EDWARDSBURG VILLAGE COUNCIL MINUTES

November 18, 2019

The meeting of the Edwardsburg Village Council was called to order at 7:00 pm by President Scott Mackling, those in attendance were Paula Ralph (Clerk), Lisa Withers (Treasurer) and Trustees Debb Martin, Dennis Peak, Terry Bidwell, Jay Penny, Laura Hughes, and Kellen VanHulle.

Pledge of Allegiance:

Appointments: President Mackling appointed and Clerk Ralph swore in Debb Martin as Village Trustee to complete the term of Jacqueline Tighe who resigned at last month's meeting. President Mackling also appointed Dawn Bolock as the Village Zoning Administrator.

Approval of Agenda: Motion made by Bidwell, seconded by Hughes to approve the agenda. All in favor. Motion carried.

Public Comments: County Commissioner Roseann Marchetti provided the board with topics of interest within the county. A complete transcript of the minutes can be found at www.casscountymi.org

Resident Nathan Hutchison 26830 Hamilton Street (14-091-100-026-00) asked about the progress on the abandonment of the alley between his property and that of Lowell Harmon 26802 Hamilton Street (14-091-100-024-00). President Mackling explained that with the resignation of Zoning Administrator Leroy Krempec no new action was taken but it issue will continue to be addressed.

Approval of Minutes: Motion made by Bidwell, seconded by VanHulle to approve the minutes of the 10/21/19 Regular board meeting. All in favor. Motion carried.

Approval of Revenue/Expenditure Report: Motion made by VanHulle, seconded by Hughes to approve the Revenue/Expenditure Report for the period of 04/01/19 to 10/31/2019 as presented. Roll call vote. All in favor. Motion carried.

Approval of Check Register Report: Motion made by Peak, seconded by VanHulle to approve the Check Register Report checks #33574 - 33646. Roll call vote. All in favor. Motion carried.

Public Hearing Fireworks Ordinance: At 7:15 Trustee Peak made a motion to close the regular meeting and open the public hearing. Supported by Trustee Bidwell, all in favor, motion carried. President Mackling asked for any public comment. As there was no public comment, at 7:16 Trustee Peak made a motion to close the public hearing and return to the regular meeting. Supported by Trustee VanHulle, all in favor, motion carried.

Treasurer's Report: The October 2019 (unaudited) report indicated that for the month receipts totaled $51,947.45, and the status of the certificates of deposit and savings accounts.

UNFINISHED BUSINESS

Marihuana Ordinance: Motion made by Peak, supported by VanHulle to adopt Ordinance No. 2019-02 An ordinance to allow individuals to obtain licenses to operate medical marihuana facilities pursuant to the Medical Marihuana Facilities Licensing Act (MMFLA) and marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act (MRTMA). Roll call vote: **Ayes:** Martin, Peak, Bidwell, Penny, and VanHulle. **Nays:** Hughes. Motion carried. (See Appendix I)

COMMITTEE REPORTS

Presidents Report: None

Cemetery Board: None

Enforcement Officer/Zoning Administrator: None

Building/Electrical/Plumbing/Mechanical Reports: Building Permits: 1 permit issued, $98.00 fees collected. Mechanical Permits: 1 permit issued, $200.00 fees collected.

Police Board: Representative VanHulle provided the statistics for the month of October 2019 within the village, they are as follows: Calls for Service totaled 219, total Traffic Crashes 4. A complete transcript of the police board minutes can be found at www.edwardsburg.net

Ambulance Board: Representative Hughes provided the Agency Activity Summary report for the month of October 2019. Total number of incidents was 110. Edwardsburg 16, Ontwa 40, Milton 2, Mason 1, Jefferson 3, Porter 6, Dowagiac 8, Niles Twp. 2, Cassopolis 7, Howard Twp. 2, Newberg 1, Marcellus Twp. 1, City of Niles 7, Bremen 12, and other 2. A complete transcript of the ambulance board minutes can be found at www.edwardsburgambulance.org

Fire Board: None

Parks Administrator: None

Water Commissioner: Motion made by Bidwell, supported by Hughes to pay $1,568.29 (591-552-930) to ETNA for water meters. Roll call vote. All in favor. Motion carried.

Street Administrator: We have quotes for street repairs, we will meet with Rich & Chris in the next couple of weeks to go over the bids and get on the schedule for next spring.

Building & Grounds: Motion made by VanHulle, supported by Bidwell to pay $992.33 (101-104-970 & 591-205-977) to Directec for a new PC for the office updating to Windows 10. Roll call vote. All in favor. Motion carried.

Equipment Supervisor: None

Recycling/Refuse Administrator: None

Planning Commission: President Mackling appointed Madelaine Martin to fill a vacant seat on the Planning Commission. Representative Peak brought amendments to the IPMC recommended by the Planning Commission. Motion made by Peak, supported by Bidwell to adopt the amendments as recommended. All in favor. Motion carried. (See Appendix II)

Chamber of Commerce: Next meeting is Wednesday, December 4th. Annual Cookie Walk, Thursday, December 5, 2019.

NEW BUSINESS

Firework Ordinance: Motion made by VanHulle, supported by Peak to adopt Ordinance No. 2019-03 An ordinance for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act MCL 28.451 ET SEQ. Roll call vote. All in favor. Motion carried. (See Appendix III)

Employee Health Insurance 2020: President Mackling, Trustee Hughes and the 3 full time Village employees met twice with Kemner Iott representative Dan Herman to look at health insurance options. The current policy the Village has is set to increase by over 9% in 2020. The unanimous agreement was to switch to an HSA policy with the Village contributing $3,000.00 for each employee each year. In addition to the employee's will no longer pay 7% of their policy. With these changes the Village will save approximately $5,000.00 in 2020 on health insurance. Motion made by Bidwell, supported by Hughes to switch to the HSA policy with the conditions listed above. Roll call vote. All in favor. Motion carried.

Schedule Work Session: Saturday, December 14th at 9:00 am

Adjournment: Motion made by Peak, seconded by VanHulle to adjourn the regular meeting at 7:54 p.m. All in favor. Motion carried.

ANNOUNCEMENTS:

- Village office closed Thursday, November 28th and Friday, November 29th.
- Cemetery Board Meeting Tuesday, December 10th @ 4:00 p.m.
- Next Village Council Meeting – Monday, December 16th @ 7:00 p.m.

Respectfully submitted,

Paula S. Ralph, Clerk
Village of Edwardsburg

Appendix I

VILLAGE OF EDWARDSBURG ORDINANCE NO. 2019-02

Resolution

Adopted: 11/18/2019

Effective: 01/02/2020

An ordinance to allow individuals to obtain licenses to operate medical Marihuana facilities pursuant to the Medical Marihuana Facilities Licensing Act (MMFLA) and Marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

THE VILLAGE OF EDWARDSBURG ORDAINS:

Sec. 1. **PURPOSE**

(a) The purpose of this article is to regulate the sale of Marihuana in the Village in order to promote the public health, safety, morals, and welfare of the community, and establishing standards and procedures consistent with the MMFLA and the MRTMA in order to allow a limited number of Medical Marihuana Facilities and Marihuana Establishments in the Village.

(b) Nothing contained within this Ordinance, or within any license issued by the Village, shall be construed to relieve a person of the duties and obligations imposed under law.

Sec. 2. **DEFINITIONS**

(a) "Marihuana" means that term as defined in the MRTMA.

(b) "Marihuana Accessories" means that term as defined in the MRTMA.

(c) "Marihuana Establishment" means a Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer, Marihuana Secure Transporter, or any other type of Marihuana-related business licensed under the MRTMA.

(d) "Marihuana Grower" means a person licensed under the MRTMA to cultivate Marihuana and sell or otherwise transfer Marihuana to Marihuana establishments.

(e) "Marihuana Microbusiness" means a person licensed under the MRTMA to cultivate not more than 150 Marihuana plants; process and package Marihuana; and sell or otherwise transfer Marihuana to individuals who are twenty-one (21) years of age or older or to a Marihuana Safety Compliance Facility, but not to other Marihuana Establishments.

(f) "Marihuana Processor" means a person licensed under the MRTMA to obtain Marihuana from Marihuana Establishments; process and package Marihuana; and sell or otherwise transfer Marihuana to Marihuana Establishments.

(g) "Marihuana Retailer" means a person licensed under the MRTMA to obtain Marihuana from Marihuana Establishments and to sell or otherwise transfer Marihuana to Marihuana Establishments and to individuals recreationally who are twenty one (21) years of age or older or individually holding a medical Marihuana Card accompanied by an individual at least 18 years of age.

(h) "Marihuana Secure Transporter" means a person licensed under the MRTMA to obtain Marihuana from Marihuana Establishments in order to transport Marihuana to Marihuana Establishments.

(i) "Marihuana Safety Compliance Facility" means a person licensed to test Marihuana, including certification for potency and the presence of contaminants.

(j) "Medical Marihuana Facility" means any facility, entity, establishment or center that is required to be licensed under the MMFLA and this article, including a Medical Marihuana Grower, Medical Marihuana Processor, Medical Marihuana Provisioning Center, Medical Marihuana Safety Compliance Facility, and/or a Medical Marihuana Secure Transporter.

(k) "Medical Marihuana Grower" means the term "grower" as defined in the MMFLA.

(l) "Medical Marihuana Processor" means the term "processor" as defined in the MMFLA.

(m) "Medical Marihuana Provisioning Center" mean the term "provisioning center" as defined in the MMFLA.

(n) "Medical Marihuana Safety Compliance Facility" means the term "safety compliance facility" as defined in the MMFLA.

(o) "Medical Marihuana Secure Transporter" means the term "secure transporter" as defined in the MMFLA.

(p) "MMFLA" means the Medical Marihuana Facilities Licensing Act.

(q) "MRTMA" means the Michigan Regulation and Taxation of Marihuana Act.

(r) "School" means a public or private school offering education to students enrolled in pre-kindergarten, kindergarten, one or more grades of one through twelve, or post-secondary education.

(s) "Facility address" means the address at a physical location where a Medical Marihuana Facility or a Marihuana Establishment is proposed to be located on a license application. A

physical location may have multiple addresses through separated units or suites that are officially recognized by the US postal service.

Sec. 3. **ACTS PROHIBITED**

(a) No person shall operate a Medical Marihuana Facility or a Marihuana Establishment in the Village without first obtaining any relevant license required by law and a license from the Village in accordance with the provisions of this Ordinance. A separate license is required for each Medical Marihuana Facility or Marihuana Establishment.

(b) No person shall consume Marihuana in a public place within the boundaries of the Village.

(c) No person shall display or sell Marihuana Accessories within a one thousand (1000) foot radius of any parcel upon which is located a School.

Sec. 4. **AUTHORIZATION OF MARIHUANA FACILITIES**

(a.) Pursuant to the Medical Marihuana Facilities Licensing Act (MMFLA), the Village enacts this ordinance to set the number of state licensed medical marijuana facilities to be authorized and allowed to operate within its boundaries, as follows:

a.1.i Medical Marihuana safety compliance facility – 2
a.1.ii Medical Marihuana secure transporter – 2
a.1.iii Medical Marihuana provisioning center – 2
a.1.iv Medical marihuana processor – 2
a.1.v Class A Medical Marihuana grower [maximum 500 plants] – 2
a.1.vi Class B Medical marihuana grower [maximum 1,000 plants] – 2
a.1.vii Class C Medical marihuana grower [maximum 1,500 plants] – 2

(b.) Pursuant to the Michigan Regulation and Taxation of Marijuana Act (MRTMA), the Village enacts this ordinance to set the number of state licensed marihuana establishments to be authorized and allowed to operate within its boundaries, as follows:

a.1.viii Marihuana safety compliance facility – 2
a.1.ix Marihuana secure transporter – 2
a.1.x Marihuana microbusiness [maximum 150 plants with processing & retail sales] – 0
a.1.xi Marihuana retailer – 2
a.1.xii Marihuana processor -2
a.1.xiii Class A Marihuana grower [maximum 100 plants] – 2
a.1.xiv Class B Marihuana grower [maximum 500 plants] – 2
a.1.xv Class C Marihuana grower [maximum 2,000 plants] – 2

Any combination under Section 4 (a.) and (b.) not more than two (2) facilities will be allowed.

(c) All marihuana facilities or establishments will only be permitted to operate on M 62 or US Highway 12 East of M 62 within the Village limits. US 12 is defined as the United States Route 12 highway and its connecting commercial drives and driveways. M 62 is defined as the M-62 State of Michigan highway and its commercial drives and driveways.

(d) Nothing in this Ordinance shall be read to prohibit a Marihuana Establishment from operating at a location shared with another Marihuana Establishment. Nothing in this Ordinance shall be read to prohibit a Medical Marihuana Facility from operating at a location shared with another Medical Marihuana Facility or with a Marihuana Establishment.

Sec. 5. **LICENSE APPLICATIONS**

(a) Any person seeking to operate a Marihuana Establishment shall file an application with the Clerk upon a form provided by the Village. The application shall include the following information in order for the application to be considered complete:

(1) Must be prequalified by the State of Michigan.

(2) The full name, date of birth, physical address, email address, and telephone number of the applicant in the case of an individual; or, in the case of an entity, all stakeholders thereof. A driver's license or State ID is also required.

(3) If the applicant is an entity, the entity's articles of incorporation or organizational documents.

(4) If the applicant is an entity, the entity's employee identification number.

(5) If the applicant is an entity, the entity's operating agreement or bylaws.

(6) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the village.

(7) The facility location and address for which the applicant is applying for a license. The same facility address may not be used to apply for the same license type by multiple applicants.

(8) A location area map that identifies the relative locations of, and distances from the nearest school to the facility address.

(9) The type of facility license the applicant is applying for.

(10) Documentation of ownership, lease agreement, or other legal arrangement permitting the applicant to apply for a license for the facility address listed on the application

(11) Except as provided by law, all materials submitted to the Village as part of an application shall be exempt from disclosure under the Freedom of Information Act.

(12) All employees must undergo a background check at the discretion of the Chief of Police and the Village Council at the cost of the employer.

Sec. 6. **APPLICATION FEE**

A nonrefundable application fee shall be paid upon filing of each application to defray costs incurred by the Village to process the application. The initial application fee shall be in the amount of at least $1500.00 per license to be reviewed yearly by the village council with an additional $3500 paid upon approval of a complete application for a municipal license as a Medical Marihuana Facility or a Marihuana Establishment.

Sec. 7. **APPLICATION REVIEW**

(a) The Clerk shall review each application to ensure that it is complete, that the information required in Sec. 6 of this ordinance has been submitted, and that the application fee has been paid. The Clerk may reject any application that is not complete and may deny an application for failure to pay the initial application fee.

(b) Upon receipt of a completed application meeting the requirements of this Ordinance and the appropriate license application fee, the Clerk shall refer a copy of the application to each of the following for their approval: the State Licensed or approved Fire representative, the Village President, the Village Planning Commission, and the Village Treasurer.

(c) No application shall be approved unless:

(1) The State Licensed or approved Fire representative and the Village President have inspected the proposed location for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this Ordinance.

(2) The Planning Commission has confirmed that the proposed location complies with the Village of Edwardsburg Zoning Ordinance and this chapter.

(3) The Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the Village.

(d) After enactment of this Ordinance, the Clerk shall begin accepting applications for Marihuana Establishments and Medical Marihuana Facilities within ten (10) calendar days.

(e) After thirty days from the date that applications are made available, the Village Council shall review complete applications for licenses to operate Medical Marihuana Facilities and Marihuana Establishments. If the number of complete applications exceeds the number of licenses available, the Village shall award licenses from those complete applications by a random lottery process. Complete applications received after thirty days following the date that

applications are first made available shall be considered after licenses for complete applications received in the initial thirty day period have been awarded.

(f) The Clerk may engage professional expert assistance in performing the Clerk's duties and responsibilities under this Ordinance.

Sec. 8. **LICENSE REQUIREMENTS**

(a) A Medical Marihuana Facility and a Marihuana Establishment licensed under this article shall be subject to the following conditions:

(1) Compliance with the requirements of this Ordinance, other applicable Village ordinances and codes, and applicable state laws;

(2) For a Medical Marihuana Facility, compliance with the provisions of the MMFLA and any rules promulgated thereunder;

(3) For a Marihuana Establishment, compliance with the provisions of the MRTMA and any rules promulgated thereunder;

(4) Operating hours for Medical Marihuana Facilities and Marihuana Establishments shall not exceed the hours between 9:00 AM and 8:00 PM daily;

(5) Signs displayed on the exterior and interior of any Medical Marihuana Facilities Center and Marihuana Establishments shall conform to Village ordinance requirements. No signs shall contain the words "Marihuana," "marijuana," or "cannabis," nor shall any sign contain Marihuana leaves.

(6) Operation of a Medical Marihuana Facility or Marihuana Establishment shall not, either directly or indirectly, cause or create any noise, dust, vibration, glare, fumes, or odors constituting a nuisance and also detectable to human senses beyond the boundaries of the property on which the facility is operated.

Sec. 9. **LICENSES GENERALLY**

(a) A license that is issued under this Ordinance shall be posted at all times inside the licensed Medical Marihuana Facility or Marihuana Establishment in a conspicuous location near the entrance.

(b) The term of a license shall be for one calendar year subject to review by the Village Council upon continued compliance with this Ordinance.

(c) Licensees may transfer a license issued under this Ordinance to a different location upon receiving written approval from the Village Council and pursuant to rules of the MMFLA or MRTMA and rules promulgated by the Department. In order to request municipal approval to transfer a license

location, the licensee must make a written request to the Clerk, indicating the current location of the Medical Marihuana Facility or Marihuana Establishment and the proposed new location. Upon receiving the written request, the Clerk shall refer a copy of the written request to the State Licensed or approved Fire representative the Planning Commission and the Village Council. No license location transfer shall be approved unless each such department or entity gives written approval that the proposed new license location meets the standards identified in this Ordinance.

(d) Licensees may transfer a license issued under this Ordinance to a different individual or entity upon receiving written approval from the Village Council and pursuant to rules of the MMFLA or MRTMA and rules promulgated by the Department. For purposes of this subsection, a change in, transfer of, or acquisition of control of the licensee to an individual or entity with an ownership stake greater than 50 percent is considered to be a transfer. In order to request municipal approval to transfer a licensee to a different individual or entity, the permittee must make a written request to the Clerk, indicating the current licensee and the proposed licensee. After approval by the Village Council the Clerk shall grant the request so long as it is pursuant to the MMFLA or MRTMA and rules promulgated by the Department.

Sec. 10. **ANNUAL LICENSE RENEWAL**

(a) Application for a license renewal shall be made in writing to the Clerk at least thirty (30) days prior to the expiration of an existing license.

(b) An application for a license renewal required by this Ordinance shall be made under oath on forms provided by the Clerk.

(c) An application for a license renewal shall be accompanied by a renewal fee to help defray administrative and enforcement costs associated with the operation of the Medical Marihuana Facility or Marihuana Establishment, which shall be set by resolution of the Council, but shall not exceed the State recommended amount which currently is five thousand dollars ($5,000.00).

(d) Upon receipt of a completed application for a license renewal meeting the requirements of this Ordinance and the permit renewal fee, the Village Council shall approve the application if the following conditions are met:

(1) The State Licensed or approved Fire representative and the Village President or another relevant department have, within the past calendar year, inspected the location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The licensee possesses the necessary state licenses or approvals, including those issued pursuant to the MMFLA or MRTMA.

(3) The licensee has operated the Medical Marihuana Facility or Marihuana Establishment in accordance with the conditions and requirements of this Ordinance.

(4) The licensee is operating the Medical Marihuana Facility or Marihuana Establishment in accordance with MMFLA or MRTMA.

(f) A renewal shall be deemed approved if the Village has not issued formal notice of denial within 60 days of the filing date of the application.

Sec. 11. **LICENSE REVOCATION OR SUSPENSION.**

Each Medical Marihuana Facility or Marihuana Facility within the Village for which a license is granted shall be operated and maintained in accordance with all applicable State and Village laws, rules, and regulations. Upon any violation of this section or any section of this Ordinance or State Law, the Ontwa Township Edwardsburg Police Department may temporally suspend a license and bring it to the Village Council. The Village Council may, after a notice and hearing, revoke or suspend such license as hereinafter provided.

Sec. 12. **NONRENEWAL, SUSPENSION OR REVOCATION OF LICENSE.**

The Clerk shall notify an Applicant or licensee of the reasons for denial of an application for a license or license renewal or for revocation of a license or any adverse decision under this Ordinance and provide the Applicant or licensee with the opportunity to be heard. Any Applicant or licensee aggrieved by the denial or revocation of a license or adverse decision under this Ordinance may appeal to the Village Council, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Village Council. Such appeal shall be taken by filing with the Clerk, within fourteen (14) days after notice of the action complained of has been mailed to the Applicant or licensee's last known address on the records of the Clerk, a written statement setting forth fully the grounds for the appeal. The Village Council shall review the report and recommendation of the hearing officer and make a decision on the matter. The review on appeal of a denial or revocation or adverse action shall be by the Council pursuant to this Ordinance. Any decision by the Council on an appeal shall be final for purposes of judicial review. The Village Council may engage professional experts to assist with the proceedings under this section.

Sec. 13. **CRITERIA FOR NONRENEWAL, SUSPENSION OR REVOCATION OF LICENSE.**

In addition to any other reasons set forth in this Ordinance, the Village may refuse to issue a license or grant renewal of the license or suspend or revoke the license for any of the following reasons:

(1) A material violation of any provision of this Ordinance.

(2) Any conviction of a disqualifying felony by the licensee or any Stakeholder of the licensee.

(3) Failure of the licensee to obtain or maintain a license from the Department pursuant to the MMFLA or MRTMA within at least one year after the issuance of a municipal license

(4) Failure of required sampling or testing of marihuana by the State of Michigan.

(5) Failure of any of the State Laws.

Sec. 14. **PENALTY.**

A person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction punishable by a civil fine of One hundred ($100.00) dollars per day, plus court costs.

Section 2. All ordinances or parts of ordinances that conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective thirty (30) days after publication.

Motion made by Peak, seconded by VanHulle to approve the Ordinance. Upon roll call vote the following voted:
Ayes: Martin, Peak, Bidwell, Penny, and VanHulle.
Nays: Hughes

Village President Scott Mackling declared the motion carried on the 18th Day of November 2019, Effective 1/2/2020.

_____
VILLAGE OF EDWARDSBURG
Paula S. Ralph, Clerk
26296 US Highway 12 Edwardsburg, Michigan 49112

CLERK'S CERTIFICATE

The undersigned, as the duly appointed and acting Clerk of the Village of Edwardsburg, herby certifies that Ordinance No. 2019-02 was duly adopted by the Edwardsburg Village Council at a Regular Village Council Meeting, at which a quorum was present, held on November 18, 2019, and this Ordinance shall take effect 30 days after publication following approval of the Edwardsburg Village Council Trustees.

_____ _____
Paula S. Ralph, Edwardsburg Village Clerk Date

Appendix II

DRAFT PROPOSAL
August 27, 2019 Planning Commission Meeting Adjusted at 8-27-2019 meeting

At the July 30, 2019 meeting it was determined that an "existing" and "proposed" IPMC or Ordinance items be presented for consideration and potential approval to be subsequently presented to the village council for action.

Starting with the adoption of the IPMC in August of 2018,

IPMC 106.2 Existing - removed and replace with Reserved for future expansion

IPMC 106.2 Proposed
Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107

106.4 Violation and Penalties. Existing. Remove and replace with the following:" Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense	$150	$500
2nd Offense	$300	$500
3rd Offense	$425	$500
4th or More Offense*	$500	$500

*within 3-year period determined on the basis of the date of commission of the offense(s).

An owner, tenant, occupant, land contract vendor or vendee who causes allows or permits a violation to exist or continue shall be liable as a principal.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Village of Edwardsburg has incurred in connection with the municipal infraction. In no case, however, shall costs be less than $9.00 or more than $500 be ordered. In addition, the Village shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance."

Section 106.4 Proposed
"Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this code, shall be deemed to be responsible for a municipal civil infraction as defined by the Michigan Statute which shall be punishable by a civil fine determined by the following schedule:

	Minimum Fine	Maximum Fine
1st Offense within 3 years.	$25	$50
2nd Offense within 3 years	$50	$75
3rd Offense within 3 years	$75	$100

3 year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Village of Edwardsburg has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than $75 or more than $200 be ordered.
In addition, the Village shall have the right to proceed in any court of competent jurisdiction, restraining order, or other appropriate remedy to compel compliance with this code. Each day that a violation exists shall constitute a separate offense."

IPMC Section 107 Existing Section 107 is hereby eliminated in its entirety and replaced with the phrase "Section 107 reserved for future expansion."

IPMC Section 107 Notices and Orders proposed - reinstate the original language of the code.

IPMC Section 302.4 Weeds. Existing. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeks growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

IPMC Section 302.4 Weeds Proposed. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses. annual plants and vegetation other than trees or shrubs provided however, this term shall not include cultivated flowers or gardens.

The right of way or tree lawn in front of the said premised shall be maintained free of any plant growth in excess of 8 inches with the exception of trees planted by the village orwith the express permission of the village council.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Upon failure of the owner or agent responsible for the property to pay for the removal, said fees will be placed as a lien on the property and added to the assessment roll of the next tax bill.

Appendix III

VILLAGE OF EDWARDSBURG ORDINANCE NO. 2019-03

Resolution

Adopted: 11-18-2019

Effective: 12-25-2019

AN ORDINANCE FOR THE REGULATION OF THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS, AS ALLOWED UNDER THE MICHIGAN FIREWORKS SAFETY ACT MCL 28.451 ET SEQ., AS AMENDED.

THE VILLAGE OF EDWARDSBURG ORDAINS:

Section 1 – Short Title.

This Ordinance shall be known and may be cited as the "Fireworks Ordinance."

Section 2 – Statement of Purpose

This is an Ordinance to provide for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

Section 3 – Definitions

As used in this Ordinance, the following terms shall be defined as follows:

(A) "APA standard 87-1" means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

(B) "Consumer Fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3., or 3.5 Consumer Fireworks does not include low-impact fireworks.

(C) "Fireworks" means any composition or device, except for a starting pistol, a flare gun, designed for the purpose of producing a visible effect by combustion, deflagration, or detonation.

(D) "Low-impact Fireworks" means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.

(E) "Minor" means an individual who is less than 18 years of age.

(F) "National Holiday" means the following days after 11:00 a.m.:

1. December 31st until 1:00a.m. on January 1st
2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m.
3. June 29 to July 4 until 11:45 p.m. on each of those days.
4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Section 4 – Ignition, Discharge and Use of Consumer Fireworks

A person shall not ignite, discharge, or use consumer fireworks, except on the National Holidays identified above.

Section 5 – Possession of Consumer Fireworks by a Minor

A minor shall not possess consumer fireworks.

Section 6 – Prohibited Location

(A) A person shall not ignite, discharge and/or use consumer fireworks on public property, school property, church property, or the property owned by another person or entity without that organization's or person's express permission.

(B) A person shall not discharge consumer fireworks is such a manner so as remnants from consumer fireworks land on public property or the property of another, including, but not limited to, apartment property, and condominium property, without that person's or organization's express permission.

Section 7 – Use While Under Influence Prohibited

An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

Section 8 – Reckless Use of Fireworks

An individual shall not use consumer fireworks to damage or destroy property of others or use the same in a reckless disregard for the safety of persons or property.

Section 9 – Drought; Fire Risk

A person shall not use, ignite, or discharge fireworks during a drought or on any day or during any time that the Michigan DNR has identified the Fire Danger Rating as "high", "very high", and/or "extreme conditions exist." Such information may be obtained by viewing the Michigan DNR website.

Section 10 – Penalty

(A) A violation of this Ordinance shall result in a civil fine of $100.00 for each violation. $50.00 of each fine collected shall be remitted to the Ontwa Township Edwardsburg Police Department.

(B) If the police officer determined that a violation of the Ordinance occurred, the officer may seize the consumer fireworks as evidence of the violation. Following a final disposition, with a finding of responsibility for violation of this Ordinance, the Police Department may dispose or destroy any consumer fireworks retained as evidence in that prosecution.

(C) Failure to cleanup and dispose of fireworks within 24 hours after discharge shall result in a civil fine of up to $100.

Section 11 – Permit for Consumer Fireworks

Upon application in writing by any association or group of individuals, the Township Supervisor, Village President, or designee may grant permission for the public display of consumer fireworks on days other than the day before, the day of, and the day after a national holiday; subject to such conditions as deemed necessary to safeguard the welfare of the public and property.

Section 12 – Severability

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereby declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 13 – Repeal

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

Section 14 – Effective Date

This Ordinance shall become effective 30 days after publication.

Motion made by VanHulle, seconded by Peak to approve the Ordinance. Upon roll call vote the following voted ayes: Martin, Peak, Bidwell, Penny, Hughes and VanHulle. All in favor.

Village President Scott Mackling declared the motion carried on the 18th Day of November 2019, Effective 12-25-2019

_____

VILLAGE OF EDWARDSBURG
Paula S. Ralph, Clerk
26296 US Highway 12 Edwardsburg, Michigan 49112

CLERK'S CERTIFICATE

The undersigned, as the duly appointed and acting Clerk of the Village of Edwardsburg, herby certifies that Ordinance No. 2019-03 was duly adopted by the Edwardsburg Village Council at a Regular Village Council Meeting, at which a quorum was present, held on November 18, 2019, and this Ordinance shall take effect 30 days after publication following approval of the Edwardsburg Village Council Trustees.

_____ _____

Paula S. Ralph, Edwardsburg Village Clerk Date