

TITLE XV: LAND USAGE

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CHAPTER 150: GENERAL PROVISIONS

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PLANNING COMMISSION

§ 150.01 ESTABLISHMENT.

There is hereby established a Planning Commission for the village, which shall be known as the Village Planning Commission (hereinafter called the "Commission").
(Prior Code, § 1220.01) (Ord. 136, passed 8-13-1984)

§ 150.02 MEMBERSHIP; APPOINTMENTS.

The Commission shall consist of seven members, who shall represent, insofar as possible,

different professions and occupations. These members shall be appointed by the Village President, but the appointment shall be subject to the approval of a majority vote of the members elect of the Village Council. Members appointed to the Commission shall hold no other municipal office, except that one of the appointed members may be a member of the Zoning Board of Appeals, a joint administrative fire board, or the Village Council. Members of the Commission may be removed from office, after a public hearing, for inefficiency, neglect of duty, or malfeasance of office. This action shall be done by the Village President with the approval of a majority of the members elect of the Village Council.

(Prior Code, § 1220.02) (Ord. 99-10, passed 10-25-1999)

§ 150.03 TERMS OF OFFICE.

(A) The term of each member of the Commission shall be three years, except that three members of the first Commission to be so appointed shall be for a term of one year, three for a term of two years, and three for a term of three years.

(B) The initial terms shall commence on 10-1-1984, and all members shall hold office until their successors are appointed.
(Prior Code, § 1220.03) (Ord. 136, passed 8-13-1984)

§ 150.04 COMPENSATION.

The members of the Commission shall be entitled to compensation, if any, as may be approved by the Village Council.
(Prior Code, § 1220.04) (Ord. 136, passed 8-13-1984)

§ 150.05 PROCEDURE.

Immediately following their appointment, the members of the Commission shall meet, organize, elect any officers as it may deem necessary, and adopt rules and regulations of organization and procedure consistent with village ordinances and state laws. The Commission shall have at least ten meetings per year. All meetings shall be held in compliance with the Open Meetings Act. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the Village President and Village Council setting forth its transactions and recommendations.

(Prior Code, § 1220.05) (Ord. 136, passed 8-13-1984)

§ 150.06 POWERS AND DUTIES.

(A) *Generally.* The Commission shall have the following powers and duties.

(B) *Specifically.*

(1) To prepare and recommend to the Village Council a master plan of public improvements, looking to the present and future development and growth of the village. The plan, after its adoption by the Village Council, will be known as the Official Plan (“Plan”). The Plan shall include reasonable requirements in reference to streets, alleys, and public buildings and grounds within the village and contiguous territory outside the village as may be permitted by law;

(2) To prepare and recommend to the Village Council from time to time any changes in the Plan or any part thereof as may be deemed necessary by the Village Council or by the Commission;

(3) To prepare and recommend to the Village Council from time to time plans and/or recommendations for specific improvements pursuant to the Plan;

(4) To give aid to the village officials charged with the direction of projects for improvements embraced within the Plan, to further

the making of the improvements, and generally to promote the realization of the Plan;

(5) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding;

(6) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area;

(7) To accept any gifts or devises for the purpose of carrying out the lawful objectives of the Commission; and

(8) To exercise any other powers germane to the powers granted by statute. (Prior Code, § 1220.06) (Ord. 136, passed 8-13-1984)

§ 150.07 LAND SUBDIVISION AND RESUBDIVISION.

Following the adoption of an Official Plan in the manner prescribed in this subchapter, no map or plat of any subdivision presented for record, affecting land within the corporate limits of the village, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys, and public grounds in conformity with any requirements applicable thereto of the Official Plan.

(Prior Code, § 1220.07) (Ord. 136, passed 8-13-1984)

§ 150.08 IMPROVEMENTS.

The Village Clerk shall furnish the Commission, for its consideration, a copy of all ordinances, plans, and data relative to public improvements of any nature. The Commission may report in relation thereto if it deems a report necessary or advisable for the consideration of the Village Council.

(Prior Code, § 1220.08) (Ord. 136, passed 8-13-1984)

§ 150.09 EXPENDITURES.

The Commission may, at the discretion of the Village Council, employ necessary help whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriation made by the Village Council from public funds. If the Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Village Council and appropriations by the Village Council therefor. (Prior Code, § 1220.09) (Ord. 136, passed 8-13-1984)

TRAILERS

§ 150.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any individual, firm, corporation, partnership, unincorporated association, trust, estate, or other legal entity.

TRAILER COACH* or *CAMPER TRAILER. Every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle.

TRAVEL TRAILER* or *MOTOR HOME. Every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by its own power. (Prior Code, § 1460.01) (Ord. 131, passed 6-25-1984)

§ 150.21 OCCUPANCY; PERMIT REQUIRED; FEE.

No person shall occupy or allow another person to occupy a trailer coach, camper trailer, or travel trailer without having first secured a permit therefor from the Village Clerk. The fee for such a permit shall be \$5. (Prior Code, § 1460.02) Penalty, see § 10.99

§ 150.22 PERMIT ISSUANCE; CONDITIONS.

(A) *Generally.* The Village Clerk may issue a permit to occupy one travel trailer, motor home, camper trailer, or trailer coach to any person who owns or occupies a permanent residence within the village, subject to the following terms and conditions.

(B) *Specifically.*

(1) The travel trailer, motor home, camper trailer, or trailer coach shall be situated on the same parcel of land as the permanent residence.

(2) The permit shall remain in effect for a period of 72 hours. There shall be an option to extend the effective period of the permit for an additional 72 hours. Only one permit may be issued to the same parcel of land within any 30-day period.

(3) Only guests or invitees of the owner or occupant of the permanent residence may occupy the travel trailer, motor home, camper trailer, or trailer coach during the term of the permit.

(4) The permit shall be prominently displayed on the vehicle. (Prior Code, § 1460.03) (Ord. 131, passed 6-25-1984) Penalty, see § 10.99

LOT SPLITS

§ 150.35 APPROVAL OF COUNCIL REQUIRED.

The division of a lot, outlot, or block in a recorded plat of lands in any area within the village is hereby prohibited unless first approved by a resolution adopted by a majority of the members of Council present at any regular or special meeting of the Council.

(Prior Code, § 1222.01) (Ord. 116, passed 10-28-1968) Penalty, see § 10.99

§ 150.36 APPLICATION FOR APPROVAL.

Application for approval of a division of a lot, outlot, or block within a recorded plat shall be in writing, shall set forth the reasons for the proposed

division, and shall be filed with the Village Clerk. (Prior Code, § 1222.02) (Ord. 116, passed 10-28-1968)

§ 150.37 DIMENSIONAL REQUIREMENTS.

No lot, outlot, or block in a recorded plat shall be permitted by Council to be divided into more than four parts, and the resulting divisions of the lot, outlot, or block shall be not less in width and area than permitted by the provisions of Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended; provided, however, that in the event the lot, outlot, or block proposed to be

divided is then served by public water and public sewer systems, the minimum requirements as to width and area of the resulting divisions of a lot, outlot, or block, as provided by Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, may, in the discretion of Council, be waived, and, provided further, that any resulting divisions of a lot, outlot, or block on which a building or structure is proposed to be erected shall be of the minimum width and area as required and provided in the zoning code.

(Prior Code, § 1222.03) (Ord. 116, passed 10-28-1968)

CHAPTER 151: BUILDING REGULATIONS

Section

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§ 151.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSIGNED ADDRESS NUMBER. An address number which has been designated for a site by the village prior to the effective date of this subchapter or by the Zoning Administrator after the

effective date of this subchapter.

EAST-WEST DIVIDING LINE. Hancock Street.

NORTH-SOUTH DIVIDING LINE. Lowell Street.

PRINCIPAL BUILDING. The main building located on a parcel or lot. Garages, pole barns, and other buildings which are normally accessory to other structures shall not be deemed to be ***PRINCIPAL BUILDINGS***, unless they are provided with a separate electrical meter. (Prior Code, § 1450.01) (Ord. 153, passed 10-10-1994)

§ 151.02 ADDRESS NUMBER REQUIRED.

Each dwelling and each principal building within the village shall obtain and display an assigned address number. An address number shall only be issued for a public road. (Prior Code, § 1450.02) (Ord. 153, passed 10-10-1994) Penalty, see § 10.99

§ 151.03 APPLICATION; ISSUANCE.

All applicants for zoning permits for the construction of a dwelling or other principal building shall also apply for an address number for the structure. The number shall be issued by the Zoning Administrator as soon as all required information is provided by the applicant. (Prior Code, § 1450.03) (Ord. 153, passed 10-10-1994)

§ 151.04 POSTING.

Each dwelling or other principal building on a parcel of land within the village shall post the assigned address number. The number must be visible from the road. Whenever a dwelling or principal building is located more than 100 feet from the center of a public or private road, or is otherwise difficult to see from the road, the owner shall post the address number at the point at which the driveway enters the public or private road. (Prior Code, § 1450.04) (Ord. 153, passed 10-10-1994) Penalty, see § 10.99

§ 151.05 NUMERALS.

Each posted address number shall consist of numerals at least three inches in height and of a contrasting color to the attached surface for residential districts, and at least five inches in height and of a contrasting color to the attached surface for commercial districts. (Prior Code, § 1450.05) (Ord. 153, passed 10-10-1994) Penalty, see § 10.99

§ 151.06 NEW CONSTRUCTION.

Whenever a new dwelling or other principal building is constructed, the address number shall be posted in compliance with this subchapter at the time construction is commenced. However, if the address number has not been issued prior to the commencement of construction, the address number shall be posted within 24 hours after being issued. (Prior Code, § 1450.06) (Ord. 153, passed 10-10-1994) Penalty, see § 10.99

§ 151.07 MULTIPLE ADDRESS NUMBERS.

(A) *Generally.* Developments which need individual address numbers for locations within the site shall comply as follows.

(B) *Specifically.*

(1) *Mobile home parks.* A mobile home park shall be assigned a single address number for the public road on which the park is located. Individual home sites within the park shall be designated by that address number, plus the lot number of the site. Lots shall be consecutively numbered. Each internal street shall have a continuously maintained sign indicating the range of lot numbers on that street.

(2) *Multiple-family dwellings.* Each individual building shall receive an address number. Each unit within that building shall receive a number which includes the building address number, plus a number indicating the floor and the unit. (Prior Code, § 1450.07) (Ord. 153, passed 10-10-1994) Penalty, see § 10.99

§ 151.08 PRIVATE SUBDIVISIONS.

In the event that a dwelling or principal building is located on a private subdivision (i.e., Garrison Park, Oceana Beach Association, or Campbell Park), there shall also be erected a subdivision sign identifying the name of the private subdivision, in conformity with village signage requirements, where the private subdivision enters the public road. In the event that a private drive or easement is upgraded to a private subdivision, any existing numbers shall be replaced with address numbers based on the private subdivision location. (Prior Code, § 1450.08) (Ord. 153, passed 10-10-1994) Penalty, see § 10.99

§ 151.09 AUTHORITY OF CHIEF OF POLICE.

The village shall designate the Chief of Police to enforce this subchapter. (Prior Code, § 1450.09) (Ord. 153, passed 10-10-1994)

§ 151.10 VIOLATIONS; REMEDY OF VILLAGE.

When the Chief of Police learns of a violation of this subchapter, he or she shall personally serve, or send by certified mail, a notice, in writing, to the owner of the property which is the site of the alleged violation, requesting compliance with the provisions of this subchapter. If the owner does not comply with this subchapter within 15 days from the date the notice is mailed, the House-Numbering Director may direct that appropriate actions be taken by a law enforcement officer or other public safety official to remedy the violation by posting the house number in accordance with this subchapter or by seeking the institution of legal proceedings to enforce this subchapter. The cost of any remedial action shall become joint and several obligations of the property owners and occupants and may be placed as a lien upon the primary structure, collectible in the same manner as ad valorem property taxes. (Prior Code, § 1450.10) (Ord. 153, passed 10-10-1994)

VACANT OR UNSAFE BUILDINGS

§ 151.25 GENERAL PROHIBITION.

No person shall maintain or suffer to remain, upon property owned, occupied, or controlled by him or her, any vacant or unused buildings, unless the buildings are securely locked, with all windows glazed or neatly boarded, and all entrances and openings, of whatever kind, tightly closed. No person shall maintain or suffer to remain, upon any property owned, occupied, or controlled by him or her, buildings in a ruinous condition or in a state of disrepair which shall either present an unsightly appearance or endanger passersby or which could present an attractive nuisance, as known under the common law, to children. (Prior Code, § 1456.01) (Ord. 115, passed 10-14-1968) Penalty, see § 10.99

MOVING OF BUILDINGS

§ 151.40 PERMIT REQUIRED.

No person shall move any building upon the public streets, alleys, or passageways of the village, or cause the same to be done, without first obtaining a permit therefor as provided in this subchapter. (Prior Code, § 1448.01) (Ord. passed 11-11-1935) Penalty, see § 10.99

§ 151.41 PERMIT APPLICATION AND ISSUANCE.

A written application to move a building shall designate the place from and to which it is proposed to move the building, the route to be taken, the time to be occupied in the moving, and the dimensions of the building, and the same shall be filed with the Clerk. The Clerk shall, as soon as practicable, consult with the Street Commissioner and, if the application is approved by the Commissioner, prepare and issue a written permit to move the building indicated. The permit shall designate the route to be taken and the time to be occupied in the moving thereof. (Prior Code, § 1448.02) (Ord. passed 11-11-1935) Penalty, see § 10.99

§ 151.42 OBSTRUCTION OF OR DAMAGE TO PUBLIC WAYS; WARNING LIGHTS.

Any building, while in transit, shall be moved so as to least obstruct or damage the streets, alleys, or public passageways of the village, with special care to be taken on the crossings of any sidewalk or crosswalk, and by the route and in the time and manner prescribed by the permit. No building, while in the process of removal, shall be left standing over a street crossing at any time. If it is necessary for the building to stand in any public passageway overnight, it shall be the duty of the person having charge of the moving to notify the Fire Chief, not later than sundown of the day preceding the night, of the location of the building thus left standing. The person having charge of the moving of the building shall place good and sufficient red or amber lights upon the same as a warning of the situation to traffic. The lights shall remain showing thereon throughout the night.
(Prior Code, § 1448.03) (Ord. passed 11-11-1935)
Penalty, see § 10.99

§ 151.43 CUTTING OR DISTURBING UTILITY EQUIPMENT.

If the route designated to be followed in moving a building is also used by a telephone, telegraph, or electric service transmitter for installation of wires, cables, and line equipment, and it is necessary to cut or disturb any of the equipment so installed, the mover of the building shall give 48-hours' written notice of the necessity to the owners of the equipment, and both the applicant and the owner shall be governed by the general laws of the state and any reasonable regulations and franchise rights as may apply.
(Prior Code, § 1448.04) (Ord. passed 11-11-1935)
Penalty, see § 10.99

§ 151.44 DEPOSIT REQUIRED.

Any person desiring to move a building and who has made and filed an application for a permit, as set forth in § 151.41, shall, before the permit is delivered, deposit with the Clerk the sum of \$1,000, with the stipulation that the money may be used to liquidate any claim for damages sustained by the village or any person for property damage caused by the moving, as determined by the Street Commissioner; provided that, at the end of 60 days, if there are no claims or suits pending, the full amount, less \$200, or the expenses incurred by the village in connection with the moving, whichever sum is greater, shall be returned to the depositor. Otherwise, the amounts as may be left shall be returned to the depositor after the liquidation of the claims.

(Prior Code, § 1448.05)

§ 151.45 PERMIT DENIAL.

If, in the opinion of the Street Commissioner, it is not advisable to grant a permit to move any building upon any public street, alley, or passageway of the village, then the application shall be considered denied and no permit shall be issued.

(Prior Code, § 1448.06)

§ 151.46 SUPERVISION BY STREET COMMISSIONER.

The Street Commissioner shall have full supervision of the moving of any building and may make any reasonable regulation for the protection of life and property. It is the intent of this subchapter to exercise the police powers of the village for its safety and good government and the general welfare of its residents.

(Prior Code, § 1448.07) (Ord. passed 11-11-1935)

ADOPTED CODES

§ 151.60 STATE BUILDING CODE.

(A) *Adoption by reference.* Pursuant to the provisions of the State Construction Code Act, Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, the State Building Code is hereby adopted as the building code of the village for the control of buildings and structures as therein provided, and each and all of the regulations, provisions, penalties, conditions, and terms of the State Building Code are hereby referred to, adopted, and made a part hereof as if fully set out in this section, including any amendments made by the State Legislature to Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as of the effective date of this division (A) or any time hereafter.
(Prior Code, § 1420.01)

(B) *Enforcing agency.* The County Building Department is hereby authorized and directed to administer and enforce the State Building Code within the corporate limits of the village, and the County Building Official is hereby designated as the enforcing agency to discharge the responsibilities of the village under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended.
(Prior Code, § 1420.02)

§ 151.61 STATE MECHANICAL CODE.

(A) *Adoption by reference.* Pursuant to the provisions of the State Construction Code Act, Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, the State Mechanical Code is hereby adopted as the mechanical code of the village for the mechanical control of buildings and structures as therein provided, and each and all of the regulations, provisions, penalties, conditions, and terms of the State Mechanical Code are hereby referred to, adopted, and made a part hereof as if fully set out in this section, including any amendments made by the State Legislature to Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as of the effective date of this division (A) or any time hereafter.
(Prior Code, § 1422.01)

(B) *Enforcing agency.* The County Building Department is hereby authorized and directed to administer and enforce the State Mechanical Code

within the corporate limits of the village, and the County Building Official is hereby designated as the enforcing agency to discharge the responsibilities of the village under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended.
(Prior Code, § 1422.02)

§ 151.62 STATE PLUMBING CODE.

(A) *Adoption by reference.* Pursuant to the provisions of the State Construction Code Act, Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended, the State Plumbing Code is hereby adopted as the plumbing code of the village for the control of plumbing in buildings and structures as therein provided, and each and all of the regulations, provisions, penalties, conditions, and terms of the State Plumbing Code are hereby referred to, adopted, and made a part hereof as if fully set out in this section, including any amendments made by the State Legislature to Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as of the effective date of this division (A) or any time hereafter.
(Prior Code, § 1424.01)

(B) *Enforcing agency.* The County Building Department is hereby authorized and directed to administer and enforce the State Plumbing Code within the corporate limits of the village, and the County Building Official is hereby designated as the enforcing agency to discharge the responsibilities of the village under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended.
(Prior Code, § 1424.02)

§ 151.63 NATIONAL ELECTRICAL CODE.

(A) *Adoption by reference.* The National Electrical Code, 2008 Edition, as published by the National Fire Protection Association, is hereby adopted as the official electrical code of the village for establishing minimum legal requirements for the installation, maintenance, inspection, and reinspection of electrical equipment in the village as therein provided. Each and all of the regulations, provisions, penalties, conditions, and terms of the National Electrical Code are hereby referred to,

adopted, and made a part of this section by reference as if fully set out in this section, save and except any portions as may be hereinafter amended or repealed. (Prior Code, § 1426.01)

(B) *Enforcing agency.* The County Building Department is hereby authorized and directed to administer and enforce the National Electrical Code within the corporate limits of the village, and the County Building Official is hereby designated as the enforcing agency to discharge the responsibilities of the village under Public Act 230 of 1972, being M.C.L.A. §§ 125.1501 through 125.1531, as amended.

(Prior Code, § 1426.02)

CHAPTER 152: ZONING CODE

Section

152.01 Adoption by reference

The village's zoning code is hereby adopted by reference and incorporated herein as if set out in full.

§ 152.01 ADOPTION BY REFERENCE.

