proposition, and the number of votes for and against said proposition, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement, together with the poll list and registry of electors, and the box or boxes containing the ballots, in the office of the Village Clerk;

RESOLVED, FURTHER, that the Village Council shall convene upon the Thursday next succeeding such election, at its usual meeting place in said Village at 7:30 o'clock P.M., and shall thereupon determine the result of the election upon said proposition voted upon, and the Village Clerk shall thereupon make duplicate certificates of such determination, showing the result of such election upon the said proposition,

one of which certificates he shall file in the office of the County Clerk of the County of Gratiot and the other shall be filed in the office of said Village Clerk;

RESOLVED, FURTHER, that within one week from the date hereof, the Village Clerk shall cause to be posted in three of the most public places in each precinct in said Village, copies of said franchise ordinance, and that he shall also, immediately after such posting, enter the said ordinance in the record of ordinances of said Village, and shall certify thereto under his hand, stating the time and places of such posting.

The following was the vote upon the above resolutions:

Yes: Trustees Strpko, Mills, Osborn, Kent, McKendry.
No: None

The President thereupon declared the same carried.

Minutes of special meeting of the Village Council of the Village of Ashley held upon the 22nd day of May 1958.

Present: President James Tanner and Trustees Elton Mills, Robert Kent, William Strpko, Paul Beck, L. L. Osborn, Ernest McKendry also the Village Clerk.

The following resolution was introduced by Trustee Beck, and was supported by Trustee Kent

WHEREAS, it appears from the statement and certificate of the Board of Village Canvassers relative to the special election held in the Village of Ashley, upon the 21st day of May, 1958, that the result of the vote upon the question of ratifying the ordinance granting a franchise to Consumers Power Company, which said ordinance was adopted by the Village Council upon the first day of April, 1958, was as follows:

Yes: 20 votes
No: 0 votes

WHEREAS, said proposition received the affirmative vote of more than three-fifths of the electors voting thereon at said election, and said election was otherwise conducted in accordance with the resolution of this Council and with the laws of this State;

THEREFORE, it is hereby determined that the result of said election as shown by said certificate, be and is here-by declared the result thereof, and it is further determined that said proposition was duly approved and ratified by the affirmative vote of more than three-fifths of the electors of said Village voting thereon.

Upon motion, the above resolution was declared adopted by the following vote:

Yes: Trustees Mills, Kent, Strpko, Beck, Osborn, McKendry

No:

NOTICE OF SPECIAL ELECTION
AND OF
REGISTRATION OF VOTERS

TO THE ELECTORS OF THE VILLAGE OF ASHLEY

NOTICE is hereby given that a special Village election will be held at the Ashley Village Hall in the said Village, upon Wednesday, the 21st day of May, 1958 at which there will be submitted to the vote of the electors of the Village, the question of ratifying a certain public utility franchise contained in an ordinance adopted by the Village Council at its meeting held upon the first day of April, 1958, which said ordinance is entitled as follows:

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

On the date of said election, the polls will be open at 7 o'clock in the forenoon, or as soon thereafter as may be, and will be kept open until 8 o'clock in the afternoon. Eastern Standard Time, when they will be finally closed.

The Village Clerk will be in his office on the 21st day of April, 1958, said date being the thirtieth day, as determined by statute, preceding the date of said election, for the purpose of reviewing the registration, and registering such of the qualified electors of the Village as shall appear and apply therefor, which registration may be made on said date, between the hours of 8 o'clock A.M. and 8 o'clock P.M., Eastern Standard Time.

W. M. Buckingham
Village Clerk

BY ORDER OF THE VILLAGE COUNCIL.

STATE OF MICHIGAN,)
)SS
COUNTY OF GRATIOT,)

I, W. M. Buckingham, Village Clerk of the Village of Ashley, Gratiot County, Michigan, being duly sworn, deposes and says that he posted "Notice of Special Election and of Registration of Voters", of which the annexed is a true copy, on the 10th day April, 1958 in the following places, the same being three or more of the

most public places in each election precinct in said Village, to-wit:

1. Ashley Village Fire Hall
2. Window of First State Bank of Ashley
3. Window of Clerk's Office
4. Window of Ashley Hardware Company

W. M. Buckingham
Village Clerk

Subscribed and sworn to before me, this 14th day of April, 1958.

Notary Public, Gratiot County, Michigan.
My commission expires February 20, 1962

PROCEEDINGS OF THE VILLAGE COUNCIL OF THE VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN

Minutes of special meeting of the Village Council of the Village of Ashley , Gratiot County, Michigan, held in the Council Chamber of said Village, on the 29th day of October, 1963.

Present: President Wayne Barnes and Trustees I. L. Osborn, Wm. Berndt, Robert Kent, Paul Beck, Wm. Strpko, Joe Liska, Jr. and also the Village Clerk.

Trustee Berndt then introduced the following ordinance:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF ASHLEY ORDAINS:

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a corporation duly authorized to do business in the State of Michigan, its successors and assigns.

SECTION 2. The right, power and authority is hereby granted and vested in said Grantee to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the Village of Ashley, Gratiot County, Michigan, for a period of thirty years.

SECTION 3. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 4. No highway, street, alley, bridge, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same good order and condition as when such work was commenced. No part of the highways, streets, alleys, bridges or other public places of said Village shall be permitted to remain in a dangerous or unsafe condition by reason of anything done or omitted to be done by the Grantee, and it shall be liable for such damage as may be suffered by any person or corporation by reason of its negligence in the use of such highways, streets, alleys, bridges or other public places, and shall save harmless said Village from all damage and liability on account thereof.

SECTION 5. The Grantee shall be entitled to charge the inhabitants of said Village for gas, the rates as shown by the schedule now on file in the office of the Village Clerk. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Village of Ashley, shall at all times be the lawful rates.

All bills for gas furnished by the Grantee shall be payable monthly. The Grantee may collect the minimum charges as specified in said schedule. The Grantee shall also furnish and maintain commercially accurate meters to measure the gas so furnished, and it shall, by its representatives, have at all reasonable times, access to the premises of its customers, for the purpose of reading, inspecting, removing and re-placing such meters.

SECTION 6. Said Grantee shall construct and extend its gas distribution system within said village, and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of making such extensions and providing such service.

SECTION 7. The rights and authority herein granted are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 8. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Village.

SECTION 9. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Village voting thereon at a regular or special municipal election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Village Clerk its written acceptance, subject to the ratification by the electors of the Village of Ashley. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Village of Ashley and the Grantee for the full term of thirty (30) years from and after the

date of such ratification by the electors.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Ashley, Gratiot County, Michigan, on the 29th day of October, 1963.

Wayne Barndt
Village President

Attest:
W.M. Buckingham
Village Clerk

I hereby certify that the foregoing ordinance was posted at:
Barber Shop Door
Village Hall Door
Bank Window

being three of the most public places in said Village, on the 31st day of October, 1963.

W. M. Buckingham
Village Clerk

Trustee Berndt moved, that the ordinance as read, be adopted, which motion was supported by Trustee Osborn

The following was the vote thereon:

Yes: Trustees Yes, Wayne Barnes, I. L. Osborn, Wm. Berndt, Robert Kent, Paul Beck, Wm. Strpko, Joe Liska, Jr.

No: None

The President thereupon declared said ordinance duly carried.

The acceptance of the above franchise ordinance, duly executed by the Consumers Power Company was then filed with the Village Clerk, and upon motion, the same was received and ordered recorded.

ACCEPTANCE

The Consumers Power Company does hereby accept the terms of the ordinance adopted on the 29 day of October, 1963, by the Village Council of the Village of Ashley, Gratiot County, Michigan, subject to the approval thereof by at least three-fifths of the electors voting thereon at a regular or special municipal election to be held in said Village, which said ordinance is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, for a period of thirty years.

IN WITNESS WHEREOF, said Consumers Power Company has caused this acceptance to be executed by its duly authorized officer, this 29 day of October, 1963.

CONSUMERS POWER COMPSNY
VICE PRESIDENT

Trustee Beck then introduced, and moved the adoption of the following resolution, which was supported by Trustee Liska:

WHEREAS, the Village Council of the Village of Ashley has this day adopted an

ordinance entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, for a period of thirty years.

the same being a public utility franchise, and,

WHEREAS, said Consumers Power Company has heretofore filed with the Village Clerk its written acceptance as provided in said ordinance; and

WHEREAS, it is the desire of the Village Council and of said Consumers Power Company that the enactment of said franchise ordinance be submitted to the vote of the electors of said Village at a special election to be held therein on Thursday the 12th day of December 1963, said Grantee has indicated its willingness to pay in advance the estimated expense of holding such special election, as determined by the Village Council;

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$86.63 be, and the same is hereby determined as the estimated expense of holding such special election, which amount shall be paid in advance by said Consumers Power Company to the Village Treasurer.

The following was the vote upon the above resolution:

Yes: Trustees Yes, Wayne Barnes, I.L. Osborn, Wm. Berndt, Robert Kent, Paul Beck, Wm. Strpko. Joe Liska, Jr.,
No: None

The President thereupon declared the same carried.

Trustee Osborn then introduced, and moved the adoption of the following resolution, which was supported by Trustee Kent:

RESOLVED, that a special Village election be ordered to be held in the Village of Ashley, Gratiot County, Michigan, on Thursday, the 12th day of December, 1963, for the purpose of submitting to the vote of the electors of said Village voting at such election, the question of approving the franchise ordinance adopted by the Village Council of said Village at its meeting held on the 29th day of October, 1963, which said ordinance is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, for a period of thirty years.

The following was the vote upon the above resolution:

Yes: Trustees Yes, Wayne Barnes, I.L. Osborn, Wm. Berndt, Robert Kent, Paul Beck.

Wm. Strpko, Joe Liska, Jr.

No: None

The President thereupon declared the same carried.

Trustee Strpko then introduced and moved the adoption of the following resolution, which was supported by Trustee Berndt:

RESOLVED, that the Village Clerk he directed to give notice of the submission of said question to the electors at said election in the manner required by law, and that on the 30th day, as determined by statute, prior to such election the Clerk shall review the registration and shall register any qualified electors who are not registered, and who shall appear and apply therefor, notice of such registration to be given in the manner required by law;

RESOLVED, FURTHER, that the Board of Village Election Commissioners for said election be and are hereby directed to prepare and supply necessary ballots for submitting such question, which said ballots shall be substantially in the following form, to-wit:

OFFICIAL BALLOT
INSTRUCTIONS

If you wish "to vote for the grant of said franchise, make a cross in the square after the word "yes."

If you wish to vote against the grant of said franchise, make a cross in the square after the word "no."

Any other mark renders the ballot void.

Before leaving the booth, fold the ballot so that the face of the ballot is not exposed and so that the numbered comer is visible.

Shall the ordinance duly adopted by the Village Council of the Village of Ashley, upon the _____ day of _____, 19____, entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, for a period of thirty years.

be ratified and approved?

Yes ()

No ()

RESOLVED, FURTHER, that the inspectors of said election, immediately after the

closing of the polls, and without adjournment, shall publicly canvass the vote cast upon said proposition, and declare the result, and upon the same day or the next day, shall make a statement in writing, setting forth in words at full length, the whole number of votes given upon said proposition, and the number of votes for and against said proposition, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement, together with the poll list and registry of electors, and the box or boxes containing the ballots, in the office of the Village Clerk;

RESOLVED, FURTHER, that the Village Council shall convene upon the Thursday next succeeding such election, at its usual meeting place in said Village at 7:30 o'clock PM, and shall thereupon determine the result of the election upon said proposition voted upon, and the Village Clerk shall thereupon make duplicate certificates of such determination, showing the result of such election upon the said proposition, one of which certificates he shall file in the office of the County Clerk of the County of Gratiot, and the other shall be filed in the office of Bald Village Clerk;

RESOLVED, FURTHER, that within one week from the date hereof, the Village Clerk shall cause to be posted in three of the most public places in each precinct in said Village, copies of said franchise ordinance, and that he shall also, immediately after such posting, enter the said ordinance in the record of ordinances of said Village, and shall certify thereto under his hand, stating the time and places of such posting.

The following was the vote upon the above resolutions:

Yes: Trustees Yes, Wayne Barnes, I.L. Osborn, Wm. Berndt, Robert Kent, Paul Beck, Wm. Strpko, Joe Liska, Jr.

The President thereupon declared the same carried.

Minutes of Special meeting of the Village Council of the Village of Ashley, held upon the 19th day of December, 1963.

Present: President Pro-tem Paul Beck, and Trustees Wm. Berndt. Robert Kent, Joe Liska. Jr. also the Village Clerk.

The following resolution was introduced by Trustee Kent and was supported by Trustee Liska;

WHEREAS, it appears from the statement and certificate of the inspectors of the special Village election held in the Village of Ashley, upon the 12th day of December, 1963, that the result of the vote upon the question of ratifying the ordinance granting a franchise to Consumers Power Company, which said ordinance was adopted by the Village Council upon the 29th day of October, 1963, was as follows:

Yes: 73 votes No: 1 votes

WHEREAS, said proposition received the affirmative vote of more than three-fifths of the electors voting thereon at said election, and said election was otherwise conducted in accordance with the resolution of this Council and with the laws of

this State;

THEREFORE, it is hereby determined that the result of said election as shown by said certificate, be and is hereby declared the result thereof, and it is further determined that said proposition was duly approved and ratified by the affirmative vote of more than three-fifths of the electors of said Village voting thereon.

Upon motion, the above resolution was declared adopted by the following vote:

Yes: Trustees

Robert Kent. Paul Beck. Wm. Berndt. Joe Liska, Jr.

No:

STATE OF MICHIGAN)
) SS
COUNTY OF GRATIOT)

I, W. M. Buckingham, Village Clerk of the Village of Ashley, Gratiot County, Michigan, being duly sworn, deposes and says that he posted "Notice of Special Election and of Registration of Voters" of which the annexed is a true copy, on the 31st day of October, 1963, in the following places, the same being three or more of the most public places in each election precinct in said Village, to-wit:

1. Barber Shop Door
2. Village Hall Door
3. Bank Window
- 4.
- 5.

W. M. Buckingham
Village Clerk

Subscribed and sworn to before me, this 19th day of December, 1963.

John M. Nagelkeck
Notary Public, Gratiot County, Michigan

My commission expires 3-9-1965

NOTICE OF SPECIAL ELECTION AND OF REGISTRATION OF VOTERS
TO THE ELECTORS OF THE VILLAGE OF ASHLEY

NOTICE is hereby given that a special Village election will be held at the Ashley Village Hall in the said Village, upon December 12, 1963, at which there will be submitted to the vote of the electors of the Village, the question of ratifying a certain public utility franchise contained in an ordinance adopted by the Village Council at its meeting held upon the 29th day of October, 1963, which said ordinance is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, for a period of thirty years.

On the date of said election, the polls will be open at 7 o'clock in the forenoon, or as soon thereafter as may be, and will be kept open until 8 o'clock in the afternoon. Eastern Standard Time, when they will be finally closed.

The Village Clerk will be in his office on the 12th day of November, 1963, said date being the thirteenth day, as determined by statute, preceding the date of said election, for the purpose of reviewing the registration, and registering such of the qualified electors of the Village as shall appear and apply therefor, which registration may be made on said date, between the hours of 8 o'clock AM and 8 o'clock PM, Eastern Standard Time.

W.M Buckingham
Village Clerk

BY ORDER OF VILLAGE COUNCIL.

PROCEEDINGS OF THE VILLAGE COUNCIL
OF THE
VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN

Minutes of the regular meeting of the Village Council of the Village of Ashley, Gratiot County, Michigan, held in the Council Chambers of said Village on the 2nd day of November, 1993.

Present: President Orvin Butcher and Council members Paksi, Howes, Brzak, Kimmel and also the Village Clerk.

William Collins then introduced the following

Ordinance:

ORDINANCE NO. 1194

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways and other public places, and to do a local gas business in the VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF ASHLEY, GRATIOT COUNTY, MICHIGAN ORDAINS:

SECTION 1. GRANT TERM. The Village of Ashley, Gratiot County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways and other public places, and to do a local gas business in the Village of Ashley, Gratiot County, Michigan for a period of thirty years.

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

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the

Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

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

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

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

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

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

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the date after publication, provided however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We hereby certify that the foregoing ordinance was duly enacted by the Village Council of the Village of Ashley, Gratiot County, Michigan, on the 2nd day of November, 1993.

O. B.
Village President

Attest:

W. K. Collins
Village Clerk

Councilmember Brzak moved that the Ordinance as introduced be adopted for a period of thirty (30) years.

Said motion was supported by Councilmember Howes.

The following was the vote upon the adoption of said Ordinance:

Yes: President Orvin Butcher and Councilmembers Howes, Brzak, Paksi, Kimmel.

No: None

The President declared the motion carried.

The Acceptance of said Franchise Ordinance, duly executed by the Consumers Power Company was then filed with the Village Clerk.

Councilmember Brzak moved that the Acceptance be received and ordered recorded in the minutes of this meeting and that within fifteen (15) days from the date hereof, the Village Clerk shall cause to be published in the Gratiot County Herald, a newspaper of general circulation in said Village, a copy of said Franchise Ordinance, as part of the Proceedings of this meeting, and that also, immediately after such publishing, enter the said Ordinance in the Record of Ordinances of said Village, and shall certify thereto under his hand, stating the time and place of such publishing.

Said motion was supported by Councilmember Howes and was adopted by the following vote:

Yes: President Butcher and Councilmembers Brzak, Paksi, Howes, Kimmel

No:

The President declared the motion carried.

I hereby certify that the Acceptance, of which the foregoing is a true copy, was filed with me as Village Clerk, on the 2nd day of November, 199 .

Dated: November 2, 1993 Village Clerk

I hereby certify that a copy of the foregoing ordinance was published in the Gratiot County Herald, a newspaper of general circulation in Village of Ashley, Gratiot County on the 11th day of November 1993.

Dated: November 17, 1993

Village Clerk

STATE OF MICHIGAN)
 : SS
COUNTY OF GRATIOT)

I, William Collins, Village Clerk of the Village of Ashley, Gratiot County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Village Council of said Village, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.

Dated: November 2, 1993

W. K. Collins
Village Clerk

I, W. M. Buckingham, village Clerk of the

Village of Ashley, Michigan, do hereby certify that on the

12th day of August, A.D. 1955, I did post a copy of the Zoning Ordinance of the village of Ashley, Michigan, in three (3) of the most conspicuous places located in the Village of Ashley, Michigan, in the following manner and places, in said village of Ashley, Michigan, to-wit:

1. In the village Hall of the Village of Ashley, Michigan, by fastening to the outside of the south door of said village Hall, a copy of the Zoning Ordinance of the village of Ashley, Michigan.
2. On the Inside wall of the First state Bank of Ashley, Michigan, by posting a copy of the Zoning Laws of the village of Ashley, on the Inside wall of said bank in a conspicuous manner, in full view of the public.
3. In Bucks Barber Shop at the village of Ashley, Michigan, by fastening to the Inside wall in Said Barber Shop, a copy of the Zoning Ordinance of the village of Ashley, Michigan.

Subscribed and sworn to before me, this 12th of August, A.D., 1955.

Milton George
Notary Public

Gratiot County, Michigan. My commission expires: Nov. 12, 1955

ZONING ORDINANCE VILLAGE OF ASHLEY

Gratiot County, Michigan.

An Ordinance to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and determine the area of the yards, courts and other open spaces surrounding buildings, to regulate and limit the density of population, and for said purposes to divide the village into districts; as well as to provide for a Board of Appeals, its jurisdiction, and powers; and to prescribe penalties for the violation of the provisions hereof.

THE PEOPLE OF THE VILLAGE OF ASHLEY DO ORDAIN:

ARTICLE I. DEFINITIONS,
PURPOSES, AND DISTRICTS.

Section 1. DEFINITIONS.

For the purpose of this ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number

include the plural, and words in the plural number include the singular; the word "building" Includes the word "structure", the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of the principal building.

BUILDING: A structure having a roof supported by columns or walls, and when separated by a division wall without openings, each portion of such building shall be deemed a separate building.

BUILDING, HEIGHT OF: The vertical distance measured in the case of flat roofs, from the curb, or ground level, to the level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the curb, or ground level, to the mean height level of the gable. Where no roof beams exist or where there are structures wholly or partly above the roof, the height shall be measured from the curb, or ground level, to the level of the highest point of the building.

For buildings set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

DISTRICT: A section of the Village for which the zoning regulations governing the use of land, the use of buildings and premises, and the permitted height of buildings, and the area or open space about buildings are uniform.

DWELLING, SINGLE FAMILY: A detached building occupied exclusively by one family. Including servants.

DWELLING, MULTI-FAMILY: A building arranged, intended, occupied, or designed to be occupied by two or more families.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit.

GARAGE, PRIVATE: A garage with capacity for not more than five (5) self-propelled vehicles for storage only. (See Article V, Section 4 for limitations on number as accessory use in respective district regulations.)

GARAGE, PUBLIC: Any premises, except those described as a private or storage garage, used for the care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GARAGE, STORAGE: Any premises, except those defined as a private or public garage, used exclusively for the storage of self-propelled vehicles.

HOTELS A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are five (5) or more sleeping rooms usually occupied singly; no provision being made therein for cooking in any Individual room or apartment.

LOT OF RECORD: A lot which is a part of a subdivision or plat, the map of which has been recorded in the office of the County Register of Deeds.

LOT: Land occupied or to be occupied by a building and its accessory buildings, together with at least such open spaces as are required under this ordinance, and having its principal frontage upon a street or highway.

CORKER LOT: A lot situated at the junction of two or more streets or highways and having a width not greater than one hundred (100) feet.

INTERIOR LOT: A lot other than a corner lot. LOT LINE: The lines bounding a lot as defined herein.

STREET OR HIGHWAY: A thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

FRONT YARD: The yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

REAR YARD: The yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the building.

SIDE YARD: The yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as may be.

HOME OCCUPATION: The use of a room in a dwelling as an office, studio, or workroom for an occupation at home by a person residing on the premises and in connection with which there is kept no stock in trade, nor commodities sold on the premises. No sign other than a name-plate not more than two (2) square feet in area shall be displayed which will indicate from the street that a portion of the building is being used for any purpose other than that of a dwelling.

If there is more than one (1) such occupation in a dwelling, none of such occupations shall be considered a home occupation.

GROUP DWELLING: A building, arranged, intended or designed to provide for rental purposes only, single-family accommodations, vertically separated and not exceeding six (6) in a row. The building shall occupy one lot in single ownership throughout and shall answer the lot area requirements per family.

SECTION 2. PURPOSE, INTERPRETATION, AND CONFLICT.

1. The purpose of this ordinance is to promote the general welfare of the Village of Ashley, to protect the health of its Inhabitants, to encourage the most appropriate use of land within the village, to insure the value of property, to lessen the congestion in the streets and ways, to avoid undue concentration of population, to provide an adequate supply of light and air by regulating the location, use, and height of buildings and the area of open spaces about them, and to reduce the hazard from fire.

2. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum for the purposes set forth.

3. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

SECTION 5. ENFORCEMENT.

1. The members of the Building Inspection Committee of the Village Council, appointed under the provisions of the Building Code of the Village of Ashley, is hereby designated and authorized as charged with the enforcement of this ordinance.

2. From the time of the effective date of this ordinance the Building Inspection Committee shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of this ordinance; nor shall any municipal officer grant any permit or license for the use of any building or land if such use would be in violation of any of the provisions of this ordinance.

3. Whenever such permit is refused because of the violation of some provision of this ordinance the reason for such refusal shall be clearly stated in writing upon demand therefor by the applicant.

4. Every applicant for a permit for any construction, alteration, or use of any building or land for which a permit is required by law shall, upon request of the Building Inspection Committee, file such written information, plans, specifications, or other such data as shall be deemed necessary for the full and accurate exposition of the proposed construction, alteration or use with relation to the regulations of this ordinance. Such material shall be kept on file in the records of the office of the Building Inspection Committee.

5. The Building Inspection Committee, upon accurate information in writing from any citizen, or upon its own initiative, may institute any appropriate action or proceedings in the name of the Village of Ashley to prevent, correct, restrain, or abate violations of this ordinance.

ARTICLE II.

DISTRICT AND DISTRICT REGULATIONS.

Section 1. ESTABLISHMENT OF DISTRICTS.

For the purpose of this ordinance, the Village of Ashley, is hereby divided into

three classes of districts as follows:

1. RA Districts - Residential and Agricultural District.
2. C District - Commercial and Warehouse District.
3. D District - Industrial District.

Section 2. BOUNDARIES OF DISTRICTS.

1. The boundaries of each of the said districts are hereby established as shown on the map entitled "Zoning Map of the Village of Ashley," or as hereafter amended, which map is attached to and made a part of this ordinance. The said Zoning Map and all boundaries, notations, and other data shown thereon are made by this reference as much a part of this ordinance as if fully described and detailed herein. The said map shall be filed in the custody of the Village Clerk of Ashley, Michigan, and may be examined by the public subject to any reasonable regulations established by the Village Clerk.

2. The boundaries between districts are as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules shall apply:

Where the district boundary is a street, the boundary line shall be the center line of the street. Where the boundary line is indicated approximately parallel to the street, it shall be taken as parallel thereto and, unless otherwise indicated, one hundred (100) feet distant from the nearest side line of the street right of way. If there is any variance between the scaled distance from the boundaries to the side line of the street and the distance as marked in feet upon the map, the latter shall govern. Where the districts designated on the map are bounded by lot lines, the lot lines shall be construed to be the boundary lines, unless the boundary lines are otherwise indicated on the map.

Section 3. REGULATIONS OF DISTRICTS.

The regulations set forth in this ordinance hereinafter contained are the regulations governing the use, height, area, and yard requirements for buildings and premises and the use of land in each class of district.

ARTICLE III.

USE, HEIGHT AND AREA, AND DENSITY REGULATIONS

Section 1 RA DISTRICT

In as RA District as indicated on the Zoning Map, no building or land shall be used for any purpose except one or more of the following:

1. Single family dwelling.

2. General farming including the cultivation and harvesting of produce of land (commercial hog, chicken cattle, poultry farms excluded).
3. Uses accessory to any of the foregoing uses.
4. Parks, playfields, playgrounds, playlots, public schools, and libraries, private schools offering academic curriculum.
5. Churches
6. Customary home occupations (see definition).
7. Real estate sign or signs, totaling not over six square feet in length of the premises only on which such a sign is erected.
8. Customary home occupations (see definition).
9. The renting of rooms or the furnishing of table board in a single family dwelling to not more than five lodgers, tourists or boarders, provided that no goods are publicly displayed or offered for sale and no sign or name plate is displayed and that each bedroom shall contain a minimum of 120 square feet of floor area; use of any one bedroom shall be limited to two occupants.
10. Funeral Homes.
11. Dormitory.
12. Multi-family dwelling (an apartment house), but not to exceed six units.
13. Private membership club, lodge, social, recreational and community center organization, and grounds for games and sports, provided that the chief activity is not a service customarily carried on as a business.
14. Institutions of an educational or philanthropic nature, not including penal or correctional institutions.

Section 2. C District

In a District as indicated on the Zoning Map no building or land shall be used for any purpose except one or more of the following:

1. Any use and accessory use permitted in RA District
2. Bakery.
3. Bank
4. Barber shop and beauty parlor
5. Commercial conservatory and greenhouse

6. Public garages are prohibited, unless there are on file with the Building Inspection Committee the written consents of all the property within three hundred (300) feet of any part of the premises whereon such public garage is to be established, erected or enlarged, and not separated therefrom by more than one street or alley. Provided that no public garage shall have an entrance or exit for motor vehicles within two hundred (200) feet of an entrance or exit of a public library, a public or private school, playground, park, cemetery, church, hospital, children's or old people's home.

7. Professional office, hospital and sanitarium.

8. Restaurant and other eating place.

9. Sales and show room.

10. Shop for the collection and distribution of clothing and articles from dyeing and cleaning establishments.

11. Theater, hall, and club.

12. Electrical appliance sales and repair work as is incidentally related to it.

13. Hotels.

14. Automatic laundries.

15. Store, shop, and studio for the conduct of a retail business similar in character to the foregoing permitted uses.

16. Commercially operated storage garages.

17. Free storage garages. (Parking is regulated by attendant or some device to keep vehicles parked thereon in stalls).

Section 3. D DISTRICT.

In a D District as indicated on the Zoning Map no building or land shall be used for any purpose except one or more of the following:

1. Any use or accessory use which is permitted in a C District.

2. All other uses except the following:

a. Abattoir or slaughter house.

b. Blast, cupola or metal furnace.

c. Boiler shops.

d. Coke ovens.

e. Fat rendering.

f. The incineration, reduction or dumping of offal or garbage.

g. Lime kilns.

h. Manufacturing of acetylene gas, ammonia, asphalt or its products, asbestos, babit metal, bleaching powder, carbon, lampblack, or graphite, celluloid,

coal tar or its products, creosote or its products, disinfectant, emery cloth or sandpaper, explosives, fertilizer gas, glucose, glue, linoleum, matches, oil cloth, paint, oil shallac, poison potash, printing ink, pulp or paper, rubber, starch, sulfuric acid, tar or asphalt roofing, turpentine, vinegar, yeast, petroleum refining, radiur, or uranium extractions, rock washing or storage, salt works, sand blasting, soap works, smelting, tannery, wool pulling or scouring, wood or bone distillation.

- i. Any use which has been declared a nuisance in any court of record or which may be noxious or offensive by reason of the emission of odor, dust, smoke or gas.

Section 4. HEIGHT AND AREA REGULATIONS.

FRONT, REAR AND SIDE YARD REQUIREMENTS.

For each class of district, the regulations governing the maximum allowable height of buildings, the minimum lot area and lot width for dwellings, and the requirements of maximum and minimum front yard setbacks, rear yards, and side yards are hereby established as set forth in the accompanying table entitled, "Table of Height and Area Regulations and Front, Rear and Side Yard Requirements", and by this reference the said table and the regulations provided therein are declared to be an integral part of this ordinance.

TABLE OF HEIGHT AND AREA REGULATIONS AND FRONT, REAR, AND SIDE YARD REQUIREMENTS.

MAXIMUM HEIGHT

District RA - 50 ft.
District C - 20 ft, and 2 stories.
District D - 40 ft, and 4 stories.

MINIMUM LOT AREA, LOT WIDTH.

District RA - 5,000 sq. ft. per dwelling unit.
District C - None.
District D - None.

MINIMUM FRONT YARD

District RA - 40 ft.
District C - None required. For dwellings same as yard requirements in Residence RA District.
District D - None required. For dwellings same as yard requirements in Residence RA District.

MINIMUM REAR YARD.

District RA - 70 ft.
District C - None required. For dwellings same as yard requirements in Residence RA District.
District D - None required. For dwellings same as yard requirements in Residence RA

District.

MINIMUM SIDE YARD.

District RA - 20 ft.

District C - None required. For dwellings same as yard requirements in Residence RA District.

District D - None required. For dwellings same as yard requirements in Residence RA District.

MAXIMUM COVERAGE.

District RA - No regulations.

District C - No regulations.

District D - 50% of lot area,

1. Maximum height regulations for all districts are subject to height exceptions as provided in Article V, Sec. 5.
2. Minimum lot area and lot width; see also Article V, Sec. 6.
3. Buildings on corner lots or on lots adjoining or facing public open space at least 100 feet in depth, may cover 10% more of the lot than the maximum prescribed in the above table.

Section 12 - PARKING AND LOADING SPACE REQUIREMENTS.

In addition to the regulations hereinabove prescribed for each of the respective districts, no building shall be hereafter erected unless in connection therewith there is provided off-street parking and loading, space complying with the following requirements:

(One parking space shall equal at least an area of eleven (11) by twenty-two (22) feet.)

1. One family dwellings - One space per dwelling unit.
2. Two family dwellings - One space per dwelling unit.
3. Multiple family dwellings, two stories in height - One space per dwelling unit.
4. Multiple family dwellings, over two stories - Two Spaces per dwelling unit.
5. Rooming and lodging houses, club rooms, fraternity houses, dormitories - One space per two bedrooms.
6. Trailers or cabins - One space per each.
7. Hotels and hospitals - One space per each 600 sq. ft. of floor space.
8. Sanitariums and orphanages, convalescent homes, homes for the aged, and asylums - One space for each 1,000 sq. ft. of floor space.
9. Theaters - One space for each 100 sq. ft. of gross floor space.

10. Stadiums and auditoriums, churches, school auditoriums -One space for each 120 sq. ft. of gross floor area,
11. Libraries and museums - One space for each 250 sq. ft. of floor space.
12. Dance halls, assembly halls - One space for each 150 sq. ft. of floor area.
13. Bowling alleys - Five spaces for each alley.
14. Medical or dental clinics, banks and professional offices-One space for each 200 sq. ft. of floor space.
15. Mortuaries of funeral homes - One space for each 50 sq. ft. of floor space.
16. Manufacturing plants, ware houses, printing, bottling, bakeries, machine shops, canning, lumber outlets - Two spaces plus one space for each 600 sq. ft. of floor space of the buildings.
17. Establishments for the sale and consumption of alcoholic beverages on the premises, food and refreshments - One space for each 300 sq. ft. of floor area.
18. Retail stores, except as otherwise specified herein, having 5000 sq. ft. of floor space, or less - One space for each 500 sq. ft. of floor space.
19. Retail stores, super markets, and. department stores having more than 5000 sq. ft. of floor space - One parking space per 300 sq. ft. of first floor and basement, and in addition, one parking space per 500 sq. ft. of the floor area or each of the floors of a height greater than the first floor.

Each commercial and industrial building shall provide unloading space at the rate of One space for buildings having 10,000 sq. ft. of floor area or less.

Two spaces for buildings having between 10,000 and 50,000 sq. ft. of floor area.

Buildings having greater floor areas shall provide an additional space for each 25,000 sq. ft. of floor area or any portion thereof,

ARTICLE IV. BOARD OF ZONING APPEALS

Section 1. MEMBERSHIP TERM, COMPENSATION.

A Board of Appeals is hereby established. The Board shall consist of five members appointed by the Village Council for a term of three years and shall include not more than one member of the Village Council, which appointment shall be for his term of office only and upon the expiration of his term the Village Council shall fill the vacancy so created and further provided that, the first appointments of citizen members shall be for periods of one, two, and three years, respectively, and two members shall be appointed annually thereafter. The members of the Board of Appeals shall serve without compensation. The Board shall elect its own chairmen.

Section 2. MEETINGS.

Meetings of the Board shall be held at least once each month and at such other times as the Board may determine. There shall be a fixed place of meeting, and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of three members shall be necessary to constitute a quorum.

Section 3. APPEALS.

Appeals from the ruling of the Building Inspection Committee concerning the enforcement of the provisions of this ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board. Such Appeal may be taken by and person aggrieved or by any officer, department, board or council of the Village of Ashley. The appellant shall file with a member of the Building inspection Committee and with he Board of Zoning Appeals notice of appeal, specifying the grounds therefore. With each notice of appeal filed with he Building Inspector, there shall be paid a fee of Two (\$2.00) Dollars to cover the cost of handling said appeal; provided, however, that the Board of Appeals may make provision in its rules of procedure for a lesser fee for the enclosing of porches; provided, further, that such fees may be returned or retained after hearing, in the discretion of the Board.

The Building Inspection Committee shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The final disposition of any such appeal shall be in the form of a resolution, either reversing, modifying or affirming, wholly or partly, the decision of determination appealed from. In order to find for the applicant, the Board must concur by a two-thirds vote of the members elect.

Section 4. STAY

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspection Committee, from whom the appeal is taken, certified to the Board of Appeals, after the notice of appeal shall have been filed with such committee, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of competent jurisdiction, on application, no notice to the Building Inspection Committee, from whom the appeal is taken and on due cause shown.

Section 5. JURISDICITON -- HEARING OF AND DECISION UPON APPEAL.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable tie. Upon the hearing, any party may appear in person or by agent or by attorney. Such Board of Appeals shall hear and decide appeals from and review any order, requirement, or decision or determination made by the Building Inspection Committee. The Board of Appeals may reverse or affirm in whole or in part or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Building Inspection Committee. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any of the rules, regulations or provisions of said ordinance relating to the construction,

structural changes in, equipment or alteration of buildings or structures, or the use of land, buildings or structures, so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. The decision of such Board shall not become final until the expiration of five days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property and personal rights and shall so certify on the record.

Section 6. SPECIAL PERMITS BY THE BOARD OF APPEALS.

When in its judgment the public convenience and welfare will be substantially served, the Board of Appeals in the following cases may, on direct petition by the owner after public notice and hearing as hereinafter prescribed and subject to such appropriate conditions and safeguards as it may impose, permit and authorize the Building Inspector to grant a permit in the following cases:

(a) In the RA, G, and D Districts the Board may permit additional roomers in a single family dwelling structure if the applicant's building plan provides for additional bathrooms and water closets at the rate of one bathroom and water closet for the first five (5) roomers, two bathrooms and water closets for six to eight roomers inclusive, and one additional bathroom and water closet for each two additional roomers thereafter;

(b) Telephone exchanges and sub-stations, water pumping stations or water booster stations, electric distribution stations, sewer pumping stations, gas distribution stations in any district;

(c) Fire stations or sub-stations, or any of the equipment related thereto; police stations or sub-stations, or any of the equipment related thereto, in any district;

(d) Permit the alteration or extension of a non-conforming building or use, provided such building or use is neither increased in volume nor in area during its life by more than twenty-five (25) percent or is altered during its life to an extent not exceeding fifty (50) percent of its assessed valuation at the time this ordinance takes effect, and provided such use is not altered to a less restricted use.

ARTICLES V.

GENERAL PROVISIONS
SUPPLEMENTARY "USE"
"HEIGHT" and "AREA"
REGULATIONS
AND EXCEPTIONS
ENFORCEMENT

Section 1 - EXISTING BUILDINGS.

1. This ordinance shall not apply to existing buildings or structures, nor to the existing use of any building or structure, or of land to the extent to which it is used at the time of adoption of this ordinance, but it shall apply to any change in use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent,

2. Except as herein provided, no building or land shall be used and no buildings or other structure or part thereof shall be constructed, extended or structurally altered except in conformity with the Building Code of the Village of Ashley and with the provisions of this ordinance applying to the district in which such building, structure, or land is located.

Section 2. - FRONTAGE AND REDUCTION OF AREA.

1. No building shall be erected on a lot which does not have frontage on a street, road or way at least twenty (20) feet in width.
2. No lot shall be changed in size or shape so that the height, area, or yard provisions herein prescribed are no longer satisfied. This paragraph shall not apply where a portion of a lot is acquired for a public purpose.

Section 3. - NON CONFORMING USES.

A non-conforming use is the use of any building or land lawfully occupied at the time of the passage of this ordinance which does not conform to the regulations of the district in which it is located.

1. Any building part of a building, or land which at the time of the passage of this ordinance is being put to a non-conforming use may be:
 - a. Continued in that use.
 - b. Altered or enlarged in that use, but only after the granting of a permit therefor by the Board of Appeals as provided for in Article IV, Section 6 (d).
 - c. Changed to a more restricted use, provided that when it is so changed it shall not be returned to a less restricted use.
 - d. Rebuilt or restored and again used as previously, in case of a building destroyed or damaged by fire, explosion or other catastrophe, provided that such rebuilding or restoring shall be completed within twelve (12) months after such catastrophe; and further provided that the building, as restored shall not be greater in volume or area than the original non-conforming structure.

Section 4 - ACCESSORY USES AND ACCESSORY BUILDINGS.

1. The accessory use shall be permitted only on the same lot as the building to which it is accessory.
2. An accessory building which is detached and not part of the main building may be built in the rear yard area, provided that not more than, twenty-five (25) per cent of the required rear yard area is occupied by accessory buildings. An accessory building shall not be located nearer than ten (10) feet to the principal building. An accessory building may be placed on the rear or side lot line provided that the written consent of the abutting property owner or owners is obtained for such location of the building; otherwise it shall be placed not nearer than that five (5) feet to any side or rear lot line.
3. Garage or storage space for private automobiles is an accessory use in a Residence district, and such use shall be permitted as follows:
 - a. Residence RA District: Private garage for three automobiles not nearer than five (5) feet to any side or rear lot line, except as provided in paragraph 2 above, nor nearer to the front street line than the prescribed minimum set-back distance of the respective districts. No storage of automobiles shall be permitted to take place in the front

yard area.

- b. For "multi-family dwellings" garage or storage space for each family accommodated on the lot may be provided either as integral part of the building or as a roofed-over basement structure occupying any part of the yard area. There shall be only one entrance and one exit and such structure shall not be closer than five (5) feet to any property line. Outdoor parking may be provided as an alternate arrangement for the accommodation of the tenants of the building, provided there is allotted for each car three hundred (300) square feet of parking area, including access drives and turning space. Such parking space shall be paved with suitable surfacing and shall be laid out in a manner that prevents any parked automobiles being nearer than ten (10) feet to any property line.

Section 5. - HEIGHT EXCEPTIONS.

The provisions of this ordinance governing the height of buildings in all districts shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators and other necessary appurtenant features usually carried above roofs; not to domes, towers, stacks or spires if such features are not used for human occupancy; nor to ornamental towers, observation towers, wireless or broadcasting towers, water towers and other like structures which occupy less than twenty-five (25) percent of the lot area. Such features and structures may be erected to their required height and in excess of the height limits otherwise provided for the district in which the structure is built.

Section 6. - ADDITIONAL AREA AND YARD REGULATIONS AND EXCEPTIONS.

1. Every part of a required yard shall be open to the sky and unobstructed except of accessory buildings in the yard area, and except for ordinary projections so the bolt courses, cornices, sills, skylights, and ornamental features projection from the building not more that twelve (12) inches. Open or lattice-enclosed fire escapes and the ordinary projections of chimneys and flues and permitted.
2. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and the like projections which do not project more than three and one-half (3 1/2) feet, and unenclosed steps, unroofed porches and the like, which do not project more than ten (10) feet beyond the line of the foundation wall, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.
3. On corner lots, the set-back provisions governing the location of buildings on each of the abutting streets shall apply.
4. On lots of less than the required area for the district in which they are located and which have been duly recorded by plat or deed with the Register of Deeds before the date of the passage of this ordinance, the lot area and width regulations need not apply, except that the ratio of gross story area to lot area shall conform. In case of such lots of loss than the required width, the sum of the two required side yards need not be more than forty (40) per cent of the lot width, except that the minimum side yard shall be seven feet six inches (7 ft. 6 In.).
5. Exception to the yard regulations set forth in the table governing the yard requirements for buildings are as follows:
 - a. In & Residence RA District: A dwelling need not set back more than

the average of the set-backs of the buildings on the lots adjacent thereto on either side, but in no case may and part of a building extend nearer to any street line than twenty-five (25) feet. A vacant lot or lot occupied by a building set back more than forty (40) feet shall be considered as though occupied by a building set back forty (40) feet.

Section 7 - TRANSITION REQUIREMENTS BETWEEN RESIDENCE DISTRICTS IN BUSINESS DISTRICTS.

1. Front Yard: In a Business C. District where a lot abuts a Residence District, no building shall be erected in the less restricted district nearer than ten (10) feet from any street line within fifty (50) feet of the boundary line between the two districts.
2. Rear yard: Where the rear of a lot in a Business C. District abuts a Residence District, there shall be provided on such lot a rear yard of not less than fifteen (15) feet,
3. Side Yard: Where the side of a lot in a C District abuts C. Residence District, there shall be provided on such lot in the loss restricted district a side yard of not less than ten (10) foot.

Section 8. ENFORCEMENT.

The provisions of this ordinance shall be enforced by the Building Inspection Committee, An appeal from the decision of the Building Inspection Committee may be made to the Board of Appeals where hereinabove provided.

Section 9. CERTIFICATE OF OCCUPANCY.

In connection with the enforcement of the ordinance, no land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used, in whole or in part, for any purpose until a certificate is issued by the Building Inspector stating that the building and use comply with the provisions of this ordinance and the other applicable ordinances of the village. No such certificate shall be issued unless the building and its, uses and its accessory uses and the uses of all the premises are in conformity with the provisions of this ordinance and the other applicable ordinances of village.

Said certificate of occupancy shall be required, for any of the following;

- a. Occupancy and use of a building hereafter erected or structurally altered.
- b. Change in use of an existing building to a use of a different classification.
- c. Change in character or the intensity of the use of the land.
- d. Any change in use of a non-conforming use.

Certificates of occupance and compliance shall be applied for coincidentally with the application for a building permit and shall be used within ten (10) days after the lawful erection or alteration of the building is completed.

ARTICLE VI.

Section 1. PRIVATE SEWER SYSTEMS AND SEPTIC TANKS.

When a public sewer is not available, disposal of sewage wastes shall be into a private system consisting of either (a) a septic tank and disposal field or a

seepage pit or (b) a septic tank privy or septic toilet where materials drop directly into septic tank and does not require water under pressure.

Section 2. SEPTIC TANKS.

A septic tank, when provided, shall comply with the following requirements:

- (a) CAPACITY. The septic tank shall have adequate liquid capacity to receive the normal twenty-four (24) hour flow of sewage, but in no case shall be less than five hundred (500) gallons.
- (b) MATERIAL. The septic tank shall be of impervious material.
- (c) LIQUID DEPTH. The liquid depth of the septic tank shall be at least four (4) foot. The distance between the water level and the underside of the tank cover should be not less than six (6) inches.
- (d) INSPECTION OPENINGS. All septic tanks shall be provided with openings and covers not less than twelve (12) inches in diameter to permit inspection and cleaning.
- (e) OUTLETS. The outlet of and septic tank shall be so constructed as to prevent solid materials passing into drainage pipe.

Section 3. DISPOSAL FIELDS.

Disposal fields shall consist of tile laid so as to have at least twelve (12) inches of earth cover and not more than three (3) feet below the ground surface. Tile lines shall not be laid below any high ground water level. The length of the tile lines in the disposal field shall be at least 150 feet when laid in loam or gravelly soil and shall be increased when other types of soils are encountered as recommended by the Building Inspection Committee. No single tile line shall be more than 100 feet in length.

Section 4. SEEPAGE PITS.

When a seepage pit is provided it shall have a liquid capacity sufficient to receive a normal 12-hour flow of septic tank effluent. In no case should a seepage pit penetrate or extend into a water bearing stream or overflow to the ground surface. Unless written approval has been given by the Building Inspection Committee, liquid wastes from lavatories or sinks located in cabins shall not be discharged into a seepage pit without first passing through a septic tank.

Section 5. SEPTIC TANK PRIVIES AND SEPTIC TOILET.

When a septic tank, privy or septic toilet is installed it shall comply with the following requirements:

- a. LOCATION. The tank shall be located at least 50 feet from any well or other source of ground water supply and upon located less than 2 feet from any lot or alley line or less than 25 feet from any lake or stream.
- b. MATERIAL. The tank shall be constructed of an impervious material and be water tight.
- c. LIQUID DEPTH. The liquid depth below the outlet pipe shall not be less than 30 inches.
- d. OUTLET. The outlet of all tanks shall be so constructed as to prevent solid material from passing into the discharge pipe.

- e. DROP TUBE AND BOWL. A drop tube, securely fastened to the toilet bowl and to the tank shall extend into the tank but not more than two inches below the water line. A vitreous china toilet with seat and seat cover shall be used unless another type is approved by the Building Inspection Committee.
- f. VENT PIPE. A ventilation pipe connected to the bowl and extending above all parts of the building shall be installed.
- g. DISCHARGE PIPE AND DISPOSAL FIELD. Cast-iron soil pipe shall be leaded to bonded tot he tank and extended not less than ten feet from the building , where it may be laid so that a 12-inch earth cover is provided. Under no condition shall the tile be laid below the ground water level.
- h. INSPECTION OPENINGS. All tanks shall be provided with an outside opening not less than twelve (12) inches in diameter, fitted with a tight cover to permit inspection and cleaning.

Section 6. INSTALLATION

The installation of all interior plumbing work shall comply with Articles I to XI inclusive of the Michigan State Plumbing Code.

ARTICLE VII. VIOLATIONS AND PENALTY.

Any person, firm or corporation who violates, omits, neglects or refuses to comply or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. On imposition of any such fine, the court shall have power and authority to make a further order and judgment that any such person so convicted shall be imprisoned such imprisonment shall not exceed thirty (30) days.

ARTICLE VIII. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days from and after this date.

This Ordinance passed and approved by the Village Council of the Village of Ashley, Michigan in regular session held Tuesday, August 2, 1955.

We, the undersigned, Village President, and Village Clerk, of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as the Zoning Ordinance of the Village of Ashley, Michigan, has been duly filed with the Village Clerk of the Village of Ashley, Michigan, having been heretofore read by the Village Council at three meetings of said Village Council.

We do further certify that all of the portions of the general laws of the State of Michigan regarding Zoning Ordinance now in effect have been duly complied with in the enactment of this Ordinance.

Dated at the Village of Ashley, Michigan, this 2nd day of August, A.D., 1955.

ASHLEY VILLAGE ZONING ORDINANCE

AMENDMENT NUMBER ONE

ASHLEY VILLAGE ZONING ORDINANCE DATED AUGUST 2ND 1995 IS HEREBY AMENDED BY ADDING THE FOLLOWING PARAGRAPH TO ARTICLE IV SECTION 6.

"WHERE FENCES WHICH ARE ATTACHED TO ELECTRIC CURRENT IN ANY FORM OR BARBED WIRE FENCES ARE PROHIBITED WITHIN THE LIMITS OF THE VILLAGE OF ASHLEY. IT IS UNDERSTOOD THAT ANY WIRE, WHETHER SINGLE STRAND OR MULTIPLE, MAY BE CONSIDERED A FENCE. SPECIAL PERMITS MAY BE ISSUED BY A MAJORITY VOTE OF THE ASHLEY VILLAGE ACTING IN REGULAR OR SPECIAL SESSION.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE THIRTY (30) DAYS FROM AND AFTER THIS DATE.

THIS ORDINANCE PASSED AND APPROVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ASHLEY MICHIGAN IN REGULAR SESSION HELD TUESDAY, JULY 1, 1975.

Orvin Butcher
President Pro-Tem

W. K. Collins
Village Clerk

ORDINANCE NO.1001

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF THE VILLAGE OF ASHLEY BY REQUIRING THE REMOVAL OF ALL OUTDOOR CLOSETS, PRIVY-VAULTS, SINKS, CESSPOOLS, URINALS, OR OTHER SIMILAR RECEPTACLES; TO REGULATE THE DISPOSAL OF SEWAGE FROM PREMISES BY THE USE OF SEPTIC TANKS AND TO PROVIDE FOR THE VIOLATION THEREOF.

THE VILLAGE OF ASHLEY ORDAINS:

Section 1. This Ordinance is adopted In the interest of public safety and health, and is designed to promote the general peace, health, safety and welfare of the Village of Ashley.

Section 2. This Ordinance and the several parts, sections and clauses hereof are deemed to be severable. If any part, section or clause hereof should be held invalid the remainder of this Ordinance shall not be affected thereby.

Section 3. Any person, firm or corporation who violates or fails to comply with any provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.00 or by imprisonment for a period not to exceed 90 days or both such fine and imprisonment in the discretion of the Court.

Section 4. No person, firm or corporation, home owner, tenant, occupant or agent for the owner of premises shall after the 1st day of January,1963, construct, install, use, or maintain any privy, dry closet, sink, cesspool, urinal or other toilet on said premises except such toilet as shall be constructed as herein specified.

Section 5. The owner, tenant, occupant or agent for the owner of alt premises on which now exists any privy, dry closet, urinal, sink, cesspool, out house or other toilet not now connected to a septic tank disposal system, approved by the Michigan Department of Health, shall before the 1st day of January, 1963, discontinue the use of same and cause such privy, dry closet, urinal, sink, cesspool, outhouse or toilet and the vaults, cesspools, or other depository connected with the same to be thoroughly cleaned and made sanitary and then be closed and secured and kept closed and secured so that the same cannot be used for the purpose of which it was originally designed and constructed.

Section 6. Privy-vaults, sinks, cesspools, or other similar receptacles, except septic tanks, used to receive fecal matter, urine, or sewage are in contemplation of this Ordinance nuisances on and after the date above mentioned, and as such are declared Illegal.

Section 7. Any privy-vaults, sinks, cesspools or similar receptacles, other than septic tanks approved by the Michigan Department of Health, used to receive fecal matter, urine or sewage which has not been removed, and in accordance with the provisions of this Ordinance in all respects, on or before the date herein mentioned for the removal thereof, may, upon Order of the Village Council passed by resolution at a regular or special meeting of the Village of Ashley, be abated, provided, however, that the Order of Abatement shall not be issued by the Village Council

until such notice of a hearing before the Village Council shall be served upon the owner or owners, and occupants of the property on which such nuisance exists. Said notice shall be served personally upon such owner or owners, if they, or any of them, reside in the Village of Ashley, six days before such hearing. Such notice shall be considered as served upon the occupants of the premises if served six days before such hearing or any person found on said premises. Such notice shall be considered as served upon the owners if served as herein provided on the person or persons having a fee interest in the premises at the time of the service of the notice according to the records of the Register of Deeds for the County of Gratiot. If such owner or owners, or any of them, do not reside within the Village of Ashley, or cannot be located, or cannot be personally served as herein provided, then on the date of such hearing the Village Commission shall adjourn said hearing or such time as it determines, but not longer than one month, and such notice shall be published in a newspaper circulated within the Village of Ashley, or if none, within the County of Gratiot, for one issue prior to said adjourned hearing.

Section 8. If it appears at such hearing that within the terms of this Ordinance a nuisance exists, the occupants of said premises shall be notified forthwith to remove said nuisance in accordance with the provisions hereof, by order of the Village Council, and if said nuisance is not so removed within fifteen days from the date of said Order, the Village Council at its next regular meeting or special meeting shall, by resolution, order an abatement of the nuisance by the Village, by its proper agents and employees under the supervision of the Village Health officer.

Section 9. Where a nuisance has been abated by the Village Council in accordance with the provisions hereof, the owner or owners of the property on which said nuisance exists, shall Jointly and severally, for each such nuisance, be subject to a civil penalty of Fifty Dollars (\$50.00) to be recovered for the use of the Village, in a civil action brought in the name of the Village, by any proper Village officer as the Village Commission may designate. Such person or persons shall also be liable for all costs, expenses and disbursements paid or incurred by the Village Health Department, or any of the officers thereof, or by any agent or employee or contractor of the Village, in the removal of such nuisance.

Section 10. No roof water, surface water, storm water or cistern overflow shall be connected with the septic tanks, herein specified.

Section 11. From and after the effective date of this Ordinance, herein specified, every toilet or other device for the disposal of human waste installed in the Village of Ashley, shall be connected to the Village sewer, where such sewer is available and where such sewer is not available, said toilets and other devices for the disposal of human waste, shall be connected to a septic tank as approved by the Michigan Department of Health and be constructed pursuant to the requirements of the Michigan Department of Health for the construction and use of septic tanks.

Section 12. Under no conditions shall the overflow from the septic tanks or any other sewage system or liquid waste from an existing or hereafter constructed premise be discharged upon the surface of the ground within 300 hundred feet of any habitable building other than the building from which It originates, or within 300 hundred feet or any public highway.

Section 13. No overflow, from said septic tanks or other sewage system, shall be discharged into any lake, stream, pond or into any public ditch other than as shall be specified by the Council of the Village of Ashley.

Section 14. The Village Health officer shall require such tests of water supplies as he deems necessary. In conjunction with such facilities as are supplied by the Michigan Department of Health and the rules governing and appertaining to said Michigan Department of Health, to determine if there is any water contamination due to the use of septic tanks or other sewage systems.

Section 15. This Ordinance shall become effective 20 days after its passage.

Passed, ordained and ordered published by the Common Council of the Village of Ashley, this 2nd day of November, A.D, 1962

Wayne Barnes
Village President

Wayland Buckingham
Village Clerk

I hereby certify that the above Ordinance was published in the printed and circulated in the County of Gratiot, on the 8 day of Nov. A.D, 1962

Wayland Buckingham
Village Clerk

ORDINANCE NO. 1002 - SNOW REMOVAL

ALL NIGHT PARKING PROHIBITED

The Village of Ashley Ordains:

It shall be unlawful for the owner or operator of any motor vehicle to park such motor vehicle upon any of the streets and alleys so as to obstruct or hinder snow removal efficiency within the Village of Ashley between the hours of 2:00 A.M. and 6:00 A.M., between the dates of November 15th and April 1st of each year hereafter.

IMPOUNDING VEHICLE

It shall be the duty of the operator of the snow removal equipment of the Village of Ashley or any police official to remove any' motor vehicle parked in violation of the preceding section of this ordinance, at the expense of the owner or operator of such motor vehicle, and such expense shall constitute a lien upon such motor vehicle, which the Village of Ashley may foreclose in the same manner as provided by Act No. 290 of the Public Acts of 1939 as amended.

Passed, ordained and ordered published by the Village Council of Ashley, Michigan, at a regular meeting held May 6, 1986.

Sherman F. Hendricks
Village President

Vi Mills
Village Clerk

ZONING ORDINANCE VILLAGE OF ASHLEY GRATIOT COUNTY, MICHIGAN

An ordinance to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and determine the area of the yards, courts and other open spaces surrounding buildings, to regulate and limit the density of population, and for said purposes to divide the village into districts; as well as to provide for appeals of decisions made pursuant to this ordinance, its jurisdiction and powers, and to prescribe penalties for the violation of the provisions hereof.

THE VILLAGE OF ASHLEY ORDAINS:

ARTICLE 1. DEFINITIONS, PURPOSES AND DISTRICTS. Section 1. DEFINITIONS

For the purpose of this ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure", the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of the principal building.

BUILDING: A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

DISTRICT: A section of the Village for which the zoning regulations governing the use of land, the use of buildings and premises, and the permitted height of buildings, and the area or open space about buildings are uniform.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit.

DWELLING, SINGLE-FAMILY: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
2. It has a minimum width of 24 feet across any front elevation and has not less than 990 square feet in area and complies in all respects with the Gratiot County building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Gratiot County building code, then and in that event such federal or state standard or regulation shall apply. Measurements and area requirements herein set

forth shall be computed without regard to porches, garages, breezeways and carports.

3. It is firmly attached to a permanent foundation and constructed on the site in accordance with the Gratiot County building code and shall have a wall of the same parameter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Gratiot County Health Department.
6. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
7. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
8. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Village pertaining to such parks.
9. All construction required herein shall be commenced only after the zoning permit has been obtained in accordance with this ordinance. Nothing in this ordinance shall be construed to waive the duty to obtain a building permit from the county or state in accordance with applicable county or state building codes, provisions and requirements,

DWELLING, TWO-FAMILY: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of a single-family dwelling as stated above.

DWELLING, MULTIPLE-FAMILY: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition of a single-family dwelling as stated above.

GARAGE, PRIVATE: A garage with capacity for not more than five (5) self-propelled vehicles for storage only. (See Article V, Section 4 for limitations on number as accessory use in respective district regulations.)

GARAGE, PUBLIC: Any premises, except those described as a private or storage garage, used for the care of self-propelled vehicles, or where any such vehicles are equipped for operation repaired or kept for remuneration, hire or sale.

GARAGE, STORAGE: Any premises, except those defined as a private or public garage, used exclusively for the storage of self-propelled vehicles.

HOUSE TRAILER OR MOBILE HOME: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility is used or intended for use incidental to the occupancy of a mobile home.

HOTEL: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are five (5) or more sleeping rooms usually occupied singly; no provision being made therein for cooking in any individual room or apartment.

LOT OF RECORD: A lot which is a part of a subdivision or plat, the map of which has been recorded in the office of the County Register of Deeds.

LOT: Land occupied or to be occupied by a building and its accessory buildings, together with at least such open spaces as are required under this ordinance, and having its principal frontage upon a street or highway.

CORNER LOT: A lot situated at the junction of two or more streets or highways and having a width not greater than one hundred (100)feet.

INTERIOR LOT: A lot other than a corner lot. LOT LINE: The lines bounding a lot as defined herein.

STREET OR HIGHWAY: A thoroughfare which affords the principal means of access to abutting property.

BUILDING ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, made in conformance with applicable county or state building codes, provisions and requirements.

FRONT YARD: The yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

REAR YARD: The yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the building.

SIDE YARD: The yard between the aide line of the lot and the nearest line of the building and extending from the front yard to the rear yard, ox, in the absence of either of such yards, to the front or rear lot line, as may be.

HOME OCCUPATION: The use of a room in a dwelling as an office, studio, or workroom for an occupation at home by a person residing on the premises and in connection with which there is kept no stock in trade, nor commodities sold on the premises. No sign other than a name-plale not more than two (2) square feet in area shall be displayed which will indicate from the street than that of a dwelling. If there is more than one (1) such occupation in a dwelling, none of such occupations shall be considered a home occupation.

GROUP DWELLING: A building, arranged, intended or designed to provide for rental purposes only, containing single-family accommodations which answers the lot area requirements per family.

SECTION 2. PURPOSE, INTERPRETATION, AND CONFLICT.

1. The purpose of this ordinance is to promote the general welfare of the Village of Ashley, to protect the health of its inhabitants, to encourage the most appropriate use of land within the village, to insure the value of property, to lessen the congestion in the streets and ways, to avoid undue concentration of population, to provide an adequate supply of light and air by regulating the location, use, and height of buildings and the area of open spaces about them, and to reduce the hazard from fire.
2. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum for the purposes set forth.
3. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws but shall prevail no notwithstanding such provisions which are less restrictive. This provision is not applicable to mobile home parks as herein defined.

SECTION 3. ENFORCEMENT.

1. The provisions of this ordinance shall be enforced by the Gratiot County Zoning officer and/or any Ashley village official as may from time to Lime be designated by resolution of the Ashley Village Council.
2. From the time of the effective date of this ordinance the Zoning Enforcement Officer of Gratiot County shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of this ordinance; nor shall any municipal officer grant any permit or license for the use of any building or land if such use would be in violation of any of the provisions of this ordinance.
3. Whenever such permit is refused because of the violation of some provision of this ordinance the reason for such refusal shall be clearly stated in writing upon demand therefor by the applicant.

4. Every applicant for a permit for any construction, alteration, or use of any building or land for which a permit is required by law shall, upon request of the Zoning Enforcement Officer, file such written information, plans, specifications, or other such data as shall be deemed necessary for the full and accurate exposition of the proposed construction, alteration or use with relation to the regulations of this ordinance. Such material shall be kept on file in the records of the office of the Zoning Enforcement Officer.
5. The Zoning Enforcement Officer, upon accurate information in writing from any citizen, or upon his own initiative, may institute any appropriate action or proceedings in the name of the Village of Ashley to prevent, correct, restrain, or abate violations of this ordinance.

ARTICLE II. DISTRICT AND DISTRICT REGULATIONS.

SECTION 1. ESTABLISHMENT OF DISTRICTS.

For the purpose of this ordinance, the Village of Ashley is hereby divided into three classes of districts as follows:

1. RA Districts - Residential and Agricultural District.
2. C District - Commercial and Warehouse District.
3. D District - Industrial District.

SECTION 2. BOUNDARIES OF DISTRICTS.

1. The boundaries of each of the said districts are hereby established as shown on the map entitled "Zoning Map of the Village of Ashley", attached hereto and made a part hereof, or as it may be hereinafter amended.
2. The boundaries between districts are as shown on the Zoning Map and as follows:
 - a. RA District is defined as all property within the Village of Ashley not otherwise defined as 'C' (Commercial and Warehouse District) or 'D' (Industrial District).
 - b. C District(s) is defined as follows: Commencing at the south village limits on Quarterline Street, thence northward on the east side of Quarter line Street only to Wallace Street, thence eastward to a point no further east than would occur if Park Street were to run south of Wallace Street, then southward to the south Village limits, thence westward to the point of beginning, AND commencing at the southwest corner of lot 17 (which abuts Stirling 'Sterling' Street, thence directly northward along westerly property lines to the northwest corner of lot 49 (north of Lynn Street) thence eastward along the north property line of lot 49 to Sterling Street, thence southward to Lynn Street to the northwest corner of lot 30, thence directly southward along property lines to Pine street, thence westerly to Sterling Street, thence southward on Sterling Street to the southeast corner of lot 17, thence westward to point of beginning, AND commencing at the intersection of Oak and New Streets, thence easterly to a point indicated on the zoning map as the westerly terminus of Fourth Street, thence southward to existing railroad tracks, thence northwesterly along said railroad tracks to New Street, thence northward to point of

beginning, AND commencing at a point indicated on the Zoning Map as the northerly intersection of Lynn and Section Line Streets, thence eastward to the northeast corner of lot 188, thence directly southward to Elm Street, thence northwesterly to a point near the center of lot 188, thence southwesterly along the southerly border of lot 200 to Lynn Street, thence northwesterly to point of beginning.

- c. D District is defined as follows: Commencing at a point of intersection with existing railroad main line tracks and Section Line Street, thence northwesterly along said railroad tracks to the north Village limits, thence easterly along said Village limits to a point where Quarterline Street would intersect if said street were to be constructed northward from its present terminus, thence directly southward to Section Line Street, thence westerly to point of beginning.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules shall apply:

Where the district boundary is a street, the boundary line shall be the center line of the street. Where the boundary line is indicated approximately parallel to the street, it shall be taken as parallel thereto and, unless otherwise indicated, one hundred (100) feet distant from the nearest side line of the street right of way. If there is any variance between the scaled distance from marked in feet upon the map, the latter shall govern. Where the districts designated on the map are bounded by lot lines, the lot lines shall be construed to be the boundary lines, unless the boundary lines are otherwise indicated on the map.

If, after interpretation of boundaries as above, ambiguity exists between the above descriptions and the zoning map due to vacating of streets or other reasons, the most logical compromise as indicated by the Ashley Village Council shall prevail.

SECTION 3. REGULATIONS OF DISTRICTS.

The regulations set forth in this ordinance hereinafter contained are the regulations governing the use, height, area and yard requirements for buildings and premises and the use of land in each class of district.

ARTICLE III. USE, HEIGHT AND AREA, AND DENSITY REGULATIONS

Section 1. RA DISTRICT.

In an RA District as indicated in this ordinance, no building or land shall be used for any purpose except one or more of the following:

1. Single family dwelling.
2. General farming including the cultivation and harvesting of produce of land (hog, chicken, cattle, poultry, domestic dog kennels or other non-domestic animal or fowl boarding excluded).
3. Uses accessory to any of the foregoing uses.
4. Parks, playfields, playgrounds, playlots, public schools, and libraries, private schools offering academic curriculum.
5. Churches.
6. Customary home occupations (see definition)

7. Real estate sign, or signs, totaling not over six square feet in size on the premises only on which such sign is erected.
8. The renting of rooms or the furnishing of table board in a single family dwelling to not more than five lodgers, tourists or boarders, provided that no goods are publicly displayed or offered for sale and no sign or name plate is displayed and that each bedroom shall contain a minimum of 120 square feet of floor area; use of any one bedroom shall be limited to two occupants.
9. Funeral Homes.
10. Dormitory.
11. Multi-family dwelling (an apartment house), but not to exceed six units under one roof structure.
12. Private membership club, lodge, social, recreational and community center organization, and grounds for games and sports, provided that the chief activity is not a service customarily carried on as a business.
13. Institutions of an educational or philanthropic nature, not including penal or correctional institutions.
14. Physicians offices and clinics.

Section 2. C DISTRICT.

In a C District as indicated in this ordinance no building or land shall be used for any purpose except one or more of the following.

1. Any use and accessory use permitted in a RA District, except dwellings.
2. Bakery.
3. Bank.
4. Barber shop and beauty parlor.
5. Commercial conservatory and greenhouse.
6. Public garages are prohibited, unless there are on file with the Zoning Enforcement Officer, the written consents of the owners of seventy-five (75) per cent of all the property within three hundred (300) feet of any part of the premises whereon such public garage is to be established, erected or enlarged, and not separated therefrom by more than one street or alley. Provided that no public garage shall have an entrance or exit for motor vehicles within two hundred (200) feet of an entrance or exit of a public library, a public or private school, playground, park, cemetery, church, hospital, children's or old peoples' home.
7. Professional office, hospital and sanitarium.
8. Restaurant and other eating place.
9. Sales and show room.
10. Shop for the collection and distribution of clothing and articles from dyeing and cleaning establishments.
11. Theater, hall, and club.
12. Electrical appliance sales and repair work as is incidentally related to it.
13. Hotels or motels.
14. Automatic laundries.
15. Store, shop, and studio for the conduct of a retail business similar in character to the foregoing permitted uses.
16. Commercially operated storage garages.

17. Free storage garages. (Parking is regulated by attendant or some device to keep vehicles parked thereon in stalls).

Section 3. D DISTRICT.

In a D District as indicated in this ordinance, no building or land shall be used for any purpose except one or more of the following:

1. Any use or accessory use which is permitted in a C District.
2. All other uses except the following:
 - a. Abattoir or slaughter house.
 - b. Blast, cupola or metal furnace.
 - c. Boiler shops.
 - d. Coke ovens.
 - e. Fat rendering.
 - f. The incineration, reduction or dumping of offal or garbage.
 - g. Lime kilns.
 - h. Manufacturing of acetylene gas, ammonia, asphalt or its products, asbestos, babit metal, bleaching powder, carbon, lampblack or graphite, celluloid, coal tar or its products, creosote or its products, disinfectant, emery cloth or sandpaper, explosives, fertilizer gas, glucose, glue, linoleum, matches, oil cloth, paint, oil shellac, poison potash, printing ink, pulp or paper, rubber, starch, sulfuric acid, tar or asphalt roofing, turpentine, vinegar, yeast, petroleum refining, radium or uranium extractions, rock washing or storage, salt works, sand blasting, soap works, smelting, tannery, wool pulling or scouring, wood or bone distillation.
 - i. Any use which has been declared a nuisance in any court of record or which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, or noise.

Section 4. HEIGHT AND AREA REGULATIONS.

FRONT, REAR AND SIDE YARD REGULATIONS.

For each class of district, the regulations governing the maximum allowable height of buildings, the minimum lot area and lot width for dwellings, and the requirements of maximum and minimum front yard setbacks, rear yards, and side yards are hereby established as set forth in the following table entitled "Table of Height and Area Regulations and Front, Rear and Side Yard Requirements", and by this reference the said table and the regulations provided therein are declared to be an integral part of this ordinance.

TABLE OF HEIGHT AND AREA
REGULATIONS AND FRONT,
REAR, AND SIDE YARD
REQUIREMENTS.

MAXIMUM HEIGHT

District RA - 30 ft.

District C - 20 ft, and 2 stories.

District D - 40 ft, and 4 stories.

MINIMUM LOT AREA, LOT WIDTH.

District RA - 5000 sq. ft. per dwelling unit.

District C - None. District D - None.

MINIMUM FRONT YARD

District RA - 25 ft.

District C - None required. For dwellings same as yard requirements in Residence RA District.

District D - None required. For dwellings same as yard requirements in Residence RA District.

MINIMUM REAR YARD.

District RA - 25 ft.

District C - None required. For dwellings same as yard requirements in Residence RA District.

District D - None required. For dwellings same as yard requirements in Residence RA District.

MINIMUM SIDE YARD.

District RA - 6 ft.

District C - None required. For dwellings same as yard requirements in Residence RA District.

District D - None required. For dwellings same as yard requirements in Residence RA District.

MAXIMUM COVERAGE

District RA - No regulations.

District C - No regulations

District D - 50% of lot area.

1. Maximum height regulations for all districts are subject to height exceptions as provided in Article V. Sec. 5.

2. Minimum lot area and lot width; see also Article V, sec. 6.

3. Buildings on corner lots or on lots adjoining or facing public open space at least 100 feet in depth, may cover 10% more of the lot than the maximum prescribed in the above table.

Section 5 -PARKING AND LOADING SPACE REQUIREMENTS.

In addition to the regulations hereinabove prescribed for each of the respective districts, no building shall be hereafter erected unless in connection therewith there is provided off-street parking and loading space complying with the following requirements: (One parking space shall equal at least an area of eleven (11) by twenty-two (22) feet.)

1. One family dwellings - one space per dwelling unit.

2. Two family dwellings - One space per dwelling unit.

3. Multiple family dwellings, two stories in height - One space per dwelling unit.
4. Multiple family dwellings, over two stories - Two spaces per dwelling unit.
5. Rooming and lodging houses, club rooms, fraternity houses, dormitories - One space per two bedrooms.
6. Trailers or cabins - One space per each.
7. Hotels and hospitals - One space per each 600 sq. ft. of floor space.
8. Convalescent homes, and/or homes for the aged, and asylums-one space for each 1,000 sq. ft. of floor space.
9. Theaters - One space for each 100 sq. ft. of gross floor space.
10. Stadium and auditoriums, churches, school auditoriums - one space for each 120 sq. ft. of gross floor area. "1. Libraries and museums - One space for each 250 sq. ft. of floor space.
12. Dance halls, assembly halls - One space for each 50 sq. ft. of floor space.
13. Bowling alleys - Five spaces for each alley.
14. Medical or dental clinics, banks and professional offices-one space for each 200 sq. ft. of floor space.
15. Mortuaries or funeral homes - one space for each 50 sq. ft. of floor space.
16. Manufacturing plants, warehouses, printing, bottling, bakeries, machine shops, canning, lumber outlets - two spaces plus one space for each 800 sq. ft. of floor space of the buildings.
17. Establishments for the sale and consumption of alcoholic beverages on the premises, food and refreshments - one space for each 300 sq. ft. of floor area.
18. Retail stores, except as otherwise specified herein, having 5000 sq. ft. of floor space, or less - one space for each 500 sq. ft. of floor space.
19. Retail stores, super markets, and department stores having more than 5000 sq. ft. of floor space - one parking space per 300 sq. ft. of first floor and basement, and in addition, one parking space per 500 sq. ft. of the floor area of each of the floors of a height greater than the first floor.

Each commercial and industrial building shall provide unloading space at the rate of:

One space for buildings having 10, 000 sq. ft. of floor area or less.
 Two spaces for buildings having between 10,000 and 30,000 sq. ft. of floor area.
 Buildings having greater floor areas shall provide an additional space for each 25,000 sq. ft. of floor area or any portion thereof.

ARTICLE IV APPEALS

Section 1. APPEALS.

Appeals from the decision of the Zoning Enforcement Officer shall be directed to the body from which the Zoning Appeals Officer derives authority. The Ashley Village Council shall be notified in writing in the event of any appeal and shall have the right to participate in the appeal process. The appellate body shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. Such appellate body shall hear and decide appeals from and review any order, requirement, or decision or determination made by the Zoning Enforcement Officer. The appellate body may reverse or affirm in whole or in part or may modify the order, requirement,

decision or determination appealed from, and may make such order, requirement, decision or determination as in its opinion is required to be made in the premises, and to that end shall have required authority. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the appellate body shall have authority in passing upon appeals to vary or modify any of the rules, regulations or provisions of said ordinance relating to the construction, structural changes in equipment or alteration of buildings or structures, or the use of land, buildings or structures, so that the spirit of this ordinance shall be observed, public safety secured and substantial justice done. The decision of such board shall not become final until the expiration of five days from the date of entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of property and personal rights and shall so certify on the record.

Section 2. SPECIAL PERMITS BY THE APPELLATE BOARD.

When in its judgement the public convenience and welfare will be substantially served, the appellate board in the following cases may permit and authorize the Zoning Enforcement Officer to grant a permit in the following cases:

- (a) In the RA districts the board may permit additional roomers in a single family dwelling structure if the applicant's building plan provides for additional bathrooms at the rate of one bathroom for the first five (5) roomers, two bathrooms for six to eight roomers inclusive, and one additional bathroom for each two additional roomers thereafter;
- (b) Telephone exchanges and sub-stations, water pumping stations or water booster stations, electric distribution stations, sewer pumping stations, gas distribution stations in any district;
- (c) Fire stations or sub-stations, or any of the equipment related thereto; police stations or sub-stations, or any of the equipment related thereto, in any district;
- (d) Permit the alteration or extension of a non-conforming building or use, provided such building or use is neither increased in volume nor in area during its life by more than twenty-five (25) per cent or is altered during its life to an extent not exceeding fifty (50) per cent of its assessed valuation at the time this ordinance takes effect, and provided such use is not altered to a less restricted use.

ARTICLE V.

GENERAL PROVISIONS SUPPLEMENTARY "USE" "HEIGHT" AND "AREA"

REGULATIONS AND EXCEPTIONS ENFORCEMENT

Section 1 - EXISTING BUILDINGS.

1. This ordinance shall not apply to existing buildings or structures, nor to the existing use of any building or structure, or of land to the extent to which it is used at the time of adoption of this ordinance, but it shall apply to any change in use thereof and to any alteration of a building or structure when the

same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.

2. Except as herein provided, no building or land shall be used and no building or other structure or part thereof shall be constructed, extended or structurally altered except in conformity with the building code as enforced by the Zoning Enforcement Officer and with the provisions of this ordinance applying to the district in which such building, structure, or land is located.

Section 2. - FRONTAGE AND REDUCTION OF AREA.

1. No building shall be erected on a lot which does not have frontage on a street, road or way of at least twenty (20) feet in width.
2. No lot shall be changed in size or shape so that the height, area, or yard provisions herein prescribed are no longer satisfied. This paragraph shall not apply where a portion of a lot is acquired for a public purpose.

Section 3. - NON CONFORMING USES.

A non-conforming use is the use of any building or land lawfully occupied at the time of the passage of this ordinance which does not conform to the regulations of the district in which it is located.

1. Any building, part of a building, or land which at the time of the passage of this ordinance is being put to a non-conforming use may be:
 - a. Continued in that use.
 - b. Altered or enlarged in that use, but only after the granting of a permit therefore by the Zoning Enforcement Officer, and with written approval of the Ashley Village Council.
 - c. Changed to a more restricted use, provided that when it is so changed it shall not be returned to a less restricted use.
 - d. Rebuilt or restored and again used as previously, in case of a building destroyed or damaged by fire, explosion or other catastrophe, provided that such rebuilding or restoring shall be completed within twelve (12) months after such catastrophe; and further provided that the building as restored shall not be greater in volume or area than the original non-conforming structure.

Section 4 - ACCESSORY USES AND ACCESSORY BUILDINGS.

1. An accessory building which is detached and not part of the main building may be built in the rear yard area, provided that not more than twenty-five (25) per cent of the required rear yard area is occupied by accessory buildings. An accessory building shall not be located nearer than ten (10) feet to the principal building. An accessory building may be placed on the rear or side lot line provided that the written consent of the abutting property owner or owners is obtained for such location of the building; otherwise it shall be placed not nearer than five (5) feet to any side or rear lot line.

2. Garage or storage space for private automobiles is an accessory use in a Residence district, and such use shall be permitted as follows:
 - a. Residence RA District: Private garage for three automobiles not nearer than twelve (12) feet to any side or rear lot line, nor nearer to the front street line than the prescribed minimum set-back distance of the respective districts. No storage of automobiles shall be permitted to take place in the front yard area.
 - b. For "multi-family dwellings" garage or storage space for each family accommodated on the lot may be provided either as integral part of the building or as a rooted-over basement structure occupying any part of the yard area. There shall be only one entrance and one exit and such structure shall not be closer than twelve (12) feet to any property line. Outdoor parking may be provided as an alternate arrangement for the accommodation of the tenants of the building, provided there is allotted for each car three hundred (300) square feet of parking area, including access drives and turning space. Such parking space shall be covered with suitable surfacing and shall be laid out in a manner that prevents any parked automobiles being nearer than ten (10) feet to any property line.

Section 5. -HEIGHT EXCEPTIONS.

The provisions of this ordinance governing the height of buildings in all districts shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators and other necessary appurtenant features usually carried above roofs; nor to domes, towers, stacks or spires if such features are not used for human occupancy; not to ornamental towers, observation towers, wireless or broadcasting towers, water towers and other like structures which occupy less than twenty-five (25) per cent of the lot area. Such features and structures may be erected to their required height and in excess of the height limits otherwise provided for the district in which the structure is built.

Section 6. -ADDITIONAL AREA AND YARD REGULATIONS AND EXCEPTIONS

1. Every part of a required yard shall be open to the sky and unobstructed with the exception of accessory buildings in the yard area, and except for ordinary projections of said buildings. Open or lattice-enclosed fire escapes and the ordinary projections of chimneys and flues are permitted.
2. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and the like projections which do not project more than three and one-half (3 1/2) feet and unenclosed steps, unroofed porches and the like, which do not project more than ten (10) feet beyond the line of the foundation wall, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.
3. On corner lots, the set-back provisions governing the location of buildings on each of the abutting streets shall apply.
4. On lots of less than the required area for the district in which they are located and which have been duly recorded by plat or deed with the Register of Deeds before the date of the passage of this ordinance, the lot area and width

regulations need not apply, except that the ratio of gross story area to lot area shall conform. In case of such lots of less than the required width, the sum of the two required side yards need not be more than forty (40) per cent of the lot width, except that the minimum side yard shall be seven feet six inches (7 ft. 6 in.)

5. Exceptions to the yard regulations set forth in the table governing the yard requirements for buildings are as follows:
 - a. In a Residence RA District: A dwelling need not set back more than the average of the set-backs of the buildings on the lots adjacent thereto on either side, but in no case may any part of a building extend nearer to any street line than twenty-five (25) feet.

Section 7 - TRANSITION REQUIREMENTS BETWEEN RESIDENCE DISTRICTS IN BUSINESS DISTRICTS

1. Front Yard: In a Business "C" District where a lot abuts a Residence District, no building shall be erected in the Business District nearer than ten (10) feet from any street line within fifty (50) feet of the boundary line between the two districts.
2. Rear Yard: Where the rear of a lot in a Business "C" District abuts a Residence District, there shall be provided on such lot in the Business District a rear yard of not less than fifteen (15) feet.
3. Side Yard: Where the side of a lot in a Business "C" District abuts a Residence District, there shall be provided on such lot in the Business District a side yard of not less than ten (10) feet.

Section 8 - FENCES

1. Wire or metal fences which are attached to electric current in any form, or barbed wire fences, are prohibited within the limits of the Village of Ashley. In the application of this provision, it is understood that any wire, whether single strand or multiple, or other forms, may be considered a fence.

Section 9 - ENFORCEMENT.

The provisions of this ordinance shall be enforced by the Zoning Enforcement Officer. An appeal from the decision of the Zoning Enforcement Officer may be made to the appellate board.

Section 10 - CERTIFICATE OF OCCUPANCY.

In connection with the enforcement of this ordinance, no land shall be occupied or used and no building hereafter erected or structurally altered, shall be occupied or used, in whole or in part, for any purpose until a certificate is issued by the Zoning Enforcement Officer stating that the building and use comply with the provisions of this ordinance and the other applicable ordinances of the Village of Ashley. No such certificate shall be; used unless the building and its uses and its accessory uses and the uses of all the premises are in conformity with the provisions of this ordinance and the other applicable ordinances of the village.

The above mentioned certificate of occupancy shall be required for any of the following:

- a. Occupancy and use of a building hereinafter erected or structurally altered.
- b. Change in use of an existing building to a use of a different classification.
- c. Change in character of the intensity of the use of the land.
- d. Any change in use of a non-conforming use.

Certificates of occupancy and compliance may be applied for coincidentally with the application for a building permit.

ARTICLE VI. SEWER SYSTEMS

Section 1. PRIVATE SEWER SYSTEMS AND SEPTIC TANKS.

Private sewer systems and/or septic tanks are prohibited from use in the Village of Ashley. All construction, the intent of which is for human occupancy, shall be connected to the Village sewer system.

Section 2. PLUMBING.

The installation of all interior plumbing work shall comply with the Michigan State Plumbing Code as may be hereinafter adopted or amended.

ARTICLE VII. VIOLATIONS AND PENALTY.

Any person, firm, or corporation who violates, omits, neglects or refuses to comply or who resists the enforcement of any of the provisions of this ordinance shall be subject to the penalties in accordance with the authority of the Appellate Board.

ARTICLE VIII.

EFFECTIVE DATE.

This Ordinance supersedes and annuls any and all prior zoning ordinance(s) of the Village of Ashley and shall take effect and be in force thirty <30) days from and after the date of approval by the Ashley Village Council.

This Ordinance adopted at a regular meeting of the Ashley Village Council held on August 1995, after having been read and approved by the Village Council at three consecutive meetings.

Dated at Ashley, Michigan, this 1st day of August, A. D., 1995.

Orvin Butcher
Village President

W. K. Collins
Village Clerk

I, William K Collins, Clerk of the Village of Ashley Michigan, do hereby certify that the foregoing is a true ordinance adopted by the Ashley Village Council on August 1, 1995.

I further certify that copies of this ordinance were posted in the Ashley Fire Hall, Ashley Branch, Bank of Alma, and Terra-One Real Estate in Ashley Michigan, for a period of thirty (30) days after the ordinance was adopted.

W. K. Collins
Village Clerk