

CHAPTER 53: CROSS CONNECTIONS

Section

- 53.01 Rules adopted
- 53.02 Inspections
- 53.03 Right of access; information
- 53.04 Discontinuing service
- 53.05 Labeling unsafe water
- 53.06 Relationship of chapter to State Plumbing Code
- 53.07 Testable Backflow Prevention
- 53.99 Penalty

§ 53.01 RULES ADOPTED.

The village adopts by reference the water supply cross connections rules of the State Department of Environmental Quality, being the 2008 Cross Connection Rules Manual, Public Act 399 and the Michigan Plumbing Code..
(Prior Code, § 25.551) (Ord. 22, passed 6-13-1977)

§ 53.02 INSPECTIONS.

The water connections and plumbing systems of all water customers or accounts shall be initially inspected for the presence of cross connections. As a result of the initial inspection, a detailed record of each account shall be established. A representative of the water utility or their designated agent shall be responsible for inspections. Individuals responsible for conducting inspections shall have obtained sufficient training on cross connection rules, identification, and corrective actions. Inspections shall consist of entering a facility from the point where water service enters the facility (usually the meter) and tracing the piping to each end point of use. Using the inspection forms in Appendix "A", the inspector shall identify and note the location and nature of any direct and potential cross connections, location and details of backflow prevention devices, and other pertinent information.

Inspectors having proper identification, shall be permitted to enter the building/premises at reasonable times for the purpose of cross connection inspections. If the inspector is refused proper access or if customer plumbing is untraceable, the Village of Hesperia will assume a cross connection is present and take the necessary action to ensure the public water supply is protected. The highest priority for inspections shall be placed on facilities that pose a high degree of hazard,

that have a high probability that back flow will occur, or are known/suspected to have cross connections.

Once initial inspections of all accounts are complete, then a re-inspection frequency shall be determined for each account based on the degree of hazard and potential for backflow. The most updated MDEQ Cross Connection Rules Manual will be a guide in classifying the degree of hazard of each account. However, in general, situations in which back flow could cause illness or death shall be considered high hazard. Accounts that pose a high hazard or have a high potential for back flow to occur, must be re-inspected at least once per year. All other accounts must be re-inspected once every 1-3 years based on the degree of risk. Other factors such as new construction, water quality complaints, or anomalies in customer billing, may prompt an immediate re-inspection. After initial cross connection inspections are complete, a comprehensive list or inventory of all backflow prevention devices shall be on record including all pertinent data. Following an inspection, the Village of Hesperia Water Department shall inform the water customer in writing of their compliance status with the cross connection rules. (Prior Code, § 25.552) (Ord. 22, passed 6-13-1977)

§ 53.03 RIGHT OF ACCESS; INFORMATION.

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

(Prior Code, § 25.553) (Ord. 22, passed 6-13-1977)

§ 53.04 DISCONTINUING SERVICE.

The Village Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this chapter exists, and to take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to the property shall not be restored until the cross connection or connections have been eliminated in compliance with the provisions of this chapter.

(Prior Code, § 25.554) (Ord. 22, passed 6-13-1977)

§ 53.05 LABELING UNSAFE WATER.

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

WATER UNSAFE FOR DRINKING.

(Prior Code, § 25.555) (Ord. 22, passed 6-13-1977)

§ 53.06 RELATIONSHIP OF CHAPTER TO STATE PLUMBING CODE.

This chapter does not supersede the State Plumbing Code, but is supplementary to it.
(Prior Code, § 25.556) (Ord. 22, passed 6-13-1977)

53.07 TESTABLE BACKFLOW PREVENTION

That all testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Village of Hesperia and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the Village of Hesperia. Individual(s) performing assembly testing shall certify the results of his/her testing.

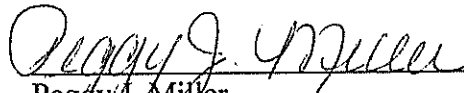
§ 53.99 PENALTY.

Any person or customer found guilty of violating any of the provisions of this chapter, or any written order of the Village Water Department, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$30 nor more than \$100 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed as a separate and additional violation for the purpose of this chapter.

(Prior Code, § 25.557) (Ord. 22, passed 6-13-1977)

CERTIFICATION

I, Peggy J. Miller, Clerk of the Village of Hesperia, hereby certify that the foregoing is a true copy of this Ordinance duly adopted by the Village of Hesperia at a regular meeting thereof held on May 11, 2015.


Peggy J. Miller

5-11-2015
Date

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE**

Community Name: Village of Hesperia, County: Newaygo/Oceana

Ordinance number 2015-03

An ordinance (ordinance/ordinance amendment) to
affirm (affirm/designate) an enforcing agency to discharge the responsibility
of the Village (City, Village, or Township) of Hesperia (Name
of Unit of Government) located in Oceana County, and to designate regulated
flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the
Public Acts of 1972, as amended.

The Village (City, Village, or Township) of
Hesperia (Name of Unit of Government) ordains:

Section 1. AGENCY DESIGNATED. 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, the Building Inspector (position title i.e. Building Official or other entity) of
the County (County, City, Village, or Township) of
Oceana (Name of Unit of Government) is hereby designated as the
enforcing agency to discharge the responsibility of the Village (County, City,
Village, or Township) of Hesperia (Name of Unit of Government) under
Act 230, of the Public Acts of 1972, as amended, State of Michigan. The
Oceana (County, City, Village, or Township) of Building Inspector (Name
of Unit of Government) assumes responsibility for the administration and enforcement of said
Act through out the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. 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, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency
within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Oceana County, Michigan (all jurisdictions)" (Name) and dated 8/4/2014 (Date) and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26127C; 0350C (Number(s)) and dated 8/4/2014 (Date) are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 8th (Date) day of September (Month), 2014 (Year).

This ordinance duly adopted on 9/8/2014 (Date) at a regular meeting of the Village of Hesperia (Name of Adopting Body) and will become effective 9/8/2014 (Date).

Signed on 9-8-2014 (Date) by Peggy J. Miller (Signature), Peggy J. Miller (Printed/Typed Name), Clerk of the Village (County, City, Village, or Township) of Hesperia (Name of Unit of Government).

Attested on _____ (Date) by Jim Smith (Signature), Jim Smith (Printed/Typed Name) President Title: Chair, Mayor, Supervisor, or President of the Village (County, City, Village, or Township) of Hesperia (Name of Unit of Government).

**VILLAGE OF HESPERIA
COUNTY OF NEWAYGO/OCEANA
STATE OF MICHIGAN**

**AN ORDINANCE TO REGULATE MEDICAL MARIHUANA FACILITIES
IN THE VILLAGE OF HESPERIA**

Ordinance #20-01

THE VILLAGE OF HESPERIA ORDAINS:

Section 1: Introduction

An Ordinance to create Chapter 114, “Medical Marihuana Facilities” of the Village of Hesperia Code of Ordinances; To provide for the regulation and licensing of medical marihuana establishments; To establish and provide for a Medical Marihuana Committee (Committee) and to define its functions and responsibilities; To set licensing fees for the purpose of defraying the costs associated with the implementation and enforcement of the provisions of the Chapter and to provide penalties for violations of the Chapter.

Section 2 (a) :

Article I of Chapter 114 “Medical Marihuana Facilities” is hereby enacted to state as follows:

Section 114-01 Purpose and Intent.

- A. It is the intent of this ordinance to authorize the establishment of certain types of medical marihuana facilities in the Village of Hesperia and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; to establish and provide for a Medical Marihuana Committee and to define its functions and responsibilities; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a Marihuana Facility in the Village of Hesperia through imposition of an annual, nonrefundable fee set by the Medical Marihuana Licensing Board. Authority for the enactment of these provisions is set forth in the Medical Marihuana Facilities Licensing Act (herein referred to as MMFLA), MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marihuana, in any form, that is not in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL

333.27101 et seq.; the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.

- C. As of the effective date of this ordinance, marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marihuana, or possess marihuana with intent to manufacture, distribute, or dispense marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

Section 114-02 Conflict.

Nothing in this Ordinance shall be construed to conflict with the existing Village of Hesperia Code of Ordinances except as otherwise stated herein.

Section 114-03 Definitions and Interpretations.

1. For the purposes of this ordinance:
 - a. Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.
 - b. Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act. There are many ways other than those outlined in this sample for a police power ordinance to address the issues regarding medical marihuana facilities. It is intended to be adopted with zoning ordinance amendments to regulate the location of the facilities and establish standards for approval.
 - c. Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.
 - d. All activities related to medical marihuana and the facilities described and regulated shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs or any successor agency, the rules and regulations of the Village of Hesperia and the Medical Marihuana Facilities Licensing Act (MMFLA).
2. The following terms shall have the definitions given:
 - a. "Act" means Public Act 281 of 2016, the Medical Marihuana Facilities Licensing Act.
 - b. "Applicant" means a person who applies for a Permit under this Article. If an entity applies for a Permit, the term includes an officer, director, or managerial employee of the entity when appropriate.
 - c. "Building" means any independent, enclosed structure having a roof supported by columns or walls. This definition refers only to

permanent structures, and does not include tents, sheds, greenhouses and private garages on residential property, stables, or other accessory structures. A building does not include such structures with interior areas not normally accessible for human use, such as smoke stacks, tanks, or similar structures.

- d. "Village" means Village of Hesperia, Michigan.
- e. "Committee" means the Village of Hesperia Medical Marihuana Committee established under this Ordinance.
- f. "Council" means the Village Council which also includes the President of the Village of Hesperia, Michigan.
- g. "Cultivation" or other forms of the word as used in this ordinance, means all phases of growth of marihuana from seed to harvest for sale to a medical marihuana provisioning center or processor.
- h. "Disqualifying Criminal History" means Applicant has been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state within the past five (5) years; or has been convicted of a misdemeanor involving a controlled substance, theft dishonest, or a fraud in any state within the past five (5) years; or has been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States (federal law) within the past ten (10) years or has been convicted of a controlled substance-related felony within the past ten (10) years.
- i. "License" means a current and valid License for a Medical Marihuana Facility issued by the State of Michigan.
- j. "Licensee" means a person who holds a current and valid Michigan state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- k. "MMFLA" means the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.
- l. "Marihuana" means that term as defined in Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- m. "Marihuana Facility" means a location at which a Permit holder is licensed to operate under the MMFLA.
- n. "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any useable

marihuana that is intended for human consumptions in a manner other than smoke inhalation.

- o. “Medical Marihuana Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- p. “Medical Marihuana Processor” means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- q. “Medical Marihuana Provisioning Center” means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
- r. “Medical Marihuana Safety Compliance Facility” means a licensee that is a commercial entity that receives marihuana from a marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana Facility.
- s. “Medical Marihuana Secure Transporter” means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. Section 1003. Authorization of Facilities and “MMFLA” means the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101 et seq.
- t. “Permit” means a valid and current permit issued by the Village of Hesperia to operate an approved Medical Marihuana Facility.
- u. “Vetting Process” means the process by which the Village Clerk, along with the Committee, reviews an application, processes background checks, reviews business licenses for the Facility in which the Applicant or entity is applying, verifies current zoning permits, ensures that Applicant has no outstanding debts to the Village, and makes sure that the Applicant has complied with every requirement of this Ordinance during the application process.

Section 2 (d): Secs.114-10—114-13. – Reserved.

Article IV “Permit Types; Eligibility; General Provisions” of Chapter 114, “Medical Marihuana Facilities”, is hereby enacted to state as follows:

Section 114-14 Number of Permits Available; Eligibility; General Provisions.

1. The number of Medical Marihuana Facility Licenses in effect at any time shall not exceed the following maximums within the Village of Hesperia:
 - a. Class A Medical Marihuana Grower Licenses: 2
 - b. Class B Medical Marihuana Grower Licenses: 2
 - c. Class C Medical Marihuana Grower Licenses: 2
 - d. Medical Marihuana Processor Licenses: 2
 - e. Medical Marihuana Safety Compliance Facility Licenses: 1
 - f. Medical Marihuana Secure Transporter Licenses: 1
 - g. Medical Marihuana Provisioning Center Licenses: 2

The Village of Hesperia may review and amend these numbers by resolution annually or as it determines to be advisable. The stacking of two (2) Class C licenses shall be allowed.

2. Medical Marihuana Facilities shall carry insurance in accordance with the MMFLA and shall show proof of insurance to the Village of Hesperia before licensing. The Village shall be listed as an additional insured. Proof of insurance shall be filed with the Village during the annual application process. The status of the insurance policy held by the Medical Marihuana Facility, may be audited by the Village at any time. If a Medical Marihuana Facility changes or loses insurance, the Village must be notified within ten (10) business days, and proof of the change must be filed with the Village within ten (10) business days.
3. All Medical Marihuana Facilities within the Village shall maintain a video surveillance system which includes a 360 degree view of all areas containing medical marihuana plants, products, equipment, or cash assets. This video system shall maintain a video quality of at least 1080 megapixels and shall be tied to a digital video recording system at all times. This system is subject to compliance inspection by Village officials.
4. All Medical Marihuana Facilities within the Village of Hesperia shall maintain a monitored intrusion alarm system at all times which shall include motion detectors on all entrances, exits, and windows to the Facility. Proof of this subscription shall be filed with the Village during the annual application process. If the subscription changes, the Village must be notified within ten (10) business days, and proof of the change must be filed with the Village

within ten (10) business days. This system is subject to compliance inspection by Village officials.

5. All entrances and exits to Medical Marihuana Facilities will be fitted with commercial grade steel doors with a minimum two (2) inch throw. Loading bay and garages will be fitted with commercial grade doors with mechanical locking mechanisms. These systems will be subject to compliance inspection by the Village.
6. All Medical Marihuana Facilities shall be outfitted with air filtration systems, scrubbing systems, or barometric pressure control systems to prevent any odors from escaping the Facility. These systems will be subject to compliance inspection by the Village.
7. No Medical Marihuana Facility may feature exterior signage, slogans, logos, or advertising which mentions marihuana, cannabis, any cannabinoid, or any depiction of marihuana or any marihuana related product or paraphernalia. All signage is subject to review by the Village of Hesperia and must conform to this section as well as all pertinent sections of the Village of Hesperia Zoning Ordinances.
8. No person working in or employed by a Medical Marihuana Facility shall produce their own marihuana or marihuana product for personal use at the Facility.
9. All employees of Medical Marihuana Facilities are prohibited from: smoking, consuming alcohol, using medical marihuana or other controlled substances, or illegal drugs on the premises of the Facility.
10. Any person who holds an interest in a Medical Marihuana Facility shall notify the Village Clerk in writing of any new civil infraction, misdemeanor, or felony charges and convictions received at any time, including after the grant of the Permit. Failure to notify the Village Clerk may result in immediate forfeiture of the Permit.
11. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs.
12. Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
13. Every Medical Marihuana Facility in the Village of Hesperia shall be licensed pursuant to the terms and provisions set forth in this Ordinance.

Section 2 (e): Secs. 114-15—114-19. – Reserved.

Article V “Application Procedures and Appeals” of Chapter 114, “Medical Marihuana Facilities”, is hereby enacted to state as follows:

Section 114-20 Permit Required to Operate in the Village.

1. Any person or entity that wishes to operate as a Medical Marihuana Facility in the Village of Hesperia shall obtain a Village of Hesperia MMFLA Operating Permit and State of Michigan MMFLA Operating License prior to opening or operating.
2. The application and inspections fee for the Zoning Permit required by this section shall be as set from time to time by the Village of Hesperia by resolution.
3. No person or entity that has opened or operated a Facility doing business or purporting to do business under this Ordinance without first obtaining a Permit shall be eligible for a Permit.
4. A person or entity that receives a Permit under this Ordinance shall display its Permit, when issued, and its State of Michigan Medical Marihuana Facility License in plain view, clearly visible to Village of Hesperia officials and State of Michigan Medical Marihuana Licensing Board authorized agents.
5. The Medical Marihuana Facility location shall conform to all standards of the district in which it is located.
6. No person shall reside in or permit any person to reside in or on the premises of a Medical Marihuana Facility.

Section 114-21 Application Procedure.

1. Every Applicant for a permit to operate a Marihuana Facility shall file an application in the Village of Hesperia's office upon a form provided by the Village.
2. The Committee may issue a Permit for an authorized Medical Marihuana Facility under this Chapter if inspections for safety, zoning compliance, criminal history background checks, and all other information available to the Village verify that the Applicant has submitted a full and complete application, paid the appropriate fee, and has made improvements to the business location consistent with the application, and is prepared to operate the business with in compliance with this Code and any other applicable law, rule, or regulation. The Committee shall deny any application that does not meet the requirements of this Chapter or any other applicable law, rule, or regulation or that contains any false or incomplete information.
3. All Applicants for Permits required by this section shall file all applications with the Clerk's office for the Village of Hesperia in person.
4. Every Applicant for a Permit to operate a Marihuana Facility shall submit, with the completed application, a photocopy of the Applicant's valid and current driver's license or State identification issued by the State of Michigan

in accordance with the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.

5. Every Applicant must sign a statement acknowledging that the granting of a Permit by the Village does not guarantee that the Applicant will be issued a License by the State of Michigan. Additionally, each Applicant must attest, with their signature that they understand that the granting of a Permit by the Village does not absolve them from any federal prosecution based on Federal Drug laws.
6. Every Applicant must sign a statement that the Applicant will not violate any of the laws of the State of Michigan or the ordinances of the Village of Hesperia in conducting the business in which the Permit will be used, and that a violation on the premises may be cause for objecting to renewal of the Permit, or for requesting revocation of the Permit.
7. Upon satisfactory completion of the Vetting process, the application will be date-stamped with a date-stamped receipt going to Applicant. Applicant will sign the date-stamped receipt acknowledging that date. If at that time, a permit is still available for the particular Facility in which the Applicant is applying for, then the Applicant will be granted that permit. If there is currently no permit available, the Applicant will be notified in writing and placed on a waiting list in the order in which the application was date-stamped.
8. The Applicant may be requested to provide additional information required by the Act and any other information deemed by the Village of Hesperia to be required for the consideration of a Permit by the Village, including but not limited to background checks executed by the Hesperia Police Department.
9. A completed application for a permit shall be presented to the Clerk in person and shall be made under oath.
10. Completed applications shall be date-stamped by the Clerk, with a date stamped receipt going to the Applicant.
11. Completed, date-stamped, and approved applications will be granted licensure on a first-come, first served basis.
12. The Village may assess an annual fee, as determined by Village Council, of no more than \$5,000.00.
13. Notice of available Permits shall be posted in the Clerk's office and may be made available on the Village's webpage.

Section 114-22 Conditions Necessary.

1. No Permit shall be issued under this Chapter unless the Village confirms the proposed Medical Marijuana Facility complies with all of the following minimum requirements:

- a. All provisions of the Village building, fire, electrical, and health codes have been fulfilled.
- b. All relevant provisions of Chapter 114 for medical marihuana facilities of this Code have been fulfilled.
- c. The Applicant and operator shall not have any felony convictions.
- d. The Applicant or business has no outstanding back taxes, fines, fees, or liens owed to the Village.
- e. A business license has been obtained.

Section 114-23 Appeal Process.

1. If the Committee or Clerk denies a Permit, the Applicant may appeal to the Council. Applicant shall have the burden of proof to show why the reasons given for denial are invalid.
2. Applicant must appeal on a written form provided by the Village Clerk, within fourteen (14) days of the denial. The applicable fee shall be submitted with the notice of the appeal; such fee shall be nonrefundable. Village Council shall consider the appeal within thirty (30) days of receipt of the appeal. The Council's decision is final.

Section 2 (f): Secs. 114-24—114-29. – Reserved.

Article VI “ Denial, Revocation, and Review; Renewals” of Chapter 114, “Medical Marihuana Facilities”, is hereby enacted to state as follows:

Section 114-30 Denial, Revocation, and Review; Renewals.

1. A license granted under this Ordinance may be revoked for any of the following reasons:
 - a. Any fraud or misrepresentations contained in the License application;
 - b. Any knowing violations of this ordinance;
 - c. Loss of the Applicant's State Medical Marihuana Facility License;
 - d. Failure of the Applicant to obtain a State of Michigan Medical Marihuana Facility License;
 - e. Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public;
 - f. Failure to pay personal property taxes, or timely file documentations;
 - g. Failure to pay any outstanding amounts owed the Village (such as fees, fines, bills, assessments, installments, registration fees, etc.);
 - h. Failure or inability to meet the provisions of this Ordinance;

- i. Failure to allow inspections of the business premises or hazardous material storage records at a reasonable time.
2. If the Zoning Administrator denies a site plan, application for Permit, or both, the Applicant shall be entitled to prompt review by the Village Council.

Section 114-31 License Renewal.

1. A Marihuana Facility license shall be valid for one (1) year from the date of issuance, unless revoked as provided by law.
2. A valid Marihuana Facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the Village of Hesperia and payment of the annual license fee. Application to renew a Marihuana Facility license shall be filed at least thirty (30) days prior to the date of its expiration.

Section 2 (g): Secs. 114-32—114-35. – Reserved.

Article VII “Medical Marihuana Grower Facility” of Chapter 114, “Medical Marihuana Facilities”, is hereby enacted to state as follows:

Section 114-36 Minimum Operational Standards of a Medical Marihuana Grower Facility.

1. The following minimum standards for a Medical Marihuana Grower Facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
 - b. All activity of cultivation must be done in a building;
 - c. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
 - d. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order;
 - e. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every Facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;

- f. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;
- g. Medical Marihuana Grower Facilities shall produce no products other than useable medical marihuana intended for human consumption.

Section 2 (h): Secs. 114-37—114-39. – Reserved.

Article VIII “Medical Marihuana Processor Facility” of Chapter 114, “Medical Marihuana Facilities”, is hereby enacted to state as follows:

Section 114-40 Minimum Operational Standards of a Medical Marihuana Processor Facility.

- 1. The following minimum standards for a Medical Marihuana Processor Facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
 - b. All activity related to the Processor Facility shall remain indoors;
 - c. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
 - d. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order;
 - e. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every Facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;
 - f. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;
 - g. Processor facilities shall produce no products other than usable marihuana or marihuana infused products intended for human consumption.

Section 2 (i): Secs. 114-41—114-44. – Reserved.

Article VIII “Medical Marihuana Safety Compliance Facility” of Chapter 114, “Medical Marihuana Facilities”, is hereby enacted to state as follows:

**Section 114-45 Minimum Operational Standards of a Medical
Marihuana Safety Compliance Facility.**

1. The following minimum standards for a Medical Marihuana Safety Compliance Facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
 - b. All activity related to the Safety Compliance Facility shall remain indoors;
 - c. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
 - d. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order at all times;
 - e. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every Facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;
 - f. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;

Section 2 (j): Secs. 114-46—114-49. – Reserved.

Article X “Medical Marihuana Transportation Facility” of Chapter 114, “Medical Marihuana Facilities”, is hereby enacted to state as follows:

**Section 114-50 Minimum Operational Standards of a Medical
Marihuana Transportation Facility.**

1. The following minimum standards for a Medical Marihuana Transportation Facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marihuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;

- b. The premises shall be open for inspections throughout the stated hours of operation and as such other times as anyone is present on the premises;
- c. Facilities must be equipped with security systems and all security devices must be in their proper place and in working order;
- d. All areas of the premises, buildings, fixtures, and any and all other facilities shall be maintained in a clean and sanitary condition. Every Facility and every part thereof shall be kept clean and shall also be kept free of any accumulation of filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected therewith or belonging to the same, including the lot upon which the building is located and adjacent lots owned by the owner of the building;
- e. Facilities shall be kept free of infestation of insects, rodents, birds, or any vermin of any kind;
- f. There shall be no storage of Medical Marijuana in any form in the Facility.

Section 2 (k): Secs. 114- 51—114- 56. – Reserved.

Article XI “Medical Marijuana Provisioning Center” of Chapter 114, “Medical Marijuana Facilities”, is hereby enacted to state as follows:

Section 114-57 Minimum Operational Standards of a Medical Marijuana Provisioning Center Facility.

- 1. The following minimum standards for a Medical Marijuana Provisioning Center Facility shall apply:
 - a. The Facility shall comply at all times and in all circumstances with the State of Michigan Medical Marijuana Licensing Act and any and all regulations and guidelines set forth by the Michigan Department of Licensing and Regulatory Affairs;
 - b. Every Provisioning Center must be in a building;
 - c. Every Facility shall keep a sign in log of all patients and present them upon request as a part of the inspection process.
 - d. No Provisioning Center may be open between the hours of 8 p.m. and 9 a.m. Monday through Saturday; Closed on Sundays;
 - e. Consumption of alcohol, cigarettes, or marijuana of any kind shall be prohibited on the premises of a Medical Marijuana Provisioning Center;

- f. Any useable marihuana remaining on the premises while the Facility is not in operation shall be secured in a safe permanently affixed to the premises;
- g. Facility must require all patients to present both their Michigan Medical Marihuana Patient/Caregiver ID Card and State Identification promptly upon entering the Facility.
- h. Facilities are prohibited from selling any marihuana products to anyone without a Medical Marihuana/Caregiver Id card.

Section 2 (k) Secs. 114-58—114-63. – Reserved.

Article XII “Penalties” of Chapter 114, Medical Marihuana Facilities, is hereby enacted to state as follows:

Section 114-64 Penalties.

- 1. Any person who violates any of the provisions of this Ordinance shall be responsible for a misdemeanor and subject to up to ninety-three (93) days in jail and/or a \$500 fine, plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.
- 2. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Village of Hesperia may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- 3. This Ordinance shall be enforced and administered by the Village of Hesperia Police Department or such other Village official as may be designated from time to time by resolution of the Council

Section 3. Severability.

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

Section 4. Conflicting Provisions.

All ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective ten (10) ten days after publication.

Vicki R. Burrell
Vicki R. Burrell
Village Clerk

Introduced: December 17, 2018

Adopted: May 11, 2020

Published: May 28, 2020

Effective: June 8, 2020

**PUBLIC NOTICE OF ORDINANCE ADOPTION
VILLAGE OF HESPERIA
NEWAYGO/OCEANA COUNTY, MICHIGAN ORDINANCE #2020-01**

Public notice is hereby given that the Village of Hesperia Village Council has adopted Ordinance # 2020-01 "Medical Marihuana Facilities" at a regular council meeting held on Monday, May 11, 2020.

Section 114-14 of this ordinance will allow the following: two Class A Medical Marihuana Grower Licenses, two Class B Medical Marihuana Grower Licenses, two Class C Medical Marihuana Grower Licenses, two Medical Marihuana Processor Licenses, 1 Medical Marihuana Safety Compliance Facility License, one Medical Marihuana Secure Transporter License and two Medical Marihuana Provisioning Center Licenses.

This ordinance authorizes the Village of Hesperia to set rules and regulations regarding Authorization, Requirements and Procedure for Issuing a License, Location, Operational Standards, Denial and Revocation, License Renewal, Unlawful Activities, Applicability, Penalties and Enforcement. No further publication of the Ordinance is required or contemplated. A true and complete copy of the ordinance referenced above may be inspected or obtained at the Village of Hesperia offices located at 33 E. Michigan, Hesperia, MI 49421 or online at www.hesperiaivillage.com. This Ordinance shall become effective 10 days after its Publication.

published 5/28/2020
effective 6/18/2020

**VILLAGE OF HESPERIA
COUNTY'S OF OCEANA AND NEWAYGO
STATE OF MICHIGAN**

AN ORDINANCE TO AMEND RATES AND WATER USE ORDINANCE SECTION 52-01

Ordinance # 20-02

Section 1. Purpose

This ordinance is to regulate Ready to Serve Fees.

Section 2. That Section 52-01 of Chapter 52: Water Systems; Rates and Water Use of the Village of Hesperia Code of Ordinances be hereby amended as follows:

Sec. 52.01. Rates

- 1. A Ready-To-Serve fee (RTS) shall be accessed where water service is available, whether or not water or sewer is used by the resident. All customers connected to the system are charged this fee on a monthly basis. The RTS fees are assessed in addition to actual commodities consumed (gallons of water, kilowatts of electricity, etc) and the processing of wastewater. The RTS fee on your bill is calculated based on the size of your meter. As long as the meter is installed, you will be billed the service charge.**
- 2. For residents who no longer desire water/sewer service, they must submit the request to disconnect, in writing (or by application), to the Village Clerk, which must be approved by the Village President, Village Clerk, or Designee. RTS fees will continue to be accessed until the service is disconnected. Tap-in fees (See Section 52.03) and reconnection costs will be incurred for residents who disconnect and apply for reconnection at a later date.**
- 3. Any customer has the right to appeal the basis for denial. If for any reason the request to disconnect is denied, customer must request an appeal before the Village Council within (14) days of denial notice. Any additional information that may be required to resolve the appeal, as directed by the Village Council, shall be obtained by the customer at his or her expense. Resolution of appeals shall be made within thirty (30) days by the Village Council. In no event shall appeals be accepted which would require a variance in the method of charge calculations established and in force by this subchapter. All bills for water service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable.**

Section 3. Severability


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

Section 4. Conflicting Provisions.

All ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective ten (10) days after publication.



Vicki R. Burrell
Village of Hesperia Clerk

Introduced: 07/09/2018

Adopted: 05/11/2020

Published: 05/28/2020

Effective: 06/08/2020

**VILLAGE OF HESPERIA
COUNTY'S OF OCEANA AND NEWAYGO
STATE OF MICHIGAN**

AN ORDINANCE TO AMEND SPECIAL PERMITTED USES ORDINANCE SECTION 153.035

Ordinance # 20-03

Section 1. Purpose

This ordinance is regulate ZONING; Special Permitted Use

Section 2. That Section 153.035 Special Permitted Uses of Chapter 153: ZONING of the Village of Hesperia Code of Ordinances be hereby amended as follows:

PURPOSED AMENDMENT

153.035 SPECIAL PERMITTED USES

Subject to approval by the Village Council, the following uses may be allowed within the 1A Residential District:

(A) Bed and Breakfast facilities;

(B) Child care facilities;

(C) Foster care facilities,

(D) Campground; and

(E) Any other permitted use under the guideline of this chapter.

(Prior Code, 15.116) (Ord. 33, passed 9-9-1974)

Section 3. Severability

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

Section 4. Conflicting Provisions.

All ordinance or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective ten (10) days after publication.

Vicki R Burrell

Vicki R. Burrell

Village of Hesperia Clerk

Introduced: 07/13/2020

Adopted: 07/13/2020

Published: 08/13/2020

Effective: 08/23/2020

**VILLAGE OF HESPERIA
NEWAYGO/OCEANA
COUNTIES, MICHIGAN
ORDINANCE NO. 30.30**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

Ordinance # 20-04

1. Chapter 30, Title III of the Code of Ordinances of the Village of Hesperia, Michigan, Section 30.30 is adopted to read as follows:

Section 30.30. Vacancies in Office

Any elective office shall be declared vacant by the Village Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (a) For any reason specified by state law as creating a vacancy in office;
- (b) In the case of any member of the Village Council, if such member shall miss three (3) consecutive regular meetings of the Village Council, or four (4) total of such meetings in any calendar year, unless such absences shall be excused by the Village Council and the reason[s] therefore entered in the proceedings of the Village Council at the time of each absence;
- (c) If the member shall be found guilty of any act constituting misconduct in office under the provisions of this charter by any court or by vote of four or more members of the village council at or following such hearing.

Removals by the Village Council shall be made only after a hearing of which such member has been given notice by the Clerk at least ten (10) days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against the member. The hearing shall afford an opportunity to the member, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such member shall neglect to appear at such hearing and answer such charges, the failure to do so may be deemed the cause of removal. A majority of five members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

For the purposes of this section, notice shall be given to the member ten (10) days before the hearing personally or delivering the same at his last known place of residence. Such notice shall include a statement of reasons for the proposed removal. The hearing shall afford an opportunity to the member, in person or by attorney, to cross-examine witnesses and to present testimony in defense.

2. This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

Absent: Mike Maynard

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Hesperia, Newaygo/Oceana Counties, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Hesperia, at a regular meeting of the Village Board on the 10th day of August, 2020, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: August 10, 2020

Vicki R. Burrell
Vicki R. Burrell
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

Adopted: 8/10/2020
Published: 8/20/2020
Effective: 8/30/2020

ORDINANCE #2020-05

CHAPTER 90: STREETS AND SIDEWALKS

Section

Sidewalks

90.01 Duty of owners; expense

90.02 Necessity to build or repair; notice

90.03 Failure to build or repair

90.04 Adopting by reference the State Department of State Highways and Transportation specifications for sidewalks and curbs

90.05 Business District

SIDEWALKS

Terms: Curb and Sidewalk shall refer to the area between the street and the inner edge of the concrete path. All other areas of concrete and/or blacktop shall be the responsibility of the owner of the lot and property.

§ 90.01 DUTY OF OWNERS; EXPENSE.

It is hereby declared to be the duty of the residential owners of lots and premises within the village to build, rebuild and maintain sidewalks and curbs in the public streets adjacent to and abutting upon the lots and premises, and to construct and lay the same upon lines and grades and the width and materials and manner of construction, by a certified and licensed contractor the Village has contracted and within a time as the Council shall by resolution prescribe. The expense of building, rebuilding or maintenance shall be paid 25% by the owner of the lots and premises and 75% by the village.

(Prior Code, § 30.001) (Ord. 15, passed 9-9-1974)

§ 90.02 NECESSITY TO BUILD OR REPAIR; NOTICE.

If it becomes necessary to build, rebuild or maintain or repair any curb or sidewalk within the village, the Village Council shall by resolution so declare and notice of the resolution shall be given to the owners of the lots and premises abutting thereto.

(Prior Code, § 30.002) (Ord. 15, passed 9-9-1974)

§ 90.03 FAILURE TO BUILD OR REPAIR.

Council may by resolution provide that the cost thereof be levied and collected as a social assessment at 25% payable by the resident owner on the lot and premises adjacent and abutting upon the sidewalk or curb. Resident owner. If not paid in full within six (6) months balance to be applied to property owners property taxes.

(Prior Code, § 30.003) (Ord. 15, passed 9-9-1974)

§ 90.04 ADOPTING BY REFERENCE THE STATE DEPARTMENT OF STATE HIGHWAYS

AND TRANSPORTATION SPECIFICATIONS FOR SIDEWALKS AND CURBS.

(A) The village adopts by reference the specifications for sidewalks and curbs as detailed by the State Department of State Highways and Transportation.

(B) The rules are to be available for public distribution at a reasonable charge with not less than ten copies to be available for public inspection at the office of the Village Clerk. (Prior Code, § 30.050) (Res. passed 12-9-1974)

90.05 BUSINESS DISTRICT

The existing business district of the Village of Hesperia is defined as Division Street from Sunset Boulevard to Michigan Avenue, Michigan Avenue east to Cook Street, Michigan Avenue west to Lynn Street. Only the curb and sidewalk will be built, rebuilt, repaired and maintained by the Village.

Introduced: 9/28/2020

Adopted: 09/28/2020

Published: 10/08/2020

Effective: 10/18/2020

ORDINANCE # 2020-06 PEDDLERS, SOLICITORS

110.01 PERMIT AND LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of peddler as defined in 110.02, or for any person to act as solicitor or canvasser as defined in 110.02, within the village limits without first obtaining a permit and license therefor as provided herein. The Fourth of July Funfest shall be exempt from all fees and permits required in this chapter.

(Prior Code, ' 20.601) (Ord. 13, passed 9-9-1974; Ord. effective 12-9-1985)

110.02 DEFINITIONS.

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

CANVASSER or **SOLICITOR**. Any individual, whether a resident of the village or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, house to house or street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale or whether he or she is collecting advance payments on the sales or not; provided, however, that the definition shall include any person who for himself, herself or for another person, firm or corporation, hires, leases or uses or occupies any buildings, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or other place within the village for the sole purpose of exhibiting samples and taking orders for future delivery.

PEDDLER. Includes any person, whether a resident of the village or not, traveling by foot, wagon, automobile or any other conveyance from place to place, house to house, or street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering or exposing the same for sale or making sales or delivering articles to purchasers or who, without traveling from place to place shall sell or offer for sale from a wagon, automobile, railroad car or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter shall be deemed a **PEDDLER** subject to the provisions of this chapter. The word **PEDDLER** shall include the words **HAWKER** and **HUCKSTER**.

PERSON. Includes the singular and plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society or any other organization. The word **PERSON** for purposes of this chapter shall not include non-profit organizations or churches.

SPECIAL EVENTS. Any event or gathering of at least 20 individuals, assembled whether conducted on public or private property that may generate or invite public attendance, participation or spectators for a particular and limited purpose and time, including but not limited to festivals, concerts, shows, exhibitions, carnivals, circuses, parades, flea markets, farm markets, sporting events, fairs, fundraisers, or any similar event or activities. Special Events do not

include events held on private property, for use of personal events such as, graduation, birthday, wedding, or similar parities.

SPECIAL EVENTS COORDINATOR. A person planning, organizing and promoting a special event.

(Prior Code, ' 20.602) (Ord. 13, passed 9-9-1974; Ord. effective 12-9-1985)

110.03 PERMIT APPLICATION; FEE.

Applicants for permit and license under this chapter must file with the Village Clerk a sworn application, in writing, in duplicate, on a form to be furnished by the Village Clerk, which shall give the following information:

(A) Name and description of the applicant;

(B) Address (legal and local);

(C) A brief description of the nature of the business and the goods to be sold, and in case of products of farm orchards, whether produced or grown by the applicant;

(D) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(E) The length of time for which the right to do business is desired;

(F) If a vehicle is to be used, a description of the same together with license number or other means of identification, and in the case of solicitors and canvassers, the place where the goods or property are proposed to be sold, or on orders taken for the sale thereof where manufactured or produced, where the goods or products are located at the time of the filing of the application, and the proposed method of delivery;

(G) The names of at least two reliable property owners of the County of Oceana or Newaygo who will certify as to the applicant=s good character and responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to evaluate properly character and business responsibility;

(H) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, nature of offense and the punishment or penalty assessed therefor; and

(I) At the time of the filing of the application a fee of \$5 shall be paid to the Village Clerk to cover the costs of investigation.

(Prior Code, ' 20.603) (Ord. 13, passed 9-9-1974)

110.04 INVESTIGATION AND ISSUANCE OF LICENSE.

(A) Upon receipt of the application, the original shall be referred to a village police officer who shall cause an investigation of the applicant=s business and moral character as he or she deems necessary for the protection of the public good. If, as a result of the investigation, the applicants character or business responsibility is found to be unsatisfactory, the village police officer shall endorse on the application his or her disapproval and his or her reasons for the same, and return the application to the Village Clerk, who shall notify the applicant that his or her application is disapproved, and that no permit and license will be issued.

(B) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the village police officer shall endorse on the application his or her approval, execute a permit addressed to the applicant for the carrying on of the business applied

for, and return the permit along with the application to the Village Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his or her permit to issue a license. The license shall contain the signature and seal of the issuing officer and show the name and address of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in peddling or soliciting or canvassing. The Clerk shall keep a permanent record of all licenses issued.
(Prior Code, ' 20.604) (Ord. 13, passed 9-9-1974)

110.05 FEE.

(A) *Computation.*

(1) Computation of:

(a) Fifty (\$50.00) dollar per day, Twenty (\$20.00) dollar each additional day; or One Hundred Twenty Five (\$125.00) dollars per year for each person proposing to engage in the business of peddling, canvassing, soliciting, or organizing a special event.

(B) *Basis of fees.* For the purpose of this chapter, any period of twenty-four hours shall be considered a day, and not more than one calendar year shall be considered a year.

(Prior Code, ' 20.605) (Ord. 13, passed 9-9-1974)

110.06 TRANSFER OF LICENSE.

No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

(Prior Code, ' 20.606) (Ord. 13, passed 9-9-1974)

110.07 BOND.

Each applicant desiring to engage in the business of soliciting, canvassing or special event coordinating and desiring to act as a solicitor, canvasser, or special event coordinator, not a resident of the village, or who being a resident of the village represents a firm whose principal place of business is located outside the state, shall file with the Village Clerk a surety bond running to the village in the amount of \$1,000, with surety acceptable and approved by the Village President, conditioned that the applicant shall comply fully with all the provisions of the ordinances of the village, and the statutes of the state regulating and concerning the business of soliciting, and guaranteeing to any citizen of the village that all money paid as a down payment will be accounted and applied according to the representations of the solicitor, and

further guaranteeing to any citizen of the village doing business with the solicitor that the property purchased will be delivered according to the representations of the solicitor. Action on the bond may be brought in the name of the village to the use or benefit of the aggrieved person.

(Prior Code, ' 20.607) (Ord. 13, passed 9-9-1974)

110.08 LOUD NOISES AND SPEAKING DEVICES.

No peddler, solicitor, canvasser or any person shall shout, make any cry out, blow a horn, ring a bell or use any sound device, including any loudspeaker or sound amplifying system upon any of the streets, alleys, parks or other public places of the village or upon any private premises in the village where sound of sufficient volume is emitted or produced therefrom and capable of being

plainly heard upon the streets, alleys, parks or other public places for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.
(Prior Code, ' 20.608) (Ord. 13, passed 9-9-1974) Penalty, see ' 110.99

110.09 USE OF STREETS.

No peddler, solicitor, canvasser or any person, shall have any exclusive right to any location in the public streets nor shall any be permitted a stationary location nor shall he or she be permitted to operate in any congested area where his or her operations might impede or inconvenience public property or the public. For the purpose of this chapter, the judgment of the village police officer exercising good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Prior Code, ' 20.609) (Ord. 13, passed 9-9-1974) Penalty, see ' 110.99

110.10 EXHIBITION OF LICENSE.

Peddlers, solicitors, canvassers and special events coordinators are required to exhibit their licenses at the request of any citizen.

(Prior Code, ' 20.610) (Ord. 13, passed 9-9-1974) Penalty, see ' 110.99

110.11 DUTY OF POLICE TO ENFORCE.

It shall be the duty of the police officers of the village to require any person seen peddling, soliciting, canvassing, or holding special event, and who is not known by the officer to be duly licensed, to produce his or her peddlers, solicitors, canvassers, or special events license and to enforce the provision of this chapter against any person found to be violating the same.

(Prior Code, ' 20.611) (Ord. 13, passed 9-9-1974)

110.12 RECORDS.

The village police officer shall report to the Village Clerk all convictions for violation of this chapter, and the Village Clerk shall maintain a record for each license issued and record the reports of violations therein.

(Prior Code, ' 20.612) (Ord. 13, passed 9-9-1974)

110.13 REVOCATION OF LICENSE.

(A) Permits or license issued under the provisions of this chapter may be revoked by the Clerk of the village after notice and hearing for any one of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his or her business as peddler, solicitor, canvasser, or coordinator.
- (3) Any violation of this chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; and/or
- (5) Conducting the business of peddling, soliciting, canvassing or coordinator in an unlawful manner or in a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(B) Notice of the hearing for revocation of a license shall be given in writing, setting forth

specifically the grounds for complaint and the time and place of hearing. The notice shall be mailed postage fully prepaid to the licensee at his or her last known address at least five days prior to the date set for hearing.

(Prior Code, ' 20.613) (Ord. 13, passed 9-9-1974)

110.14 APPEAL.

Any person aggrieved by the action of the village police or the Village Clerk in the denial of an application for permit or license as provided in 110.04, or in a decision with reference to the revocation of a license as provided in 110.13 shall have the right of appeal to the Village Council of the village. The appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of, has been mailed to the persons last known address, a written statement setting forth the grounds for appeal. The Village Council shall set a time and place for the hearing on the appeal and notice of the hearing shall be given to the appellant in the same manner as provided in 110.13 for hearing notice of revocation. The decision and order of the Council on the appeal shall be final and conclusive.

(Prior Code, ' 20.614) (Ord. 13, passed 9-9-1974)

110.15 EXPIRATION OF LICENSE.

(A) All annual licenses issued under the provisions of this chapter shall expire on December 31 in the year when issued.

(B) Other than annual licenses shall expire on the date specified on the license.

(Prior Code, ' 20.615) (Ord. 13, passed 9-9-1974)

110.99 PENALTY.

Any person violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$100 or by imprisonment not to exceed 90 days or both a fine and imprisonment.

(Prior Code, ' 20.616) (Ord. 13, passed 9-9-1974)

Introduced: 09/28/2020

Adopted: 09/28/2020

Published: 10/08/2020

Effective: 10/18/2020

**VILLAGE OF HESPERIA
NEWAYGO/OCEANA COUNTY
STATE OF MICHIGAN**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

Ordinance #2021-01

1. Chapter 115 of the Zoning Ordinances of the Village of Hesperia, Michigan, Section 115.01 is adopted to read as follows:

CHAPTER 115: RECREATIONAL MARIHUANA

Section 115.01 Prohibition of Recreational Marihuana Establishments.

1. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts.
 2. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the Village of Hesperia Code of Ordinances; that use shall not be entitled to claim legal non-confirming status.
 3. Violations in this section are subject to the violations and penalties pursuant to Chapter 10 of the Zoning Ordinance and may be abated as a nuisance.
 4. This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the Village to the extent provided by the Act, and does not supersede rights and the regulations with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.
2. This Ordinance is to become effective ten (10) days after adoption.

Ayes: Herin, McDonald, Smith, Farber

Nays: Slocum, Walker

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Hesperia, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Hesperia, at a regular meeting of the Village Council on the 8th day of February, 2021, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: February 8th, 2021

Vicki R. Burrell
Vicki R. Burrell
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

Adopted: February 8, 2021
Published: February 18, 2021
Effective February 28, 2021

**VILLAGE OF HESPERIA
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on February 8, 2021, the Village Council of the Village of Hesperia adopted Chapter 115, Section 115.01 of the Village of Hesperia Zoning Ordinance, summarized as follows:

1. Section 115.01 is adopted to prohibit Recreational Marihuana establishments.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Village Office of the Village Clerk in the Village Office, 33 E. Michigan Ave., Hesperia, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: February 18, 2021

VILLAGE OF HESPERIA

By Vicki R. Burrell
Vicki R. Burrell
Village Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Adopted : February 8th, 2021
Published February 18th, 2021
Effective February 28th, 2021

**VILLAGE OF HESPERIA
NEWAYGO/OCEANA COUNTY
STATE OF MICHIGAN**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

Ordinance #2021-02

1. Chapter 113 of the Code of Ordinances of the Village of Hesperia, Michigan, concerning Medical Marihuana is repealed in its entirety due the adoption of Chapter 114 concerning Medical Marihuana Facilities.

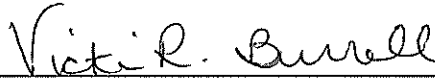
This ordinance adopted:

Ayes: Herin, McDonald, Slocum, Smith, Walker, Farber
Nays: _____

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Hesperia, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Hesperia, at a regular meeting of the Village Council on the 11th day of January, 2021, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: January 11th, 2021



Vicki R. Burrell
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**VILLAGE OF HESPERIA
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 202____, the Village Council of the Village of Hesperia adopted an amendment to Chapter 113 of the Village of Hesperia Code of Ordinances, whereby Chapter 113 was repealed in its entirety due to the Village's adoption of Chapter 114 concerning Medical Marihuana Facilities.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Village Office of the Village Clerk in the Village Office, 33 E. Michigan Ave., Hesperia, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: _____, 202____

VILLAGE OF HESPERIA

By _____
Vicki R. Burrell
Village Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Adopted : January 11th, 2021
Published : February 18th, 2021
Effective : February 28th, 2021

**VILLAGE OF HESPERIA
COUNTY OF NEWAYGO/OCEANA
STATE OF MICHIGAN**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

Ordinance #2021-03

AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD VEHICLES (ORVs) ON VILLAGE MAJOR STREETS AND VILLAGE LOCAL STREETS IN THE VILLAGE OF HESPERIA, NEWAYGO COUNTY AND OCEANA COUNTY, MICHIGAN, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR THE DISTRIBUTION OF FINES AND COSTS RESULTING FROM THOSE PENALTIES PURSUANT TO 2009 PAL75, MCL 324.81131

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- a. County means Newaygo County, and Oceana County, Michigan
- b. Driver's License means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian Country, as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada, pertaining to the licensing of persons to operate motor vehicles.
- c. Maintained Portion means that portion of road, improved, designated, and/or ordinarily used for vehicular traffic, including the gravel shoulder of the road.
- d. Operate, means to ride in or on and be in actual physical control of the operation of an ORV.
- e. Operator means a person who operates or is in actual physical control of the operation of an ORV.
- f. ORV means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. A multitrack or multi-wheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 4 or more wheels, a golf cart, an amphibious machine or other means of transportation may be an ORV. An ATV is an ORV. "ORV" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft. An "ORV" does not include a three-wheeler, dune buggy or a sand rail.

- g. Road means a County primary road or County local road as described in section 5 of 1951. PA 51, MCL 247.655.
- h. Road Commission means the Council of County Road Commission for the County of Newaygo, and the Council of County Road Commission for County of Oceana.
- i. Street means a city or village major street or city or village local street as described in section 9 of 1951 PA 51, MCL247.659, or a segment thereof.
- j. Village means the Village of Hesperia.

Section 2. Operation of ORVs on Village Streets. An individual may operate an ORV on all streets located within the Village of Hesperia provided that the ORV is operated only with the flow of traffic, on the far right of the maintained portion of the road, subject to the following regulations:

- a. A person shall not operate an ORV at a speed greater than 15 miles per hour, or a lower posted ORV speed limit or in a manner that interferes with traffic on the road.
- b. ORVs shall travel single-file, except when passing or being passed by another ORV.
- c. All ORVs operating shall display a lighted headlight and taillight.
- d. A person under the age of 16 shall not operate an ORV on a Village Street.
- e. All operators must, upon demand by a law enforcement officer, present a valid driver's license and must be 16 years of age.
- f. An owner or person in control or charge of an ORV shall not allow an ORV to be operated by an individual who is incompetent to operate a vehicle because of a mental or physical disability.
- g. A person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for conditions.
- h. A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the United States Department of Transportation. This section does not apply if the ORV is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.
- i. A person shall not operate an ORV during the hours of ½ hour before sunset and ½ hour after sunrise without a working brake light that is brighter than a taillight.

**VILLAGE OF HESPERIA
COUNTY OF NEWAYGO/OCEANA
STATE OF MICHIGAN**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

Ordinance #2021-03

AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD VEHICLES (ORVs) ON VILLAGE MAJOR STREETS AND VILLAGE LOCAL STREETS IN THE VILLAGE OF HESPERIA, NEWAYGO COUNTY AND OCEANA COUNTY, MICHIGAN, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR THE DISTRIBUTION OF FINES AND COSTS RESULTING FROM THOSE PENALTIES PURSUANT TO 2009 PAL75, MCL 324.81131

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- a. County means Newaygo County, and Oceana County, Michigan
- b. Driver's License means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian Country, as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada, pertaining to the licensing of persons to operate motor vehicles.
- c. Maintained Portion means that portion of road, improved, designated, and/or ordinarily used for vehicular traffic, including the gravel shoulder of the road.
- d. Operate, means to ride in or on and be in actual physical control of the operation of an ORV.
- e. Operator means a person who operates or is in actual physical control of the operation of an ORV.
- f. ORV means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. A multitrack or multi-wheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 4 or more wheels, a golf cart, an amphibious machine or other means of transportation may be an ORV. An ATV is an ORV. "ORV" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft. An "ORV" does not include a three-wheeler, dune buggy or a sand rail.

- j. All ORVs shall conform to the noise emission levels established by the United States Environmental Protection Agency under the Noise Control Act of 1972, 42 USC 4901 to 4918.
- k. No person who is an operator or passenger on an ORV shall transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken.
- l. An ORV shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- m. An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, MCL 324.81101, et seq.
- n. An ORV shall not be operated upon any portion of a state highway, including M-20 and M-120 unless specifically authorized by the Michigan Department of Transportation pursuant to MCL 324.81131 (6) and (7).
- o. The operation of three-wheels, dune buggies and/or sandrails on streets within the Village of Hesperia is prohibited under this Ordinance.
- p. An ORV shall not be parked on Division Street between South Street (M-20) and Michigan Avenue. (The Downtown Area) An ORV is only permitted to park in Village owned parking lots or properly along side streets.

Section 3. No Village Duty to Maintain Village Streets. Despite the provisions contained in this Ordinance allowing ORVs to use portions of Village Streets, the Village of Hesperia shall have no duty, and undertakes no duty, to maintain the streets within its boundaries in a condition that is reasonably safe and convenient for the operation of ORVs. Pursuant to MCL 324.81131. The Village of Hesperia shall be immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained or unmaintained portion of a highway, road, or street, of an ORV.

Section 4. Careless or Reckless Operation. In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a road, street, or highway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, is involved in a collision with an ORV, the operator of the ORV involved in the collision shall be considered prima facie negligent.

Section 5. Operation of ORV by Child. A parent or guardian of a child less than 16 years of age shall not permit or allow the child to violate any provision of this Ordinance.

Section 6. Enforcement.

- a. A violation of this Ordinance is a municipal civil infraction, and a person responsible for a civil infraction under this Ordinance shall pay a fine of not less than \$175.00 nor more

than \$500.00 plus costs and actual reasonable attorney fees incurred by the Village of Hesperia in enforcing this Ordinance. In addition, the Court may order the defendant to pay the cost of repairing any damage to the environment, a street, or public property damaged as a result of the violation.

- b. Officers, deputies, members, and/or agents of the Village of Hesperia Police Department are authorized to enforce this Ordinance and to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in Court.

Section 7. Master Map. The Village of Hesperia shall maintain a master map that conspicuously indicates those streets and highways and parts or sections thereof where the operation of ORVs is permitted and prohibited pursuant to this ordinance. The Village of Hesperia shall make such master map available to the public: Nothing in this section requires the Village of Hesperia to bear the cost or expenses associated with distributing copies of the map to the public.

Section 8. Severability. If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance, which shall be given effect without the invalid portion or application.

Section 9. Effective Date. This Ordinance shall take effect ten (10) days after publication.

Adopted: 4/12/2021

Published: 4/22/2021

Effective: 6/3/2021

**VILLAGE OF HESPERIA
OCEANA COUNTY, MICHIGAN
ORDINANCE NO. 2021-04**

THE VILLAGE COUNCIL OF THE VILLAGE OF HESPERIA HEREBY ORDAINS:

1. Chapter 97 of the Code of Ordinances of the Village of Hesperia, Michigan, concerning Special Events is adopted to read as follows:

CHAPTER 97: SPECIAL EVENTS

Section

Generally

- 97.01 Statement of Necessity.
- 97.02 Definitions.
- 97.03 Prohibited Events.
- 97.04 Operation; Public Conduct.

License

- 97.05 Required.
- 97.06 Application; Fee.
- 97.07 Investigation; Recommendation to Council.
- 97.08 License Approval; Issuance.
- 97.09 Duration.
- 97.10 Bond.
- 97.11 Other Permitting.
- 97.12 Village Sponsored Events.
- 97.13 Penalty.
- 97.14-30 Reserved.

GENERALLY

§ 97.01 STATEMENT OF NECESSITY.

The Village determines that, as it is necessary to protect the health and safety of persons and property within the Village of Hesperia, special events should be licensed and controlled.

§ 97.02 DEFINITIONS.

As used in this article:

Special event includes, but is not limited to, whether for profit or not, outdoor festivals, flea markets, outdoor rummage sales, block parties, fun runs, bicycle races, walk-a-thons, marathons, sport tournaments, car shows, outdoor gatherings involving the use of temporary

structures, and similar activities that do not have or seek a permanent site or business location, and are temporary and of such nature as to be acceptable to the general public with regard to morals, health, safety features, and the conduct of the participants which take place, in whole or part, on Village property or which, due to the anticipated number of participants or Village resources contemplated for the event, represents a burden on the municipal services of the Village.

A violation of this article means doing any act or allowing any employee, agent, or attendee to do any act that is prohibited or made unlawful, an offense, or a violation of state or federal law, Village of Hesperia ordinances, or the special event license application, or license condition(s).

§ 97.03 PROHIBITED EVENTS.

After investigation by the Village, no event judged to be a nuisance, safety hazard or otherwise not conforming to public welfare or morals shall be permitted and no license shall be issued to such event.

§ 97.04 OPERATION; PUBLIC CONDUCT.

The operation of any special event must be orderly and in keeping with the nature of the event. The event, and all persons attending the event, must comply with all applicable laws and ordinances at all times. Persons attending such event shall not create a disturbance in the audience. The licensee shall not operate the event in such a way to permit or encourage the creation of disturbances or breaches of the peace.

LICENSE

§ 97.05 REQUIRED.

No person shall conduct or operate a special event without having procured a license for the event.

§ 97.06 APPLICATION; FEE.

Applications for such licenses shall be made to the Village Clerk, and shall include all of the following information:

- (A) The name and address of applicant;
- (B) The address or description of property at which the event is to be conducted;
- (C) The exact nature of the event and whether the event is open to the public;
- (D) The dates of the event and the hours which the event will take place on each day;

- (E) The expected and maximum number of persons that the applicant will permit to attend the event per day;
- (F) Information as to whether the applicant owns or occupies the property at which the event is to be held, and, if the applicant does not own the property, the applicant shall also furnish written consent from the property owner;
- (G) A site plan showing the layout of the event area, which shall identify all existing structures and improvements on the property where the event is to occur, and shall identify the location and describe all event-related temporary structures, tents, stands, ingress, egress, parking, signs, lighting, electrical equipment, sound equipment, mechanical equipment, portable toilets, and any other information related to the event that may be requested by the Village in order to make an informed decisions regarding the issuance of a license for the event;
- (H) Any Village resources including parking, roads, parks, police, sidewalks, etc. necessary for or requested for the event; and
- (I) Such other information as may be required by applications forms as designated by the Village, which shall be completed prior to such application being considered.

A nonrefundable license application fee may be requested at the time the application is approved. The amount of the fee shall be determined by the Village.

The completed application shall be submitted at least twenty-one (21) days in advance of the event. The Village may, at its sole discretion, consider an application submitted late, if the Village President determines at his discretion that exceptional circumstances exist and there is not sufficient time for reviews, inspections, and decisions to be made under this Code.

§ 97.07 INVESTIGATION; RECOMMENDATION TO COUNCIL.

The Village Clerk shall refer such applications to the Village President, who shall instruct the various Village departments to make an investigation of and report with recommendations concerning all phases of the proposed event. After these investigations are concluded, if the application is for an event requiring Village Council approval, the Village President shall make a report and recommendation to the Village Council.

§ 97.08 LICENSE APPROVAL; ISSUANCE.

Following receipt of investigations and reports, the Village President may approve, approve with conditions, or deny license applications for special events that are not open to the public.

License applications for special events open to the public, or private special events requesting Village resources, shall, following receipt of investigations and recommendation of

the Village President, be placed on the agenda for the next regular Village Council meeting for its consideration, after which the Village Council may approve, approve with conditions, or deny the license.

Any license approved by the Village President or Village Council shall be issued to the applicant by the Village Clerk with a statement of any applicable conditions upon completion of all requirements under this article and payment of the required fee.

§ 97.09 DURATION.

Such license shall be issued for a period or periods to be established by the Village. Licenses issued hereunder are not renewable unless specifically authorized by the Village.

§ 97.10 BOND.

It shall be a condition precedent to the issuance of any license under this article that, if required by the Village Council, the applicant post with the Village a valid liability insurance certificate and a cleanup bond deposit in amounts to be determined by a resolution of the Village Council. The condition of such deposit shall be that the licensee shall obey all of the laws of the State of Michigan and the ordinances of the Village of Hesperia in connection with the operation of the event, shall cease operation on or before the expiration of the license, and shall remove all equipment, paraphernalia and other personal property belonging to the event from the premises immediately thereafter.

§ 97.11 OTHER PERMITTING.

In addition to the requirement for obtaining a license for the event, other required permits for events shall include, but not be limited to, the following:

- (A) Health Facilities: A permit from the Oceana County/ Newaygo County Health Department for sanitary, water, and food service, if applicable;
- (B) Electricity: A permit from the Village is required for all temporary generator or electrical supply sources. All electrical work is to be done by a licensed electrical contractor.
- (C) Mechanical amusement devices: Certification by the State of Michigan Department of Labor of all mechanical amusement devices and rides is required.
- (D) Fire Hazards: Certification by the fire department of flame spread rates of all canvass and cloth enclosures is required.

§ 97.12 VILLAGE SPONSORED EVENTS.

This article does not apply to events that are held or sponsored by the Village.

§ 97.13 PENALTY.

If a violation of this article occurs, the Village shall have the ability to issue a civil infraction ticket, revoke any special event license, and impose a fine of up to \$100.00 per occurrence. At the sole discretion of the Village, the Village may issue a warning prior to issuing a civil infraction for a first-time violation.

As to violations of this article which are continuous with respect to time, each day that the violation continues is a separate offense. Violations that are continuous with respect to time under this article are a public nuisance and may be abated by injunctive or other equitable relief pursuant to MCL 600.8302.

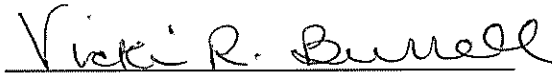
§ 97.14-30 RESERVED.

2. This Ordinance shall take effect ten (10) days after publication.

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Hesperia, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Board of the Village of Hesperia, at a regular meeting of the Village Board on the 13th day of September, 2021, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: September 13, 2021



Vicki R. Burrell
Vicki R. Burrell
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

Introduced: September 13, 2021

Adopted: September 13, 2021

Published: September 23, 2021

Effective: October 4, 2021