

# BARTON HILLS VILLAGE CODE

Adopted 11/9/2015

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# TITLE I – VILLAGE ORGANIZATION

## Chapter 1 - Code Contents and Interpretation

### 1:1 - Short Title

This document shall be known and cited as the Barton Hills Village Code.

### 1:2 – Amendment Procedure

This Code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

1. To amend any section:

AN ORDINANCE TO AMEND SECTION \_\_\_\_\_ (OR SECTIONS \_\_\_\_\_ AND \_\_\_\_\_) OF CHAPTER \_\_\_\_\_ OF TITLE \_\_\_\_\_ OF THE CODE OF BARTON HILLS VILLAGE.

2. To insert a new section, chapter or title:

AN ORDINANCE TO AMEND THE CODE OF BARTON HILLS VILLAGE BY ADDING A NEW SECTION (\_\_\_\_\_ NEW SECTIONS, A NEW CHAPTER, OR A NEW TITLE, AS THE CASE MAY BE) WHICH NEW SECTION (SECTIONS, CHAPTER, OR TITLE) SHALL BE DESIGNATED AS SECTION \_\_\_\_\_ (SECTIONS \_\_\_\_\_ AND \_\_\_\_\_ OF CHAPTER \_\_\_\_\_ OF TITLE \_\_\_\_\_ (or proper designation if a chapter or title is added) OF SAID CODE.

3. To repeal a section, chapter, or title:

AN ORDINANCE TO REPEAL SECTION \_\_\_\_\_ (SECTIONS \_\_\_\_\_ AND \_\_\_\_\_), CHAPTER \_\_\_\_\_, TITLE \_\_\_\_\_, (as the case may be) OF THE CODE OF BARTON HILLS VILLAGE.

### 1:3 – Penalties

Unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500.00 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code whether or not such penalty is re-enacted in the amendatory ordinance.

## **Chapter 2 – Village Superintendent**

### **1:20 - Appointment**

The Village Superintendent shall be appointed by, shall report to and serve at the pleasure of the Village Board of Trustees. The Village Superintendent shall be in charge of administering the facilities and personnel of the Village.

### **1:21 – Authority**

The authority and duties of the Superintendent include, but are not limited to the following:

#### **1. PERSONNEL**

- a. Supervision of all employees of the Village. (The Deputy Clerk and Deputy Treasurer shall also be supervised by the Village Clerk and Village Treasurer respectively.)
- b. Recommendations to the Board of Trustees for the hiring or termination of employees.
- c. Suspension of employees for up to 40 days pending a decision of the Board of Trustees.

#### **2. FACILITIES**

- a. Maintenance, repair and replacement of Village roads including clearance of ice and snow.
- b. Maintenance, repair and replacement of all Village buildings, grounds and equipment.
- c. Operation of the Village water system.
- d. Preparation of the Village offices for meetings.
- e. Maintenance of records concerning the locations, conditions and insurance of all Village facilities.
- f. Coordination of the activities of service providers in the Village including those providing telephone, electricity, gas, cable television, Internet and refuse removal services.

#### **3. SECURITY**

- a. Enforcement of Village ordinances. The Superintendent shall have authority to issue citations and violation notices for ordinance violations. The Zoning Administrator and deputy sheriffs may also issue citations and violation notices for violations of Village ordinances.
- b. Coordination of patrols in the Village by sheriff's department personnel.

c. Assistance to those providing firefighting and other emergency services in the Village.

4. PURCHASES

a. Within budget limits, make purchases of supplies and services which in each instance shall not exceed \$20,000.

b. Make recommendations to the Board of Trustees for purchases which exceed \$20,000.

## **Chapter 3 – Public Safety**

### **1:30 – Department of Public Safety**

The Village President shall nominate and the Village Board of Trustees shall appoint a Director of Public Safety for the Village. The Director of Public Safety shall be Chief of Police of the Village. As Chief of Police the Director of Public Safety shall have all the powers, duties and privileges of a peace officer and conservator of the peace under the laws of the State of Michigan, and it shall be his duty to enforce all penal ordinances of the Village and perform the duties herein prescribed, and such other duties as the Board of Trustees shall from time to time prescribe. The Director of Public Safety shall serve at the pleasure of the Village Board of Trustees and shall be paid such compensation as the Board shall establish.

### **1:31 – Department of Police**

The Department of Police shall be headed by the Chief of Police. He shall direct the police work of the Village and be responsible for the enforcement of law and order.

### **1:32 – Functions of Police Department**

The police work of the Village shall consist of the following functions:

1. The operation of motor patrol units for routine investigations and the general maintenance of law and order.
2. Arranging for the filing of complaints at the Village Hall, the maintaining and supervising of police records, criminal identification and property identification.
3. The investigation of crimes and offenses and the preparation of evidence for the prosecution of criminal cases and offenses in violation of Village ordinances.
4. The prevention and control of juvenile delinquency.
5. The control of traffic and coordination of traffic violation prosecutions and the maintenance and erection of traffic signs and the painting of street and crosswalk lanes.

### **1:33 – Department Rules**

The Chief of Police may prescribe rules for the government of police officers of the Village, subject to approval by the Village Board of Trustees, which shall be entered in a book of Police Department Rules and may be amended or revoked by the Chief of Police with the approval of the Board of Trustees.

### **1:34 – Acting Chief**

In case of the absence from the Village of the Chief of Police, or his disability, or inability from any cause, to act as Chief of Police, the Village President may designate and appoint some other person to act as Chief of Police during such absence or disability. If this appointment continues for more than 90 days the Village Board of Trustees must confirm the appointment.

## **Chapter 4 – Public Improvement Fund**

### **1:40 – Fund Established**

Pursuant to Public Act 177 of 1943, State of Michigan, as amended, being MCL 141.261 et seq. a Public Improvement Reserve Fund is hereby created and established for the purpose of appropriating, providing for, setting aside and accumulating moneys to be used for acquiring, constructing, extending, altering, repairing, or equipping public improvements or public buildings for Barton Hills Village.

### **1:41 – Use of Fund**

Moneys accumulated in the Public Improvement Reserve Fund shall not be transferred, encumbered, or otherwise disposed of, except for the purpose of acquiring, constructing, extending, altering, repairing, or equipping public improvements or public buildings which the Village may by the provisions of its Charter or the general law be authorized to acquire, construct, extend, alter, repair or equip. Funds established and moneys on hand presently allocated to or appropriated for the making of capital improvements shall be transferred to and credited to such Reserve Fund herein created and when so transferred or credited shall be governed by the provisions of this Chapter.

### **1:42 – Revenues for Fund**

The Board of Trustees may allocate to said Public Improvement Reserve Fund miscellaneous revenues received and credited to the general fund, including revenues received under the provisions of law and also revenues received from the sale of lands owned by the Village of Barton Hills Village and which are no longer needed for public purposes, if the said revenues are not otherwise pledged or encumbered for other purposes.

### **1:43 – Investment of Funds**

The moneys available in the Public Improvement Reserve Fund shall from time to time be invested by the Village Treasurer in accordance with the authority given the Treasurer by the Village Board of Trustees for the investment of public funds.

### **1:44 – Restrictions**

The assets of the Public Improvement Reserve Fund shall not be transferred or appropriated by the Board of Trustees to any other purpose except the purposes herein specified. Appropriations from said Fund shall specify the public improvement which is to be acquired, constructed, extended, altered, repaired or equipped with the fund so appropriated.

## **Chapter 5 – Single Lot Special Assessments**

### **1:50 – Village Expenses Attributable to Single Lot**

When any expense is incurred by the Village regarding any single lot or tax parcel, which expense is chargeable against it and the owner of it under the provisions of the Village Charter, the Village Code, or law of the State of Michigan, an account of the labor, material or services for which the expense was incurred, verified by the Village Superintendent, with a description of the lot or tax parcel and the name of the owner shall be reported to the Village Treasurer who shall bill the owner. The bill shall be sent by first class mail to the owner of the lot or tax parcel regarding which the expense was incurred by the Village.

### **1:51 – Special Assessment**

The Village Superintendent shall from time to time report to the Village Board of Trustees the unpaid charges for services furnished to or expense incurred for any premises which on the last day of the month preceding the date of the report to the Board of Trustees have remained unpaid for a period of not less than 120 days. Upon receipt of the report, the Board of Trustees shall adopt a special assessment resolution covering each lot or tax parcel for which charges have not been paid in full. After the adoption of the resolution, the Village Clerk shall give notice to the lot or tax parcel owners. The notice shall be sent by first class mail to the last known addresses of the persons as shown on the assessment roll, or by publication. The notice shall state the basis of the assessment, the amount, and shall give a reasonable time, not less than 30 days, within which payment shall be made to the Treasurer. The notice shall include notice that failure to pay within the time set will result in a penalty of 10% of the amounts due. In all cases where payment is not made within the time set, the fact shall be reported by the Village Treasurer to the Village Assessor, who shall charge the amounts, together with a penalty of 10% of the amounts, against the lots or tax parcels on the next tax roll. Charges so assessed shall be collected in the same manner as general Village taxes.

## Chapter 6 – Civil Infractions

### 1:60 - Initiation of Civil Infraction Enforcement.

Enforcement action regarding violation of the Village Code designated as a civil infraction may be started in two ways:

1. A citation may be issued requiring an appearance in District Court 14A
2. A violation notice may be issued which will permit payment of a fine at the Village Violations Bureau.

### 1:61 – Service of Citations and Notices

1. Civil infraction citations and notices shall be served by persons authorized by this code or by resolution of the Board of Trustees
2. Civil infraction citations and notices shall be on the forms approved by the State Court Administrative Office.
3. Service and processing of civil infraction citations and notices shall be made in accordance with MCL 800.8705, MCL 800.8707 and MCL 800.8709.

### 1:62 – Violations Bureau

The Violations Bureau is established in the Village Hall, 199 Barton Shore Drive. Persons or organizations served with civil infraction notices may admit responsibility and pay the civil fine specified on the violation notice at the Violations Bureau. If the civil fine is not paid, a civil infraction citation shall be issued and be processed with 14A District Court in the manner specified in MCL 800.8707. Fine money paid at the Violations Bureau shall be retained by the Village.

### 1:63 – Civil Fines Payable at the Violations Bureau

Civil fines payable at the Village Violation Bureau shall be in accordance with the following schedule. A repeat offense is one occurring within six months of the previous offense.

Chapter number and subject	First Offense	First Repeat Offense	Second and subsequent repeat offenses
8. Septic Systems	\$100	\$200	\$500
14. Signs	\$50	\$100	\$200
15. Tree Maintenance	\$25	\$50	\$100
16. Geothermal Systems	\$500	\$1,000	\$2,000
17. Illicit Discharge	\$100	\$200	\$500



20. Disorderly Conduct	\$100	\$200	\$500
21. Noise	\$100	\$200	\$500
22. Dogs	\$75	\$200	\$400
24. Road use	\$25	\$100	\$200
25. Auctions	\$25	\$50	\$100
26. Bicycles	\$25	\$50	\$100
27. Road Activities	\$25	\$50	\$100
Zoning Ordinance	\$100	\$200	\$500

## **Chapter 7 – Purchase of Development Rights**

### **1:70 - Findings and Declaration of Purpose**

1. Barton Hills Village is a desirable place to live, work and visit in large part because of the availability of farmland and open space and the relief that wetlands, woods and agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.
- 2 It is the policy of the State of Michigan and Barton Hills Village to protect, preserve and enhance agricultural and open space lands.
3. The permanent acquisition by the Village of voluntarily offered interests in Farmland and Open Space Lands within the Village, as provided in this chapter and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain as farmland and open space near developing urban areas and provide long-term protection for the public interests which are served by farmland and open space lands in the Village.
4. Michigan Public Act 262 of 2000 created an agricultural preservation fund within the State Treasury. Money in this fund may be used to provide grants to local units of government to assist in the acquisition of agricultural conservation easements provided that the local unit has adopted a code chapter for the purchase of development rights and that the local unit has a comprehensive land use plan that includes a plan for agricultural preservation
5. Properties on which the Village has purchased the development rights should remain substantially undeveloped in order to promote their agricultural use or open space use.
6. The acquisition of interests in farmland and open space lands as provided in this chapter is a public purpose of Barton Hills Village as provided in this chapter.
7. The use of Village funds for the purpose of paying in whole or in part the cost of acquisition of interests in Eligible Lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of Conservation Easements, or participation with any party for such purposes will promote the public health, safety and general welfare of the people of Barton Hills Village.

### **1:71 - Definitions**

1. “Agricultural Rights” means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural use or Open Space Character.
2. “Agricultural Use” means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, berries, herbs, flowers, seeds, nursery stock, grasses, Christmas trees, forages and sod

crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and poultry products and other similar uses and activities.

3. "Board of Trustees" means the Barton Hills Village Board of Trustees.
4. "Development" means an activity that materially alters or affects the existing conditions or use of any land in a manner that is inconsistent with Agricultural Use or Open Space Character.
5. "Development Rights" means an interest in and the right to use, divide or subdivide land for any and all residential, office, commercial, research, industrial or other use, purposes or activities not incidental to Agricultural Use or Open Space Character.
6. "Conservation Easement" means a grant by a written instrument pertaining to Development Rights whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to undertake development on the land, except as this right is expressly reserved in the instrument.
7. "Eligible Land" means Farmland and Open Space Land for which the purchase of a Conservation Easement with tax funds and other monetary sources are authorized pursuant to this chapter.
8. "Farmland and Open Space Land" means those lands shown in the then current Village General Master Plan as planned for Agricultural Use or Open Space
9. "Full Ownership" means fee simple ownership.
10. "Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.
11. "Open Space Character" or "Open Space Use" means "substantially undeveloped land" devoted to the maintenance or enhancement of natural processes (e.g., water quality, plant and wildlife habitat, groundwater recharge) and/or the scenic enjoyment of the public.
12. "Owner" means the party or parties having the fee simple interest in land.
13. "Parcel" means all property under a single ownership that is included in the application.
14. "Permitted Use" means any use contained within a Conservation Easement essential to the Agricultural Use or which does not alter the Open Space Character of the land.
15. "Residential Development Rights" means the right to sell portions of a parcel, or to construct a residence and related accessory buildings such as a garage or shed on a parcel, for residential uses not related to the Agricultural Use or Open Space Character of the property.

16. “Substantially Undeveloped Land” means land on which there is no more than one residential dwelling unit and related accessory buildings such as a garage or shed for each 40 acres of land. For parcels less than 40 acres in existence before February 18, 2010, and which cannot be joined to a larger contiguous parcel, Substantially Undeveloped Land means land on which there is no more than one residential dwelling unit and related accessory buildings for the parcel.

17. “Value of Development Rights” means the difference between the fair market value as determined by a qualified appraisal of full ownership of the land (excluding the buildings thereon) and the fair market value as determined by a qualified appraisal of the Agricultural Rights plus any Residential Development Rights to be retained by the Owner.

### **1:72 - Authorization**

1. The Board of Trustees is hereby authorized to expend revenues to acquire Conservation Easements in the Farmland and Open Space Lands described and prioritized in Section 1.75 of this Chapter. The interest acquired may either be all of the Development Rights, or any lesser interest, easement, covenant or other contractual right pertaining to such Development Rights. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Chapter. The revenues shall be used to acquire such Development Rights only those authorized by law and only upon application of the Owner and in a strictly voluntary manner.

2. The Village is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of donations of easements and other Development Rights, consistent with applicable law and this Chapter. When installment purchases are made, the Village is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest equal to or below the prevailing market conditions at the time of execution of the installment contract for the purchase of such interest.

3. The Board of Trustees is further authorized to enter into contracts with municipal corporations or governmental agencies or with recognized and legally established and existing nonprofit land trusts (for example, American Farmland Trust and Washtenaw Land Trust) or other experienced and qualified nonprofit groups to participate jointly in the acquisition, holding or management of Conservation Easements in Eligible Lands.

4. The Village may contract with recognized municipal corporations or governmental agencies or with legally established nonprofit land trusts or other experienced and qualified nonprofit groups that would share in the process of negotiating Conservation Easements, and in establishing both the baseline studies and the procedures for monitoring of any conservation easements or Development Rights acquired under this chapter which would be done in accordance with “The Standards and Practices Guidebook” issued in 1989 by the Land Trust Alliance.

5. Interest that the Village owns in property other than Eligible Lands may be exchanged for Development Rights in Eligible Lands on an equivalent appraised value basis. If the Development Rights exchanged are not exactly equal in appraised value, cash payments or other method of acquisition authorized by law and this chapter may be made to provide net equivalent value in the exchange.

**1:73 -- Retained Residential Development Rights**

1. Eligible Lands on which the Village has purchased the Development Rights, shall remain substantially Undeveloped Land in order to promote Agricultural Use or Open Space Character and the purposes of this chapter.
2. It may be in the best interest of an Owner, the Village, and the purposes of this chapter, that certain Owners retain some Residential Development Rights so long as the parcel remains Substantially Undeveloped Land. When an owner retains some Development Rights, the land value retained remains higher than if all Development Rights had been sold and the value of the Development Rights to be purchased is correspondingly reduced.
3. Applications for the sale of Development Rights may include a request to retain Residential Development Rights, provided that no retained Residential Development Rights result in adding more than a total of one dwelling unit for each forty (40) acres in the parcel, located in a manner to maximize Agricultural Use or Open Space Character, with the location and size subject to Village Board approval.
4. The building locations for retained Residential Development Rights may be restricted in the negotiated Development Rights Easement in order to protect other important features of the property. All building locations and lot sizes must also conform to existing zoning in the Village where the property is located.

**1:74 --Retained Residential Development Rights**

1. Eligible Lands on which the Village has purchased the Development Rights, shall remain Substantially Undeveloped Land in order to promote Agricultural Use or Open Space Character and the purposes of this chapter.
2. It may be in the best interest of an Owner, the Village, and the purposes of this chapter, that certain Owners retain some Residential Development Rights so long as the parcel remains Substantially Undeveloped Land. When an owner retains some Development Rights, the land value retained remains higher than if all Development Rights had been sold and the value of the Development Rights to be purchased is correspondingly reduced.
3. Applications for the sale of Development Rights may include a request to retain Residential Development Rights, provided that no retained Residential Development Rights result in adding more than a total of one dwelling unit for each forty (40) acres in the parcel, located in a manner to maximize Agricultural Use or Open Space Character, with the location and size subject to Village Board approval.

4. The building locations for retained Residential Development Rights may be restricted in the negotiated Development Rights Easement in order to protect other important features of the property. All building locations and lot sizes must also conform to existing zoning in the Village where the property is located.

**1:75 - Eligible Lands and Priority of Acquisition**

Revenues shall be used to purchase Conservation Easements in the order of the priority established in Section 1.77. Only Development Rights in Farmland and Open Space Land, as defined in this chapter are eligible for consideration for purchase under this chapter.

**1:76 – Criteria for selection.**

The following criteria shall be used in determining the order in which applications will be prioritized in any Selection Round (defined in Section 1.77) to purchase Development Rights on all Eligible Lands for which complete applications have been received by the Village:

This numerical ranking system has been developed to prioritize Farmland and Open Space Land for the purchase of Development Rights. After an initial screening (for hazardous waste and agricultural or rural residential zoning and other preliminary matters), sites shall be evaluated using this system. It is the intention of the users of this system to direct efforts toward high quality Farmland and Open Space Land in areas of the Village where preservation is most appropriate.

Appropriateness shall be determined by favorable natural conditions and location factors, including contiguity to farmland and the ability to support viable natural communities or scenic views. Areas eligible for consideration under this chapter are those lands shown in the Village General Development Plan as planned for Agricultural Preservation, as adopted and amended from time to time.

DESCRIPTION OF THE SYSTEM. The farmland ranking system consists of four sections with a maximum point value of 100. The parts are summarized as below, with detailed explanations on the following pages.

PART	TOTAL POINTS
I – Characteristics of the Farmland	20
II – Stewardship of the Land	13
III – Likelihood of Conversion to Nonfarm Use	9

IV – Long-range Planning Considerations	35
V – Financial Considerations	23

PRIORITIES. The point value arrived at through the use of this system will be used to prioritize Farmland and Open Space Areas for purchase of Development Rights. Higher point values indicate higher priority for purchase.

An explanation of terms and parameters used in the system appears follows:

### CHARACTERISTICS OF THE FARMLAND

MAXIMUM POINTS = 20

#### A. Type of Agricultural Land (See Appendix for explanation of terms)

Percentage of Prime Soils and Other Productive Soils

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Greater than 80%	8
50-80%	5
Less than 50%	2

#### B. Size of Parcel Offered for Development Rights Purchase

Acreage	Score
80 acres or more	9
40 to 79.9 acres	5
20 to 39.9 acres	3
Less than 20 acres	2

C. Farm Buildings

Buildings	Score
Usable, functional farm buildings on site	3
Usable, functional farm buildings within one mile	1

STEWARDSHIP OF THE LAND

MAXIMUM POINTS = 13

A. Conservation Plans (See Appendix)

Extent of Conservation Plan	Score
NRCS conservation plan fully implemented or conservation practices used to the fullest extent necessary	4
Conservation plan partially implemented or some practices used	2

B. Owner Involvement

Involvement	Score
All gross farming revenue generated from the site is generated by the owner(s) and employees	6

C. Enrollment in P.A. 116 (see Appendix)

Enrollment	Score
Nominated property is enrolled in P.A. 116	3

LIKELIHOOD OF CONVERSION TO NONFARM USE

MAXIMUM POINTS = 9

A. Amount of Road Frontage



Frontage	Score
2,000 feet or more	5
1,000 to 1,999 feet	3
500- to 999 feet	1

**B. Amount of Wetlands and/or Floodplain**

Wetlands/Floodplain	Score
0 to 9.9%	4
10 to 39.9%	2

**LONG-RANGE PLANNING CONSIDERATIONS**

MAXIMUM POINTS = 35

**A. Current General Development Plan Classification**      **Score**

In area planned for agricultural production	11
In area planned for open space preservation	6

**B. Current Adjacent Zoning Classification**

Percent of Perimeter in Agricultural Zoning (Zoned A-1 and A-R)	Score
90% or more	6
75-89%	4
40-74%	3
15-39%	1

C. Scenic, Historical or Architectural Features (see Appendix)

Features	Score
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Farm site provides significant scenic value and has unique historical or architectural structures	7
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Farm site provides either a significant scenic vista or has unique or architectural structures	4
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D. Natural Features

Features	Score
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Stream corridors, woodlots or rare species present	4
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E. Proximity to Protected Land (see Appendix)

Distance	Score
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Adjacent	4
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Within one-half mile	2
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Between one-half and one mile	1
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F. Groundwater Recharge and Protection

Percent of Property in a Groundwater Recharge Area	Score
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Greater than 75%	3
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Between 50% and 75%	2
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## FINANCIAL CONSIDERATIONS

Maximum Points = 23

### A. Ability to Attract Matching Funds (see Appendix)

Funds Availability	Score
Matching funds equal to or exceeding 65% of the appraised value are available	8
Matching funds equal to or exceeding 50%, but less than 65%, of the appraised value are available	5
Matching funds equal to or exceeding 10%, but less than 50%, of the appraised value are available	3
Matching funds less than 10% of the appraised value are available	1

### B. Landowner Contribution

Percent of appraised value donated	Score
50% or more	15
40-49%	12
30-39%	10
20-29%	8
10-19%	6
5-9%	4

### **1:77 – Selection**

The Board of Trustees shall conduct a voluntary property selection process for the purchase of Development Rights (herein called the “Selection Round”) generally as follows:

1. In all Selection Rounds, properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

(a) The Board of Trustees may negotiate for a lower price and/or seek outside funding for the purchase of Development Rights on any parcel offered, subject to approval of the Village Board.

(b) In the interest of protecting a significant amount of Farmland and Open Space Land, the Board of Trustees may determine not to buy all or any of the Development Rights on a particular parcel if the Board of Trustees makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued Development Rights.

(c) The Board of Trustees may establish preferences among applicants of roughly equal ranking for applications judged to have the most favorable impact upon future land use in the Village.

(d) The Board of Trustees may receive and act on appeals of any factual nature by affected property Owners.

2. The Board of Trustees shall begin each Selection Round by publishing a notice 30 days prior to the Selection Round in one newspaper of general circulation in Barton Hills Village. The notice shall describe the properties eligible for purchase in the Selection Round in accordance with this chapter; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process); and shall invite the owners of such properties to make application for purchase of Development Rights by the Village and to describe the Development Rights which the Owner is willing to sell, including any Residential Development Rights to be retained by the Owner. Applications shall be submitted to a location within the Village to be specified by the Board of Trustees and stamped with the date of receipt.

3. Written applications by Owners who desire to have their Development Rights purchased by the Village shall be submitted on application forms provided by the Board of Trustees, and shall include a detailed description of the Development Rights, if any, the Owner desires to retain. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated one application.

4. Upon closing of the application period, the Board of Trustees shall review each application that has been received to determine the eligibility and priority classification of each Conservation Easement and to verify ownership by tax records and title searches.

5. For those Eligible Lands that meet the requirements of Section 1.75, the Board of Trustees shall order an appraisal of the applicant's Development Rights. A "before and after" appraisal shall be made to determine the value of Development Rights to be purchased. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any specifically retained Residential Development Rights.

6. Appraisals shall be made by State certified appraisers selected by the Board of Trustees. The selected appraiser shall not have an ownership interest, personal interest or financial interest in Eligible Lands. The same appraiser shall conduct both the before and after appraisals.

7. Appraisals shall be in writing and shall be furnished to the respective Owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Board of Trustees or by Owners of the property appraised, but corrections of the appraisal may be made only by the appraiser upon authorization by the Board of Trustees.

8. After review as provided above, the Board of Trustees shall, by majority vote of its members, approve or disapprove the proposed Development Rights purchase. If approved, the Developments Rights Easement shall be promptly executed and recorded and the Village assessor shall be provided with a copy of the recorded document.

### **1:78 - Duration of Acquired Interests**

1. Development Rights acquired pursuant to this chapter shall be held in trust by the Village for the benefit of its citizens in perpetuity. Provided, if the Board of Trustees finds if existing, and on request of an Owner of property on which a Development Rights had been purchased by the Village more than 50 years prior, that the property can no longer reasonably sustain Agricultural Use or that the property has lost its Open Space Character, the Board of Trustees shall have the right, by majority vote of its members, to relinquish such Development Rights to the Owner, subject to conditions set forth in this Section 1.78. The Owner shall pay the fair market value of the relinquished Development Rights at the time of their return, as determined by a State certified appraiser. Proceeds of such disposition shall first be used for the acquisition of interests in Eligible Lands as provided in this chapter. If no Eligible Lands are available, the proceeds may be used to purchase or improve park land or open spaces. A “before and after” appraisal shall be made to determine the value of the Development Rights relinquished, and the Board of Trustees shall not relinquish the Development Rights for an amount less than the appraised value. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any retained Residential Development Rights. Appraisals of the fair market value of full ownership of a Development Rights shall be made by State certified appraisers selected by the Board of Trustees in its absence. The selected appraiser shall not have an ownership interest, personal interest or financial interest in Eligible Lands. In any event, the same appraiser shall conduct the before and after appraisals. Upon receiving the above information the Board of Trustees shall take final action on such recommendations.

2. If the Village Board approves a request that Farmland and Open Space Land described in this chapter can no longer reasonably be used for Agricultural Use or has lost its Open Space Character, the Village shall have a right of first refusal to purchase the remaining rights of the property at the fair market value of the Agricultural Use plus any retained Development Rights, as determined by a State certified appraiser, for the purposes of a Village park or other publicly-accessible property. Upon receiving the above information, the Board of Trustees shall take final action on such recommendations.

3. The Village may convey Development Rights acquired pursuant to this chapter to a legally existing and recognized conservation, open space preservation, historic

preservation or similar organization under terms ensuring that the public benefits for which the Village purchased the Development Rights will be maintained.

**1:79 - Related Costs**

The costs of appraisal, engineering, surveying, planning, financial, legal, and other services lawfully incurred incident to the acquisition of Development Rights in Eligible Lands by the Village in accordance with this chapter shall be paid by the Village. The Village shall not be responsible for expenses incurred by the Owner incident to any purchase of a Conservation Easement.

**1:80 - Supplemental Funds**

To the extent authorized by law, supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring Development Rights, or some lesser interest in Eligible Lands or to supplement or enlarge such acquisition. The Village Board, upon recommendation of the Farmland and Open Space Preservation Board is authorized to use such funds to purchase Development Rights in Eligible Lands or to otherwise supplement Village funds in the manner provided by this chapter and in accordance with the applicable laws or terms governing such grant.

**1:81 - Development Rights Acquisition Fund**

The revenues for purchasing Development Rights on Farmland and Open Space Land shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Barton Hills Village (“Acquisition Fund”). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Village money.

The revenues and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this chapter.

**1:82 - Enforcement; Monitoring**

1. The Village Building Official, at the direction of the Board of Trustees and in consultation with the Village attorney and the Preservation Board, shall administer and enforce this chapter and all Conservation Easements granted pursuant to this chapter in accordance with the terms of this chapter, the applicable Conservation Easement, and applicable state and federal law. In addition to the other rights and remedies available to the Village pursuant to a Conservation Easement and applicable state and federal law, a violation of this chapter shall be a civil infraction subject to the general provisions for municipal civil infraction violations of the Village Code.

2. Monitoring of conservation easements shall occur at least annually and shall be conducted by the Board of Trustees. Written monitoring reports of all Conservation Easements granted pursuant to this chapter, shall be filed with the Village and applicable state and federal authorities by January 31 of each year. Monitoring shall be conducted as follows: (a) written notice shall be sent to the landowner by certified mail 10 days prior to

a monitoring visit; (b) a monitoring visit should be at a time mutually agreeable to both the Village and landowner; (c) within 10 days of conducting the visit the Village should prepare a written report setting forth the following information: (i) identification of the property visited, (ii) name of owner when easement was acquired and the name of the current owner; (iii) a description of the modifications in the number, type, location or use of any structures on the property since the date of the recording of the Conservation Easement; and (iv) a statement of whether the provisions of the Conservation Easement have been observed; and (d) a copy of the report shall be sent by certified mail to the landowner.

**1:83 - Severability**

In the event any provision of this chapter shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

## **Chapter 8—On-Site Sewage Disposal Systems**

### **1:85 – Findings**

The improper functioning of on-site sewage disposal systems can cause the pollution or impairment of ground and surface water quality, which can result in adverse effects on aquatic wildlife and affect the ability to use those ground and surface waters for public or private water supply. Periodic pumping and inspections of on-site sewage disposal systems can help prevent the improper functioning of such systems, thereby protecting and enhancing the public health, safety, and welfare.

### **1:86 – Periodic Pumping and Inspection of On-Site Disposal Systems**

Every owner of property in the Barton Hills Village that has an on-site sewage disposal system (OSDS) shall comply with the following requirements:

1. At least once every four years, the septic tank(s) in the OSDS shall be emptied of accumulated waste. Written documentation of this work shall be filed with the Village Clerk within ten (10) days of work completion, on forms prescribed by the Clerk.
2. At least once every eight years, the physical condition and operational status of the entire OSDS shall be evaluated by an inspector who is currently certified by the Washtenaw County Environmental Health Division. The inspector shall prepare a written report which contains the following information:
  - a. the address of the site and date of the evaluation;
  - b. the name, address, and contact phone number of the owner or owner's agent;
  - c. the name, address, contact phone number, and current Washtenaw County certification information of the inspector.
  - d. the approximate location of the tank(s) and drain field in relation to structures or other landmarks on the property;
  - e. the estimated amount of wastes removed from the tank in the OSDS;
  - f. the estimated capacity in gallons of the septic tank;
  - g. the approximate size and condition of the subsurface absorption drain field;
  - h. the condition of the outlet device of the septic tank;
  - i. whether there is evidence of any back-flow occurring and, if so, a description of the amount and frequency of the back-flow;
  - j. an overall description of the current physical condition of the OSDS and an evaluation of the functional status of the system;
  - k. identification of any necessary repairs or need for replacement of all or portions of the OSDS; and
  - l. a determination of:



i. whether the OSDS structure and its functional status are in compliance with all currently applicable laws, regulations, and standards, including those of Washtenaw County Environmental Health Division and the State of Michigan; and

ii. whether there is any evidence of structural or functional failure, or potential for failure, of the OSDS, either partially or fully. Failure of an OSDS is defined as a situation where the OSDS or any part thereof is not functioning properly. Indicators of failure include, but are not limited to: odor emanating from the OSDS; backup of sewage into a structure; discharge of sewage effluent onto the ground surface; connection of an OSDS to a storm drain; liquid level in the septic tank above the outlet invert; apparent structural failure or damage to a septic tank or subsurface absorption drain field; liquid level in a subsurface adsorption drain field above the outlet holes in the pipe or tile of the field; substantial nonconformance with water well isolation from contamination source requirements; and discharge of sewage from a structure which does not reach the OSDS.

A copy of the report shall be filed with the Village Clerk within ten (10) days of its completion.

3. An evaluation of an OSDS performed in connection with the sale or transfer of property as required by the Washtenaw County Regulation for the Inspection of Residential Onsite Water and Sewage Disposal Systems at Time of Property Transfer shall be considered to meet the requirements for an inspection under subsection 2 of this section 1:86 if a copy of the evaluation is filed with the Village Clerk.

4. This Chapter is intended to establish minimum standards, but compliance with the standards in this Chapter does not insure that an OSDS will remain functional and in good working order. Rather, it establishes minimum standards which should be adequate in most cases, but may not be adequate in all cases.

### **1:87 – Enforcement**

When a written report on an OSDS contains evidence or information that an OSDS has failed, is failing, or has the potential to fail before the next inspection of the OSDS required under this ordinance, the Village Clerk shall forward the written report to the Washtenaw County Environmental Health Division or other appropriate agency for enforcement action.

### **1:88 – Penalty for Violation**

Except in an emergency where more immediate action is required, any owner who violates Section 1.86, shall first receive a letter by certified mail from the Village Clerk, notifying the owner that he or she is in violation and that the pumping or inspection shall be accomplished within 6 months after receipt of the letter. An owner who does not comply within said six month period may appeal to the Village Board for an additional six month period, if the owner can demonstrate to the satisfaction of the Village Board

that the problem has been identified and plans for repair and/or restoration are in progress. At the end of the applicable period, an owner who is still in violation of Section 1.86 shall be responsible for a municipal civil infraction brought for a violation involving the use or occupation of land or a building or other structure and shall be subject to the order of the district court including a civil fine not to exceed \$500.00 and costs to which the Village has been put in an amount not less than \$9.00 nor more than \$500.00. If the civil fine and/or costs are not paid promptly, as provided by law, the Village may obtain a lien against the property, place the lien on the tax roll, and enforce it in the manner prescribed by the general property tax act. Each act of violation, and every separate day upon which any such violation occurs, shall constitute a separate offense.

## **Chapter 9 – Water Rates**

### **1:90 -- Definitions**

Unless the context indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. "Premises" shall mean each lot or parcel of land, building or premises having any connection to the Water Distribution System of Barton Hills Village.
2. "Person" shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.
3. "Superintendent" shall mean Superintendent of the Village.

### **1:91 – Fixing Rates**

Water service provided by the Village shall be charged at the rates determined by this Chapter.

### **1:92 – Water Service Rates**

The rates to be charged for water service shall be: \$0.33 per 100 cubic feet with a minimum semi-annual charge of \$10.00.

### **1:93 – Water Service to the Village**

The Village shall not pay for water service.

### **1:94 – Rate Revision**

The water rates prescribed in this chapter may be altered by resolution of the Village Board of Trustees and when so changed shall be published at least once in a newspaper of general circulation in the Village.

### **1:95 – Billing**

Water rates shall be billed to premises at least semi-annually during each fiscal year. These semi-annual bills shall represent charges for the period immediately preceding the date of the bill. The bills shall be due and payable within 30 days from the date of the billing. All bills not paid when due shall be considered delinquent. Delinquent bills will be subject to a one time penalty of 7% plus 1% interest on the outstanding balance. The 1 % interest shall accrue monthly until the balance is paid.

### **1:96 – Collection**

The Village expects prompt payments from its residents. The Village is hereby authorized to enforce the payment of charges for water service to all premises according to the following collection policy.

1. After the initial billing, payments are expected 30 days after the billing date. If a payment is not received, a past due notice will be generated within 7 days of the initial due date.

2. The first past due notice will include in its balance a 7% penalty and 1% interest on balance outstanding. The first past due notice will have a due date of 30 days after past due billing date.

3. If an account remains delinquent, a second past due notice will be generated within 7 days of the first past due date. The second past due notice will also add 1% interest to the outstanding balance and will have a due date of 30 days past the second past due billing date.

4. If an account remains delinquent, a SHUT OFF notice will be generated within 7 days of the second past due notice. The shut off notice will also add 1% interest to the outstanding balance and will have a due date of 7 days past the shut off notice billing date.

5. If the account still remains delinquent after the SHUT OFF notice due date, discontinuation of service will occur. Where the water service to any premises is turned off to enforce the payment of water service charges, the water service shall not be recommenced until all delinquent charges have been paid. Additionally, \$50 turn on fee will be assessed and payable at the time of service restoration.

## **TITLE II - LAND USE**

### **Chapter 12 – Planning Commission**

#### **2:1 – Creation and Membership of Planning Commission**

1. A seven member Planning Commission is created under the Michigan Planning Enabling Act, MCL 125.3801 et seq.
2. - The Village President shall appoint the members of the Planning Commission, subject to approval of the Village Board of Trustees.
3. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the municipality, in accordance with the major interests as they exist in the municipality, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Village to the extent practicable.
4. Members of the Planning Commission shall be qualified electors of the municipality, except that up to two Planning Commission members may be individuals who are not qualified electors of the Village.
5. Members of the Planning Commission, other than ex officio members, shall be appointed for three-year terms. However, initial appointments shall be made so that the terms of two Commission members expire each year.
6. One member of the Board of Trustees shall be appointed as an ex official member of the Planning Commission. That appointment shall expire at the end of that member's term of office as a trustee.
7. All appointed members of the Planning Commission may be compensated at a rate to be determined by the legislative body.
8. The ex officio member of the Planning Commission shall have full voting rights.

#### **2:2 - Vacancy**

If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

#### **2:3 - Removal**

The Board of Trustees may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest as defined in the Planning Commission bylaws, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the Planning Commission bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required

by this subsection constitutes malfeasance in office. A conflict of interest exists if a member has a direct financial interest in a matter before the Commission.

#### **2:4 – Planning Commission Officers**

At its first regular meeting each year, the Planning Commission shall elect a chairperson, vice-chairperson, and secretary from among its members. An ex officio member of the Planning Commission is not eligible to serve as chairperson or vice-chairperson.

#### **2:5 - Meetings**

1. The Planning Commission shall hold not less than four regular meetings each year.
2. The Planning Commission shall adopt bylaws for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.
3. Meetings of the Planning Commission are subject to the Open Meetings Act, as amended MCL 15.261 *et seq*, and the Freedom of Information Act, MCL 15.231 *et seq*.

#### **2:6 - Funding**

The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Trustees, which shall provide the funds, equipment, and accommodations necessary for the Planning Commission's work.

#### **2:7 – Master Plan**

The Planning Commission shall make and approve a master plan in accordance with the provisions of the Planning Enabling Act.

## **Chapter 13 – Enforcement of State Codes**

### **2:10 – Agency Designated to Enforce State Building Code**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*), the Building Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

### **2:11 – Agency Designated to Enforce State Mechanical Code**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*), the Mechanical Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

### **2:12 – Agency Designated to Enforce State Plumbing Code**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*), the Plumbing Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

### **2:13 – Agency Designated to Enforce State Electrical Code**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*), the Electrical Official of Barton Hills Village, Washtenaw County, is hereby designated as the enforcing agency to discharge the responsibility of Barton Hills Village, Washtenaw County, under Act 230, of the Public Acts of 1972, as amended (MCL 125.1501 *et.seq.*); State of Michigan, Barton Hills Village, Washtenaw County, assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

## **Chapter 14 – Sign Regulations**

### **2:20 – Application of Chapter**

Signs may be erected or maintained in the Village only as permitted by this chapter.

### **2:21 - Definition**

A sign is a name, identification, description, display, light, balloon, banner, or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, park, or public property. Holiday decorations and mail boxes are not considered signs.

### **2:22 – Real Estate Signs**

Each lot is permitted to have one sign advertising the sale or rental of the lot. The sign shall have a maximum height of 48 inches and a maximum width of 36 inches, including the support structure. The maximum area of the sign shall be 5 square feet. No part of the sign or support structure shall be less than 5 feet from the street pavement. The sign must be removed on the completion of the sale or rental transaction.

### **2:23 – Political Signs**

A sign whose message relates to a candidate for political office, or to a political party, or to a political issue or an ideological opinion, is permitted, subject to the following conditions.

1. Each sign shall have a maximum height of 48 inches and a maximum width of 36 inches, including the support structure. The area of sign shall be a maximum of 5 square feet.
2. No part of the sign or support structure shall be less than 5 feet from the street pavement.

### **2:24 – Permitted Signs**

The following signs are permitted, but are subject to the restrictions of Section 2.25.

1. Address numbers and occupant names with a numeral and letter height not greater than 12 inches.
2. Names of building occupants painted on or attached to the building with a letter height not greater than 12 inches.
3. Authorized signs of the state or a political subdivision of the state.
4. Signs of a religious institution, school, recreational facility or library indicating the name and having an area not greater than 50 square feet.
5. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building.



6. Flags bearing the official design of a nation, state, municipality, educational institution or noncommercial organization, provided that the flag pole is set back from the property line a distance of 1 foot for every 1 foot of pole height.
7. Special event signs or banners approved by the Board of Trustees.
8. Private traffic control and parking signs not to exceed 6 square feet.
9. Security system notices not exceeding 2 square feet, with no more than one such notice per lot.

### **2.25 – Prohibited signs**

The following signs are prohibited:

1. Signs which incorporate in any manner or are illuminated by any flashing or moving lights.
2. Any sign which has any visible motion other than permitted flags or banners.

### **2:26 - Illumination**

Only signs permitted by Section 2:24 may be illuminated. Any illumination shall be by white light.

### **2:27 – Nonconforming signs**

Signs installed before February 17, 2012 which do not conform to this chapter's standards may be maintained, but may not be enlarged or moved.

### **2:28 - Penalties**

Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$500.00. Each day a sign is displayed shall be considered a separate offense.

## **Chapter 15 – Tree Regulations**

### **2:30 – Permits for Tree Planting, Care or Removal**

The Village Superintendent shall have the sole authority over the planting, maintenance and removal of trees in the street areas and other Village property. No person without written permission of the Village Superintendent shall plant, remove, break, spray or take any action which will injure or destroy any tree or shrub, the base of which is located within a Village street boundary or other Village land. Limbs of trees that project over Village streets may be removed or trimmed at the discretion of the Village Superintendent.

### **2:31 – Trees on Private Grounds**

No tree which presents a hazard to persons or property in Village road areas or other public property shall be maintained on private property. “Hazard” shall mean that a tree or part of a tree presents a danger of falling onto a Village road area or other Village property because it is dead, unstable, diseased or damaged. Trees on private property shall be maintained so that no part intrudes upon a Village street in the space 10 feet above the surface of the right-of-way.

### **2:32 - Enforcement**

If private property is not maintained as required by Section 2:31, the Village Superintendent shall notify the property owner of the violation. The notice shall request that the violation be corrected within a reasonable time. If the violation is not corrected within the time specified in the notice, the Superintendent shall notify the property owner that the Village will have the work done to bring the property into compliance. The notice shall be sent to the address of the owner as shown on assessment records at least 10 days before the commencement of the work. If the violation is not corrected following the notice, the Superintendent may have the work done to correct the violation. In the case of an immediate hazard to public safety no prior notice shall be necessary. The actual costs of the work needed to bring the property into compliance shall be billed to the owner. If this amount is not paid within 45 days, the Superintendent shall initiate the single lot special assessment process to collect the costs.

### **2:33 - Penalties**

The owner of private property subject to this chapter is responsible for compliance. Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$1000.00, plus costs and all other remedies available by statute.

## **Chapter 16 – Geothermal Systems**

### **2:40 – Findings and Purpose**

An open loop geothermal system can deplete and pollute the Village’s groundwater. A closed loop geothermal system can pollute the Village’s ground water if not properly constructed or maintained. These regulations are for the purpose of protecting the quality and quantity of the Village’s groundwater from these potential dangers.

### **2:41 - Definitions**

1. Geothermal System: A geothermal system pumps liquid from the ground to equipment which heats and cools buildings.
2. Closed Loop Geothermal System: A closed loop geothermal system uses pipes containing a heat transfer liquid. The closed loop is designed and constructed so that the liquid does not come in contact with groundwater.
3. Open Loop Geothermal System: An open loop geothermal system pumps groundwater to the heating and cooling equipment. The groundwater is then discharged into the ground, to the ground surface or to a body of water.

### **2:42 Open Loop Geothermal System Prohibited**

No person shall install or maintain an open loop geothermal system in the Village.

### **2:43 - Closed Loop Geothermal System Permitted**

A person may install and operate a closed loop geothermal system only in accordance with the requirements of this section.

1. A permit must be approved by the County of Washtenaw.
2. A permit must be approved by the Village Board of Trustees upon a finding that the system complies with this section.
3. The systems shall be tested hydrostatically at one and one half times the maximum system design pressure. The duration of each test shall be not less than 15 minutes. All geothermal systems must be pressure checked to the original standard by a licensed geothermal contractor, every three (3) years from the certification system date. Results from the test shall be submitted to the Board of Trustees. No person shall operate a system if a test reveals that it is likely to leak the heat transfer liquid.

### **2:44 - Violations**

Installing or operating a geothermal system not in compliance with this chapter is a civil infraction punishable by a civil fine of up to \$5000. Each day of operation in violation of this chapter is a separate offence.

## **Chapter 17 – Illicit Discharges**

### **2:50 - Prohibition**

No person shall directly or indirectly discharge any substance other than storm water into Village watercourses, including, but not limited to, any pollutants, illicit discharges, illicit connections and the direct dumping or disposal of materials. Indirect discharges include, but are not limited to, discharges into streets, walkways and sidewalks.

### **2:51 - Exemptions**

The following discharges are exempt from the restrictions of Section 2.50 unless they are determined to be a significant source of pollution to the Village stormwater system or waters of the State.

1. A discharge or flow resulting from firefighting activities;
2. Agricultural stormwater runoff;
3. A discharge or flow from lawn watering, or landscape irrigation;
4. A discharge or flow from a diverted stream flow or natural spring;
5. A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
6. Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
7. A discharge or flow from air conditioning condensation;
8. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals.
9. A discharge from water line flushing or potable water sources.
10. Waters from noncommercial car washing.

### **2:52 - Enforcement**

The Village Superintendent shall enforce this chapter and shall have enforcement powers including but not limited to:

1. Investigate suspected illicit discharges;
2. Monitor discharges into Village watercourses;
3. Coordinate with other agencies including Ann Arbor Township, Washtenaw County and the Washtenaw County Sheriff to contain illicit discharges;
4. Initiate prosecutions through the Village Attorney.

### **2:53 - Violations**

Violations of this chapter shall be civil infraction punishable by a civil fine of up to \$500. Each day of violations shall be a separate offense.

# **TITLE III – POLICE POWER REGULATIONS**

## **Chapter 20 – Disorderly Conduct**

### **3:1 – Public Place**

The term "public place" as used in this chapter shall mean any street open to the residents of Barton Hills Village, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access, and which is within the limits of Barton Hills Village.

### **3:2 – Acts Prohibited**

No person shall:

1. Commit an assault, or an assault and battery on any person.
2. Be drunk in any public place or under the influence of any narcotic drug in any public place.
3. Engage in indecent or obscene conduct in any public place.
4. Discharge any firearm, air rifle, air pistol or bow and arrow in the Village except when lawfully acting in the defense of persons or property or the enforcement of law or except pursuant to a permit for eliminating animals causing a nuisance.
5. Fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the State of Michigan (MCL 750.243a et seq.).
6. Engage in peeping in the windows of an inhabited place.
7. Beg in any public place.
8. Engage in conduct or communication which, by its very existence, inflicts injury or tends to incite an immediate breach of the peace or which prevents the peaceful and orderly conduct of a public meeting.
9. Make any indecent exposure of his or her person.
10. Willfully destroy, remove, damage, alter or in any manner deface any property not his own.
11. Engage in any fight in a public place.
12. Loiter on any street or sidewalk or in any park or public building or conduct oneself in any public place so as to obstruct the free and uninterrupted passage of the public.
13. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct.
14. Obstruct, resist, hinder, or oppose any member of the Police Department, or any peace officer in the discharge of his duties as such.

15. Prowl about the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.

16. Summon, as a joke or prank or otherwise without any good reason therefor, by telephone or otherwise, the Police or Fire Department or any public or private ambulance to go to any address where the service called for is not needed.

17. Drive or operate any motor vehicle over or upon any private property without the consent of the owner of such private property except at a driveway when entry to such driveway has not been expressly prohibited under section 3.3 of this chapter

### **3:3 – Trespass**

It shall be unlawful for any person to enter or otherwise trespass upon the lands or premises of another within the corporate limits of Barton Hills Village, after having been forbidden to do so by the owner or occupant of said lands or premises, or by the agent or servant of the owner or occupant. The posting of a conspicuous sign forbidding the entry or trespass on the posted property shall constitute sufficient notice requiring compliance with this section.

### **3:4 – Stopping for Questioning**

When a police officer has reasonable cause to believe that the behavior of an individual warrants further investigation for criminal activity, the officer may stop and question such person.

### **3:5 – Searching for Arms**

When a police officer has stopped a person for questioning pursuant to section 3.4 and has reasonable cause to believe there is danger to himself or others, he may conduct a limited search of that person for dangerous weapons. The police officer may take and keep such weapon or any other thing, the possession of which may constitute a crime, until he has completed the questioning at which time he shall either return such property so taken, if lawfully possessed, or arrest such person and dispose of such property according to law.

### **3:6 – Penalty**

A violation of any provision of this chapter is a civil infraction punishable by a civil fine of not more than \$1,000.

## **Chapter 21-- Noise Regulations**

### **3:10 – General Noise Prohibition**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of Barton Hills Village.

### **3:11 – Specific Noise Offenses**

The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted:

1. The operation, between 6:00 p.m. and 8:00 a.m., of power tools or equipment.
2. Construction, repair, remodeling, demolition, drilling or excavation work at any time on a Saturday, Sunday or federal holiday and between 6:00 p.m. and 8:00 a.m. Monday to Friday.
3. The operation, between 10:00 p.m. and 8:00 a.m., of any device for killing, trapping, attracting, or repelling insects or other pests.
4. The sounding, between 10:00 p.m. and 8:00 a.m., of any bell, chime, siren, whistle or similar device, except to alert persons to the existence of an emergency, danger or attempted crime.
5. The operation or playing, between 10:00 p.m. and 8:00 a.m., of any radio, television, phonograph, drum or musical instrument.
6. The operation or use, between 10:00 p.m. and 8:00 a.m., of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds.
7. Installation or operation of a residential generator producing more than 73 dBA at 7 meters.

### **3:12 – Exception**

Notwithstanding paragraph section 3:11, a homeowner may operate power tools and engage in construction, repair, remodeling, demolition, drilling or excavation work on the homeowner's property between 9:00 a.m. and 10:00 p.m. any day.

### **3:13 – Motor Vehicle Noise**

A person shall not operate a motor vehicle unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual

noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway or street.

**3:14 – Audible Warning**

The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use the horn.

**3:15 – Emergency Permit**

A person needing to do emergency work outside the limits of section 3.11 may obtain a permit from the Village Superintendent upon providing written documentation demonstrating the need to do the work and that it will involve the least disturbance possible.

**3:16 – Penalty**

Violations of this chapter are civil infractions punishable by a civil fine up to \$1000.



## **Chapter 22 – Dog Regulations**

### **3:20 – Definition**

The following definitions apply in this chapter:

1. "Own". To have possession or a right of property in an animal or to permit a dog to remain on one's premises five (5) days or more.
2. "Noise Nuisance". Barking, howling or making other sounds, frequently or for a continued duration, which annoys, endangers, injures or disturbs a person of normal sensitivities on premises other than that occupied by the owner of the animal.
3. "Dangerous Animal". An animal which bites, chases, menaces, or in any way injures people, or which repeatedly damages property of persons other than the owner.
4. "Under Reasonable Control". A dog which is:
  - (a) Secured by a leash held by the owner or the owner's agent;
  - (b) Secured by a leash which is attached to a stationary object and attended by the owner or the owner's agent; or
  - (c) On the premises of the owner or confined in a vehicle.

### **3:21 – Violations**

The owner of any dog or other animal shall be guilty of a violation of this chapter if:

1. The dog is at any time not under reasonable control;
2. The animal causes a noise nuisance;
3. The animal is dangerous;
4. The dog is over 6 months old and is not currently licensed or is not wearing a license tag issued pursuant to law.
5. The animal has symptoms of rabies or has bitten or been bitten by another animal showing symptoms of rabies and the owner fails to notify a Village Police Officer of that fact.

### **3:22 – Authority of Police Officers**

Village Police Officers shall have the authority to:

1. Impound any dog not under reasonable control;
2. Impound any dog which has bitten a person;

3. Impound any dangerous animal;
4. Humanely kill any domestic or wild animal when such action is needed to protect persons or property or to prevent suffering by the animal;
5. Impound any unlicensed dog;
6. Impound any animal causing a noise nuisance;
7. Impound any animal showing symptoms of rabies or which has bitten or been bitten by another animal showing symptoms of rabies.

### **3:23 – Impounding and Release Procedures**

1. Animals impounded pursuant to this chapter shall be confined at such animal shelter or veterinary hospital which shall arrange with the Village to perform confinement and release procedures established by this chapter.
2. Animals impounded for biting a person or because they are suspected of having rabies shall be confined for ten days to determine whether or not they have rabies.
3. Animals impounded pursuant to this chapter may be released to the owners, after any required confinement period, upon the following conditions:
  - (a) Payment to the Village of a fee of \$25.00;
  - (b) Payment of a boarding fee of \$4.00 on the first day or fractional day and \$3.00 for each subsequent day or fractional day or such other fees as the Village Board of Trustees may establish by resolution;
  - (c) Presentation of proof that the animal has been inoculated and licensed if such is required by law.
4. If the owner of an animal does not obtain its release within four days of the time it was impounded or at the end of a rabies confinement, it may be disposed of or sold. If such animal has a license or other indication of the name and address of the owner, the disposal or sale may occur only after 7 days from the time the owner is notified of the impoundment.

### **3:24 – Alternative Confinement**

Where this chapter provides that an animal be impounded and confined for rabies control or rabies examination, the Chief of Police may issue a written confinement order on the following terms:

1. The owner shall securely confine the animal for ten (10) days at the owner's premises or at a veterinary hospital as specified in the order;
2. If confined at the owner's premises the animal shall be kept within the dwelling, or, when outside, be securely chained;

3. The owner shall pay the Village a ten (\$10.00) dollar inspection fee;
4. If the animal dies, its remains shall be examined by a veterinarian and the report of said examination presented to the Village Chief of Police.

**3:25 – Interference with Police Officer**

No person shall willfully interfere with a Police Officer who is attempting to perform the functions specified by this Chapter.

**3:26 – Penalty**

A violation of any provision of this Chapter is a civil infraction punishable by a civil fine of not more than \$500.00.

## **Chapter 23 – Traffic Regulations**

### **3:30 – Findings**

The roads within the Village are now owned by the Village and subject to regulation as public roads. It is unsafe to operate a vehicle on Village roads at a speed greater than 25 miles per hour.

### **3:31 – Adoption of Michigan Vehicle Code**

The Michigan Vehicle Code is adopted by reference as follows:

1. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.
2. References in the Michigan Vehicle Code to “local authorities” shall mean Barton Hills Village.
3. The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

### **3:32 – Speed Limit**

No person shall operate a vehicle on roads within the Village at a speed greater than 25 miles per hour. Signs designating the speed limit shall be maintained at all entrances to the Village road system and along the roads in accordance with the Michigan Manual of Traffic Control devices. A violation of the speed limit shall be a civil infraction punishable by a fine up to \$500.

### **3:33 – Violations**

This ordinance may be enforced by a police officer of the Village, the Washtenaw County Sheriff or a Washtenaw County Deputy Sheriff.

## Chapter 24 – Road Usage Restrictions

### 3:40 – Findings and Purpose

The roads within the original Barton Hills Village territory have been developed privately and are not designed to withstand general public traffic. The title to the roads restricts their use to the benefit of the property owners. This ordinance is for the purpose of limiting road usage regardless of the owner of the roads.

### 3:41 – Definitions

#### 1. Original Barton Hills Village territory:

Land in Ann Arbor Township, Washtenaw County, State of Michigan, bounded and described as beginning at the center of Section 7, Township 2 South, Range 6 East; thence along the north and south 1/4 line of Section 7, S 5° 11' W 46.12 feet; thence N 73° 40' 30" W 90.92 feet; thence S 16° 19' 30" W 50.00 feet; thence S 9° 02' 30" W 277.13 feet; thence S 10° 06' 30" W 207.35 feet; thence S 7° 58' 30" E 257.85 feet; thence S 13° 06' 30" E 189.80 feet; thence S 17° 13' 30" W 216.97 feet to a point on contour elevation 803 as determined by surveys made in 1908 & 1909 under the direction of Gardner S. Williams consulting engineer of Ann Arbor, Michigan; thence along said contour elevation 803 through the following points; S 85° 28' E 313.68 feet, S 76° 33' 15" E 500.76 feet, S 70° 17' E 162.73 feet, S 75° 35' 30" E 280.13 feet, S 87° 15' 45" E 622.31 feet, S 66° 03' E 237.19 feet, S 89° 53' E 310.06 feet, N 56° 33' 30" E 188.92 feet, S 16° 40' E 175.49 feet, S 32° 38' E 593.10 feet, S 12° 40' E 466.36 feet, S 64° 55' E 947.88 feet, S 77° 03' 30" E 1062.95 feet, S 27° 27' E 430.52 feet, S 10° 45' W 508.04 feet, S 0° 45' E 879.45, S 22° 21' W 372.49 feet, S 6° 23' 30" E 209.22 feet, S 75° 24' 30" W 62.82 feet, thence leaving said contour elevation 803 and proceeding S 42° 47' 15" E 98.09 feet; thence S 66° 04' E 33.09 feet to a point on the south line of Lot 9, Block 12 of the supervisors plat of Barton Hills as recorded in Liber 9 of plats pages 58-60, Washtenaw County Records, thence continuing S 66° 04' E 21.01 feet, thence N 75° 42' 45" E 276.53 feet, thence along the arc of a circular curve concave to the NE, radius 176.88 feet along the southwesterly line of Barton Shore Drive subtended by a chord which bears S 26° 25' E 51.14 feet; thence S 75° 42' 45" W 303.78 feet; thence S 75° 09' 15" W 513 feet more or less to the northeasterly line of the Penn Central Railroad right-of-way; thence S 41° 36' 20" E 2155 feet more or less along said right-of-way line to the 775.0 feet contour above sea level) thence along said contour line through the following points: N 88° 00' E 103.91 feet, S 81° 29' E 121.60 feet, S 85° 55' E 108.11 feet, and S 57° 16' E 85.94 feet; thence along the west line of Whitmore Lake Road N 3° 47' E 3086.93 feet, 540.34 feet on a curve to the right, radius 2897.93 feet, central angle 10° 41', chord bearing N 9° 07' 30" E 539.71 feet; thence N 14° 28' E 399.72 feet; thence 506.43 feet on a curve to the left, radius 1877.08 feet, central angle 15° 27' 30", chord bearing N 6° 44' 15" E 504.95 feet to a point on the line common to sections 8 & 17, T2S, R6E; thence along said line N 86° 33' 45" W 17.05 feet; thence 41.12 feet on a curve to the left, radius 1860.08 feet, central angle 1° 16', chord bearing N 1° 40' W 41.09 feet; thence N 2° 18' W 1372.55 feet; thence 605.32 feet on a curve to the left, radius 3769.83 feet, central angle 9'-12', chord bearing N 6° 54' W 604.68 feet; thence N 11° 30' W 483.20 feet; thence leaving the westerly side of Whitmore Lake Road N 87° 06' 30" W

1760.22 feet; thence N 3° 18' W 201.15 feet to the E & W quarter line of Section 8, T2S, R6E; thence along said line N 86° 30' 45" W 865.34 feet, thence N 2° 08' 45" E 250.0 feet, thence N 86° 30' 45" W 355.46 feet, thence N 2° 08' 45" E 237.48 feet, thence N 86° 54' W 1021.76 feet; thence 140.08 feet on a curve to the left radius 450.69 feet, central angle 17° 48' 30", chord bearing N 86° 54' W 139.57 feet; thence N 86° 54' W 2165.67 feet to the N-S 1/4 line of Section 7, T2S, R6E, thence along said line S 3° 23' W 489.25 feet to the place of beginning, containing 503 acres of land, more or less.

2. Road: Any paved surface providing access to two or more parcels.

3. Invitee: Any guest, or other person or firm authorized by an owner or resident to travel to property of the owner or resident. Invitees shall include emergency personnel sent to property in the Village. Invitees also include persons traveling to the Village offices provided that travel is on Barton Shore Drive between Whitmore Lake Road and the Village offices.

### **3:42 – Road Use Restricted**

No person other than Village property owners, Village residents or invitees of Village property owners or Village residents shall operate a vehicle or otherwise use the roads within the Original Barton Hills Village territory.

### **3:43 – Violations**

Violations of this chapter are civil infractions punishable by a civil fine of up to \$500.

## **Chapter 25 – Auction Regulations**

### **3:50 – Findings**

Because Barton Hills Village roads are not of sufficient width to accommodate parking of large numbers of automobiles, it is necessary to strictly regulate the auctioning of real and personal property within the Village.

### **3:51 – Definition**

The term "auction" or "auction sale" as used in this chapter shall mean the offering for sale or selling of personal property to the highest bidder.

### **3:52 – General Prohibition**

Auctions and auction sales within the Village of Barton Hills Village are prohibited on residential property.

### **3:53 – Permits for Estate Liquidations**

Where an auction sale has been ordered in order to liquidate an estate by a court of competent jurisdiction, the representative of the estate or the officer of the court concerned may apply to the Village Superintendent for a waiver of the prohibition contained in this chapter, and obtain a permit to hold an auction of said estate under the terms of this section. No such permit shall be granted unless the applicant shall file evidence showing:

1. That it is impractical to hold said auction sale other than on residential property.
2. That satisfactory parking arrangements have been made to accommodate not less than twenty automobiles for the residential lot wherein the auction sale is to take place and that the services of at least two qualified security guards have been contracted for to serve during the hours of the auction and to assist with traffic control and to prevent any parking of automobiles within the right-of-way of any Village road.

### **3:54 – Insurance**

The applicant shall file with the Village Superintendent evidence of public liability insurance naming the Village as an additional insured and insuring the estate during the hours of the auction with limits of \$250,000.00 for each person for personal injury including death, and \$500,000.00 for personal injury for each occurrence, and \$100,000.00 for property damage for each occurrence.

### **3:55 – Duration of Permit**

Each permit for an estate auction sale shall be valid for one (1) day only and only between the hours of 9:00 AM and 4:00 PM on such day. Should the applicant desire to continue the sale for an additional day, the application for such extension shall be treated as an original application.

**3:56 – Penalty**

A violation of any provision of this chapter is a civil infraction punishable by a civil fine of not more than \$100.



## **Chapter 26 – Bicycle Regulations**

### **3:60 – Compliance with Vehicle Code**

Every person riding a bicycle on the roads of the Village shall be subject to all of the rules applicable to the driver of a vehicle under the Michigan Vehicle Code, MCL 257.1 to 257.923, except as to those provisions which by their nature can have no application.

### **3:61 – Single File Operation**

When two or more persons are riding bicycles in a group on a road, they shall ride single file and as far to the right as practicable.

### **3:62 – Bicycle Equipment**

No person shall operate a bicycle during the period from sunset to sunrise unless the bicycle shall have a lighted headlight attached to the front of the bicycle and a red reflector or taillight clearly visible to the rear of the bicycle.

### **3:63 – Penalties**

Each violation of this ordinance shall be a civil infraction punishable by a civil fine of up to \$100.00.

## **Chapter 27 – Regulation of Activities in Roads**

### **3:70 – Definitions**

1. “Pedestrian” means a person walking, running or otherwise traveling other than in a vehicle.
2. “Organized event” means a race, parade, march or other planned event in the vehicle travel area of Village roads.

### **3:71 – Pedestrians in Vehicle Travel Area**

Every pedestrian in the Village road area paved for vehicle travel shall follow these regulations:

1. Travel to the far left of the road (facing traffic) when travel to the far left is possible and safe.
2. When traveling as a group, shall proceed not more than two abreast and shall proceed single file when vehicle traffic is present.

### **3:72 – Organized Events**

No person shall arrange, publicize or participate in an organized event to be held on Village roads unless the event has been approved in advance by the Village Board of Trustees. The approval shall be based on a determination of whether the proposed event will be safe and whether or not it will cause inconvenience to Village residents. Approval may be conditioned upon providing proof of insurance that protects the Village regarding liability.

### **3:73 – Penalties**

Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$500.00.