

Village of Lake Isabella

1010 Clubhouse Drive
Lake Isabella, MI 48893

PROPOSED ORDINANCE 2023-04 ARTICLE VIII & ARTICLE X UPDATE

The Village of Lake Isabella hereby ordains:

SECTION 1: PURPOSE

The purpose of this Ordinance is to amend various sections of the Codified Ordinances of the Village of Lake Isabella contained in Article VIII and Article X. The amendments in this Ordinance are intended to address various grammar issues, update regulations, and provide consistency in formatting adopted ordinances. These regulations further intend to provide for and ensure the public's general health and well-being and protect property values. This Ordinance also intends to remove the ability to seek a waiver from the Blight Code of the Village as codified in Section 642.5 of the Codified Ordinances of the Village of Lake Isabella.

SECTION 2: CHAPTERS AMENDED

This Ordinance will amend the following Chapters to read as attached hereto:

- 802 – Ad Volorem Property Tax Levy
- 812 – Peddlers & Solicitors
- 822 – Refuse Haulers
- 832 – Rental Housing Standards
- 842 – Marijuana Facilities
- 1002 – State Construction Code
- 1012 – METRO Act
- 1022 – Consumers Energy Natural Gas Franchise
- 1032 – Michigan Consolidated Gas Natural Gas Franchise
- 1042 – Homeworks Tri-County Electric Franchise

SECTION 3: SECTION 642.05 REPEALED

Section 642.5 of the Codified Ordinances of the Village of Lake Isabella, which allows for the owner or occupant of land in the Village to seek a Temporary Waiver from the requirements of the Village's Blight Code, is hereby repealed.

SECTION 4: SEVERABILITY

In the event that any section or sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Section 5: Ordinances Repealed

All ordinances and/or parts of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 6: Effective Date

This Ordinance shall take effect and be in force upon the expiration of 7 days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lake Isabella. This Ordinance and attached document shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the Village of Lake Isabella.

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We, the undersigned President and Clerk of the Village of Lake Isabella, Isabella County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2023-04 "ARTICLE VIII & ARTICLE X UPDATE" of the Village of Lake Isabella, was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at a regular or special meeting of the Lake Isabella Council, offered by councilmember Shannon, and seconded by councilmember _____. Initially introduced by Councilmember _____.

Village Council Introduction	October 10, 2023
Village Council Public Hearing	
Village Council Enactment	

The vote to adopt this Ordinance was taken by roll call, with the "yeas" and "nays" recorded as such.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Dated at Lake Isabella, Michigan, this _____ day of _____, 2023.

Village Council President
David Torgerson

Village Clerk
Carol Shannon

GENERAL AD VALOREM TAX

1. General Ad Valorem Property Tax

The Village of Lake Isabella here-by ordains that pursuant to Section 7.02(c) of the Village Charter and pursuant to Section 10.02 of the Village Charter, the annual general ad valorem tax levy for general operating Village purposes shall be ~~1~~one mill (1) for the taxable value of real property and personal property in the Village of Lake Isabella ~~as determined by the Village Treasurer.~~

PEDDLING & SOLICITING

1. Solicitor and Solicitation Defined

The words solicitor, solicit, solicitation, and soliciting as used in this ~~Ordinance~~Chapter shall mean any person (which includes any individual, firm, entity, corporation, association, partnership, limited liability company, or organization or its agents) traveling either by foot, wagon, automobile, vehicle, or other conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, products, or merchandise or personal property of any nature; or attempting to collect monies, pledges or donations for political, charitable, or religious causes; or for services to be furnished or performed, whether or not such person has, carries or exposes for sale a sample of the subject or such sale or whether such person is collecting advance payments on such sales or not; or any similar action or activities including those persons who call themselves transient merchants, canvassers, hucksters, peddlers or other similar terms. These activities shall also include any actions involving the canvassing or petitioning for a public office, public official, political candidate, election, ~~or~~ millage, or public initiative or referendum affecting public policy.

2. Permit Required

Except as otherwise provided in this Chapter~~Ordinance~~, no person shall solicit or act as a solicitor within the Village of Lake Isabella without first obtaining a permit from the Village. No permit shall be granted by the Village without prior approval by the Village Manager, Village Clerk, or such other Village official as is appointed by the Village Council. All permits shall ~~expire thirty (30) days~~ be valid for one year after their issuance, ~~unless renewed by the Village Manager, Village Clerk, or such other Village official as is appointed by the Village Council.~~

3. Background Check

Except for persons or solicitors that are partially exempt from this Chapter~~Ordinance~~ ~~pursuant to Section 12.004 (Section 4) hereof~~, a background check will be performed by the Village for each individual solicitor before a Village permit is issued. The designated Village official shall issue a permit upon the determination that the applicant has met all of the following conditions:~~The Village Council shall determine what type of background check shall be performed for different categories or types of solicitors based on the potential threat to the public health or safety.~~

A. The required application fee has been paid.

B. The application has been completed in full.

C. The applicant has not made a material misrepresentation of fact in or falsified any contents of the application.

- D. The applicant has not had a peddler's permit denied or revoked by the Village in the previous five years.
- E. The applicant has never been convicted of a felony or any crime involving sexual misconduct, assaultive conduct, theft, or fraud.
- F. The applicant's vehicle(s) being used in solicitation efforts has a current and valid registration, and the solicitor has a valid driver's license.
- G. The applicant is not in default for any real or personal property taxes owed to the Village.

4. Permit Application

A permit application may be obtained during normal business hours at the Village offices.

- A. Such application shall be fully completed and filed with the Village at least ten (10) days prior to the date of commencement of the solicitation. The application shall contain all of the following information:

1. Name of the applicant and the names of those persons soliciting for the applicant. Each individual solicitor must supply, in person, a copy of their driver's license or another form of government-issued photo personal identification to the Village.
2. Permanent home address and local address of the applicant (and for all other persons soliciting for the applicant).
3. A brief description of the nature of the organization and business and the goods or services to be sold or solicited.
4. If the solicitor is otherwise employed, the applicant shall provide the name and address of such employer.
5. A description, including the license plate, of any vehicles used in solicitation efforts.
- ~~5. The length of time for which the solicitation within the Village is desired.~~
- ~~6. The place where the goods or property proposed to be sold or orders taken for the sale are manufactured or produced, where such products or goods are located at the time said application is filed and the proposed method of delivery.~~
- ~~7. A statement as to approximate locations within the Village where the solicitations will take place.~~
8. Each solicitor shall sign a statement as to whether or not that solicitor (or the solicitor's firm, corporation, or organization) has been convicted of a felony, and/or misdemeanor assault, sexual misconduct, theft, or fraud offense. ~~and if so, stating the nature of the offense. A "yes" response is cause for denial of a permit for the applicant.~~

- B. If the requirements of this Ordinance are met, the Village shall prepare and issue a solicitor permit to each person soliciting under the applicant. The solicitor shall

maintain possession of the issued permit ~~shall be displayed by the solicitor~~ at all times while soliciting in the Village and shall ~~be present~~ a copy of the permitted by that person upon request to any resident requesting identification prior to any attempt to sell a product or service to that resident.

- C. Any denial of a permit application shall be made in writing, specifying the reasons for denial within three (3) business days of the filing of a complete application. The Village may take a longer period of time ~~in determining~~ to determine whether a particular permit will be issued if the background check cannot be completed in a shorter period of time. Any appeal of a permit denial pursuant to this ~~Chapter~~ Ordinance must be in ~~a~~ writing, signed by the applicant and filed with the Village within ten (10) days of the date of the denial. All appeals shall be decided by the Village Council.

~~D. A solicitor permit shall be denied by the Village if any of the following standards are not met:~~

- ~~1. Every requirement of this Ordinance will be met.~~
- ~~2. The safety of the residents of the Village will be protected.~~
- ~~3. Neither the applicant nor the applicant's employer or organization has been convicted of either a felony of any kind or a misdemeanor involving solicitation, theft or fraud.~~
- ~~4. Neither the applicant nor the applicant's organization is delinquent in any real or personal property taxes or other indebtedness to the Village.~~

5. Partially Exempt Persons and Activities

The following persons and organizations are exempt from the permitting requirements under this Ordinance when engaging in the type of solicitation mentioned below in this section. Except as otherwise provided, all solicitation that is exempt under this section shall still comply with the general regulations and prohibitions of the Village of Lake Isabella.

- A. Solicitation for Religious or Charitable Institutions. Any person who is soliciting for a school, state or federally registered or recognized charity, a nonprofit corporation or entity, or a church or religious society shall not be required to obtain any permit or pay any permit fee pursuant to this Ordinance. The solicitor for any group listed under this subsection (a) must still register with the Village and provide the Village Manager, Village Clerk, or other Village official designated by the Village Council with a name, address, and a copy of their driver's license before such exempt solicitation can occur within the Village. The applicant shall provide evidence (i.e., 501(c)(3) status, etc.) to the Village that the organization for which the solicitation is taking place is a school, recognizable charitable, nonprofit or religious organization.
- B. Political Speech or Canvassing. Solicitations exclusively intended to canvass or petition for a public official, political candidate, public policy or initiative being promoted for

purposes of a public referendum, initiative, millage, or election does not require any registration, permit or permit fee.

- C. Any person exempt from the permitting requirements of this Ordinance by virtue of state or federal law.

6. Permit Fee

~~Except for exempt permits specified in Section 4 hereof, a~~ A nonrefundable permit fee in the amount of ~~\$25.00~~ ten dollars per individual shall be paid to the Village at the time that an application for a solicitor permit is filed with the Village. ~~If a permit renewal application is filed with the Village within the 30 day time period before the date that the original permit expires, a nonrefundable renewal permit fee in the amount of \$15.00 shall be paid to the Village. If an application for a permit renewal is not filed with the Village (together with the applicable fee) prior to the time the original permit expires, the application shall be deemed an application for a new solicitor permit and the nonrefundable permit fee to be paid to the Village at the time of application shall be \$25.00.~~

~~Each solicitor shall also make a deposit of \$25.00 per permit to the Village. This deposit will be refunded upon return of the permit to the Village. Return of the permit to the Village must be made in person by each individual permittee. All permits must be returned within five (5) days of their expiration or the deposit of \$25.00 shall be forfeited. The above fees and deposit may be modified by the Village Council by resolution from time to time.~~

7. General Regulations and Prohibitions

Unless otherwise expressly permitted by another Village ordinance or mandated by state law:

- A. Where a permit is required by this Chapter Ordinance, it shall be unlawful for any person to engage in solicitation without having first obtained a permit issued by the Village. The permit must be in possession of the solicitor while in the act of soliciting and shown upon the request of any person.
- B. While conducting any act of solicitation, the solicitor shall clearly display permit and photo identification that correctly identifies who the solicitor is and for whom the solicitor is working. It shall be unlawful for any solicitor to fail or refuse to show or display such permit and identification upon the request of any person.
- C. No persons shall stop or park a vehicle ~~at the curb~~ for the purpose of solicitation in a manner that obstructs traffic ~~from a vehicle~~, nor shall any person establish a stand, booth or other place of business on any ~~street curb, sidewalk,~~ public right-of-way or other public place. This subsection shall not be interpreted to prohibit parking for the purpose of making deliveries or for the purpose of consummating a business transaction

with persons waiting at the curb, provided that the solicitor leaves the curb immediately after the deliveries or transactions are completed.

- D. No person shall operate or maintain any stand, structure, building_z or vehicle on or near to any public right-of-way for the service of customers or for solicitation in such a manner that requires customers to stand, occupy_z or congregate within the public roadway.
- E. No person shall conduct any solicitation so as to obstruct any street, alley, sidewalk_z or driveway except as may be necessary and reasonable to consummate a permitted transaction or at any time after having been requested to desist by any public officer because of congested or dangerous traffic conditions or for the public health, safety or welfare.
- F. No person shall engage in any solicitation on any property against the wish or desire of the property owner or the tenant or occupant of the property. No person shall trespass on the property of another while engaged in solicitation.
- G. No person engaged in any solicitation shall visit any dwelling or residence without an appointment where a sign is displayed stating "No peddlers," "No solicitors," "No sales," "No trespassing" or words of similar meaning.
- H. No person engaged in solicitation shall, while in a stationary position in any public place, shout, cry out his goods or merchandise, nor blow any horn, ring any bell, broadcast or play any sound, or use any other similar device to attract the attention of the public.
- I. No persons shall travel from door to door, street to street, or place to place within the Village while engaged in solicitation except between the following hours:
 - April 1 to September 30: 9AM to 7PM.
 - October 1 to March 31: 9AM to 5PM
- J. No person engaged in any solicitation shall enter upon a property or call upon any occupant of the property by any means of entry or contact other than approaching the front entry door of the premises. No person engaged in any solicitation shall enter into an attached or detached garage or a rear yard, unless invited by the occupant of the premises.
- ~~K. A permit under this Ordinance shall not be granted to any person owing any real or personal property taxes or other indebtedness to the Village or who contemplates using any personal property on which personal property taxes are owing in the operation of a business.~~
- ~~K~~_L. No person shall block or impede the passage of the person being solicited.
- ~~L~~_M. No person who is soliciting shall follow the person being solicited after that person has objected to the solicitation or asked the solicitor to leave.
- ~~M~~_N. No person shall use any threatening or offensive behavior or language when engaging in solicitation.

8. Revocation of a Permit

- A. A permit issued pursuant to this [OrdinanceChapter](#) may be revoked by the Village [if it is found that the applicant is in violation of any of the requirements of this Chapter](#). Such revocation shall be done by the Village Manager, Village Clerk, or such other Village official as is appointed by the Village Council.
- B. The applicant may appeal the revocation of the applicant's permit revoked pursuant to this [OrdinanceChapter](#) by filing an appeal with the Village Council. Any such appeal must be in writing (signed by the applicant) and filed with the Village within ten (10) days of the date of the permit revocation.
- C. When considering whether or not to revoke a permit issued under this [OrdinanceChapter](#) (or during an appeal of such a revocation), the Village official or body involved shall consider the following:
 - Whether one or more provisions of this [OrdinanceChapter](#) have been violated.
 - Whether continued solicitation by the applicant pursuant to the permit would endanger the health, safety, or welfare of Village residents or property owners.
 - Whether there were material misrepresentations in the permit application.

9. Violations & Penalties

[In addition to the remedies detailed in this Chapter, violations of this Chapter are subject to the penalties and conditions of Chapter 600 of the Codified Ordinances of the Village of Lake Isabella.](#)

- ~~A. Any person who disobeys, neglects, or refuses to comply with any provision of this Chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this Chapter. A violation of this Chapter is deemed to be a nuisance per se.~~
- ~~B. A violation of this Chapter is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.~~
- ~~C. Each day during which any violation continues shall be deemed a separate offense.~~
- ~~D. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this Chapter, and such other relief as may be provided by law. If the Village abates a nuisance as defined herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including~~

~~interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.~~

~~E. This Chapter shall be administered and enforced by a Code Enforcement Officer of the Village of Lake Isabella, a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency having jurisdiction in the Village of Lake Isabella including the Isabella County Sheriff's Department, the Michigan State Police, and the Michigan Department of Natural Resources, or by such other person(s) as designated by the Village Council from time to time.~~

REFUSE HAULER LICENSING

1. Title and Purpose

This Chapter shall be known and referred to as the "Lake Isabella Refuse Hauler Licensing Ordinance." The purpose of this Chapter is to provide for the licensing of collectors or haulers of refuse as defined herein, to provide licensing and operating requirements for such collectors or haulers, and to provide penalties for the violation of these requirements. This Chapter has been enacted to preserve the public's well-being by minimizing refuse collection traffic on Village streets, and to ensure that the public's health is preserved by the establishment of minimum standards required for refuse collection. This Chapter shall not be applicable to the curbside collection of household recyclables administered by Isabella County.

2. Definitions

In the enforcement and interpretation of this Ordinance, the following words, terms, or phrases are defined as stated herein, unless specifically stated otherwise.

- A. Application. The documents and representations provided by any licensee to the Village and any application for a license under Chapter 822, including information supplied by an applicant conveyed during any discussions between the applicant and the Village or the Village's attorney subsequent to the submission of an application for a license but prior to the approval of and acceptance of the license.
- B. Bag/Tag. A method of disposal where refuse is collected based on individual bags ~~which~~ that have been marked by a tag or sticker provided by a Licensed Material Collector.
- C. Bags. Plastic sacks or bags designed to store refuse having sufficient wall strength to maintain physical integrity if lifted from the top when full, and securely tied or closed.
- D. Bulky Items. Discarded or unusable stoves, refrigerators, water tanks, washing machines, furniture, and other waste appliances, ~~except~~ except construction debris, dead animals, hazardous waste, or animal waste in amounts that cannot be stored in containers.
- E. Material Collection License. A franchise agreement between the Village of Lake Isabella and a Licensed Material Collector issued under this Chapter, which may be exclusive to a single hauler, to provide refuse collection and disposal services to residential units in the Village of Lake Isabella.
- F. Refuse. This term shall refer collectively to all residential and non-residential rubbish, garbage, trash, bulky items, and ~~construction~~ debris generated at a residential or non-residential structure or property, unless the context otherwise requires a broader or narrower definition.

- G. Licensed Material Collector. A person, corporation, partnership, or other legal entity granted a Material Collection License by the Village pursuant to this Chapter.
- H. Hauler. A person, firm, or entity who picks up or collects refuse from customers or others and transports such refuse elsewhere for lawful disposal

3. Refuse Collection Procedures

- A. The occupants of all residential structures in the Village, and the owner, operator, or occupant of all non-residential structures in the Village, shall dispose of all refuse generated by the occupancy or use of the structure and property where the structure is located either by delivering such refuse to a lawful sanitary landfill or recycling center, or by having a person, firm, or corporation licensed pursuant to this Chapter pick-up, remove and deliver such refuse and recyclables to a lawful sanitary landfill or recycling center on their behalf.
- B. A ~~roll-off receptacle, container or, dumpster~~ that is delivered, serviced, and removed by a non-compactor truck or trailer ~~or cart~~ with a capacity of ~~two~~ four cubic yards or more may be temporarily stored outside when it is being used in conjunction with a construction, remodeling, or renovation project.
- C. A receptacle, container, dumpster, or cart with a capacity of two cubic yards or more may only be used on a permanent basis on any parcel if allowed by the zoning code and approved by the appropriate zoning permit or approved Site Plan.

4. Refuse Hauler Licensing Requirements

- A. No person, firm, business, corporation, or other entity shall engage in the business of hauling, collecting, or disposing of refuse, garbage, leaves, yard waste, or recyclable material within the Village of Lake Isabella without first obtaining a Material Collection License in the manner specified in this Chapter. No hauling of refuse shall occur unless at all times, the hauler has a current Material Collection License in effect from the Village. The Village expressly reserves the right to restrict the collection of residential refuse within the Village of Lake Isabella to only Licensed Material Collectors, and further reserves the right to grant an exclusive franchise to a single Village-designated Licensed Material Collector. No license shall be issued to any person, firm, corporation, or other entity for the purposes of collecting, hauling, and removing refuse or recyclables of another person, firm, corporation, or other entity from any residential or non-residential structure or property in the Village unless the applicant demonstrates the ability to comply with the following and all requirements of this Chapter.
- B. No Material Collection License shall be issued except upon application to the Village Clerk. At a minimum, the application must include all of the following information:

1. A description of the methods and equipment ~~which~~ that the applicant proposes to use for collecting refuse and garbage material in the Village.
 2. A description of the type of collection to be provided and the part of the Village which it will affect. At a minimum, all licenses shall provide for all of the following collection options for all customers:
 - a) A wheeled cart of at least 65 gallons to be provided by the license holder.
 - b) A maximum set number of bags allowed per week in a container meeting the requirements of this ~~Chapter~~ Chapter provided by the resident or property owner.
 - c) A per bag/tag option.
 - d) Bulky item pick-up, which may be at an additional cost to the customer, with pick-up of at least once per month.
 3. Proof of liability insurance. The minimum liability coverage for a Licensed Material Collector shall be in the amount of at least one million dollars (\$1,000,000.00) per occurrence, and at least three million dollars (\$3,000,000.00) in the aggregate.
 4. A summary plan for meeting all collection and disposal requirements outlined in other relevant Village, county, state, and federal regulations as applicable. Such plan should include information on the day of the week planned for collection, the estimated time needed for collection, and a price schedule for services offered to residents of the Village.
 5. The name and address of the Village-designated site or sites to be used to dispose of all material collected.
- C. The Village Council may establish by resolution a license fee or fees to be paid by the applicant for the Material Collection License.
- D. The Village may restrict the number of Material Collection Licenses issued and the scope of service of such licenses, based on the geographic area to be serviced; the population sector to be served, such as residential, commercial, or rooming house; the type of material to be collected; and the points of collection such as the curb, alley, or other location; and/or the schedule of such collections. A license may only be used for the scope of services expressly stated in the Material Collection License.
- E. No Licensed Material Collector shall dispose of refuse, leaves, yard waste and/or recyclable material at sites other than those specified in the terms of the collector's Material Collection License.
- F. In residential zones and on commercially zoned property that directly abuts residential zones that have dwelling units, no collection of refuse or recycling materials shall occur before ~~7~~6:00 a.m. or after ~~8~~7:00 p.m.

1. The Village Council may approve an exemption that allows for exceptions to the 6:00 a.m. start time under extenuating circumstances.
 2. The Village Council may establish by resolution an application fee to be paid by the applicant requesting an exception to the 6:00 a.m. start time.
- G. A Licensed Material Collector shall provide the service of collecting, hauling, or removing refuse or recyclables of another at least once each week to every person, firm, corporation, or other entity within the Village who desires such service, and to provide at least one extra vehicle to ensure prompt service in the event of equipment failure.
- H. A Licensed Material Collector shall provide a current toll-free telephone number, or accept collect phone calls, so that customers can contact the waste hauler without an additional charge for long-distance calls.
- I. A Licensed Material Collector shall collect, haul, and remove the refuse of all of the waste hauler's residential customers in the Village of Lake Isabella from the Village of Lake Isabella on the same day.

5. License Procedure and Revocation

- A. The Village Council may, either by advertising for bids or otherwise, enter into a franchise agreement, or extend the term of such franchise agreement, with a Licensed Material Collector, with such person or entity as the Village Council may deem best able to collect and dispose of residential refuse and/or garbage in accordance with the best interests of the Village and its residents. If the Village enters into an exclusive franchise agreement, that Licensed Material Collector shall be the only person or entity allowed to provide the contracted services to residential premises having one and two-family residences, or multiple-family dwellings of fewer than six units, within the Village for the time period specified in the franchise agreement. The franchise document shall contain a provision that the Licensed Material Collector shall provide the required minimum services listed in this Chapter to all applicable residential premises in the Village. Such refuse collection shall be in full compliance with this Chapter and all applicable local, state, and federal laws, rules, and regulations. The length of any exclusive franchise granted by the Village shall not exceed three years. After a three-year period, an exclusive franchise agreement may be renewed by the Village for additional periods not to exceed two years per renewal.
- B. Upon entering into an exclusive franchise, the approved rates and fees in such agreement shall be published in the newspaper in order to provide notice to the public of the rates and fees approved. Rates and fees approved in an exclusive franchise shall not be changed without providing the Village of Lake Isabella with prior written notice of at least sixty (60) days.

- C. The Village may attach reasonable conditions to any license issued by the Village pursuant to this Chapter.
- D. The application for the issuance, renewal, suspension, revocation, display, and transfer of a license required by this Chapter shall be governed by the Codified Ordinances of the Village of Lake Isabella as amended from time to time. The provisions of this Chapter shall be construed to be supplemental to and consistent with the licensing requirements of the Code of Ordinances of the Village, except that any higher standard or additional requirement provided by this Chapter shall be in addition to the requirements of such Code of Ordinances.

6. Violations & Penalties

In addition to the remedies detailed in this Chapter, violations of this Chapter are subject to the penalties and conditions of Chapter 600 of the Codified Ordinances of the Village of Lake Isabella.

- ~~A. Any person who disobeys, neglects, or refuses to comply with any provision of this Chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this Chapter. A violation of this Chapter is deemed to be a nuisance per se.~~
- ~~B. A violation of this Chapter is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.~~
- ~~C. Each day during which any violation continues shall be deemed a separate offense.~~
- ~~D. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this Chapter, and such other relief as may be provided by law. If the Village abates a nuisance as defined herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.~~
- ~~E. This Chapter shall be administered and enforced by a Code Enforcement Officer of the Village of Lake Isabella, a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency~~

~~having jurisdiction in the Village of Lake Isabella including the Isabella County Sheriff's Department, the Michigan State Police, and the Michigan Department of Natural Resources, or by such other person(s) as designated by the Village Council from time to time.~~

RESIDENTIAL RENTAL PROPERTY STANDARDS

1. Purpose

It is the purpose of the ordinance to increase the public's safety and well-being by maintaining residential rental properties at a minimal standard that rental properties in the Village of Lake Isabella are safe, habitable, and kept in conditions that ~~are in compliance~~ comply with the ordinances of the Village of Lake Isabella.

2. Definitions

The definitions found in the zoning code of the Village of Lake Isabella and those listed herein shall serve as the foundation for all definitions in this Chapter:

- A. Exit. ~~A Continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke proof enclosures, horizontal exits, exit courts, and yards. The way out from any point in a building along a continuous and unobstructed line of travel, which at ground level leads to a street, open space, yard, or court.~~
- B. Habitable Floor Space. Space in a structure with a minimum clearing from the floor to the bottom of the ceiling of seven feet (7') for living, sleeping, eating, or cooking. Bathroom, toilet rooms, closets, hallways, storage, utility spaces, and similar areas shall not be considered habitable floor space.
- C. Inspections Officer. Any person ~~such~~ designated as a Code Enforcement Officer by the Village of Lake Isabella.
- D. Occupant. Any person living or sleeping in a dwelling.
- E. Owner. Any person, who alone or jointly or severally with others:
 - 1. Shall have legal or equitable title to any dwelling.
 - 2. Shall have charge, care, or control of any dwelling, as owner or agent of the owner, or as the executor, administrator, trustee, or guardian of the estate of the owner.
 - 3. Any such person acting on behalf of, or caring for the property of the title owner shall be bound to comply with the provisions of this ordinance and the rules and regulations of the Village of Lake Isabella.
- F. Rent. Any payment for the use of a dwelling or a portion of a dwelling, including but not limited to the payment of money or goods or for the performance of services of labor or the payment of taxes or utilities.
- G. Short-term Rental. Any dwelling, or portion thereof, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period less than twenty-eight (28) consecutive days.
- H. Tenant. An occupant who pays rent for a dwelling.

- I. Window. A glazed opening, including glazed doors, which open upon a yard~~7~~ or recess from a court.

3. Landlord Requirements

Property owners shall comply with all of the following conditions:

- A. Following the change of tenants of a dwelling, the new tenants shall be provided with a clean, healthful, and safe dwelling ~~which~~that meets the minimum standards contained in this Chapter, and which complies with other applicable codes of the Village of Lake Isabella, Isabella County, and the State of Michigan.
- B. Structures and exterior areas shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated in a manner not injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- C. Maintain the areas visible from any public right-of-way and adjacent residential properties in and around a dwelling in a clean, safe, and sanitary condition.
- D. Maintain and repair any equipment specified in this code in a ~~workmanship~~workmanship-like manner that they are required to provide. This includes but is not limited to; plumbing, heating, ventilating, electrical systems, windows, and steps. When and where a discrepancy occurs as to what “workmanship~~-~~like manner” is, the~~-~~ most current version of the International Property Maintenance Code shall govern.
- E. In the event that a Tenant requests an inspection by an Inspection Officer of the Village of Lake Isabella to provide access for an inspection. The Inspections Officer shall have the right to enter and inspect the property during reasonable times of the day at the request of the landlord, tenant or occupant; and in emergency circumstances where health, welfare, or property of a person is in danger.
- F. To not allow a dwelling that is zoned for single-family residential use to be used or occupied in a manner that violates the definition of “single-family” in the zoning code for the Village of Lake Isabella. This includes using all or any portion of the dwelling as a Short-Term Rental as defined herein in any single-family zoning districts. In all other districts, Short-term rentals may be allowed if done so via an approved use in the zoning code such as a Hotel/Motel, Lodge, or similar use ~~as~~ allowed in the zoning code.

4. Standards & Inspections

- A. Properties offered or used as a rental dwelling~~7~~ shall comply with the following minimum standards of habitation:
 - 1. Bathroom Equipment
 - a) At least one operating flush toilet with at least 18 inches of clear space in front of the toilet

- b) At least one sink connected to usable hot and cold running water.
- c) At least one bathtub or shower stall connected to usable hot and cold running water.
- d) All bathrooms and powder rooms shall be contained within a separate room providing privacy from other portions of the dwelling.

2. Exits

- a) All rental dwellings shall be provided with at least two (2) independent fire escape routes. An escape route such as an exterior porch roof, an accessible window, or landing may constitute an independent fire escape route.
- b) Every bedroom shall have at least one (1) operable ingress/egress window or exterior door constructed to permit emergency exit or rescue.
- c) Where no exterior door or window exists in a bedroom, two (2) doors are required. Each door must lead to an independent exit of the unit.

3. Fire Extinguishers

- a) Every rental dwelling shall have located inside of the premises ~~to~~ at least one (1) fire multi-purpose extinguisher, preferably located in the kitchen area or utility room area or in a location ~~of~~ within a clear and obvious view.

4. Handrails and Guardrails

- a) Handrails not less than thirty (30) inches in height, nor more than thirty-four (34) inches, shall be provided for and maintained on at least one side of a stairway or steps with three or more risers.
- b) Porches, balconies, landings, or raised floors located more than forty (40) inches above the floor or grade shall have a guardrail not less than thirty (30) inches in height.
- c) If the basement is not used as a living space, these requirements do not apply to basement areas.

5. Kitchen Equipment & Appliances

- a) At least one sink connected to usable hot and cold running water.
- b) If any appliances are provided for by the owner, such as but not limited to stoves, ovens, ranges, refrigerators, freezers, washing machines, clothes dryers, or iceboxes such appliances shall in full working order.

6. Smoke Detectors

- a) All dwellings are required to have at least one operational smoke detector with a non-removable lithium battery or be hard-wired directly to the structure's electrical system on each floor.

7. Stairways and Steps

- a) All stairways and steps, whether inside or outside, shall be maintained in a safe condition. Stairways between stories shall properly be illuminated.
8. Windows and Doors
- a) All windows and doors of a rental dwelling shall be safe and operational. Window panes shall be intact and free from holes and/or cracks. Broken windows shall be replaced in a reasonable time.
- b) All exterior doors shall be equipped with at least one key type lock.
- c) Exterior windows if designed to be either open or closed, shall have a latch or key-type locking mechanism.
9. Exterior Appearance & Parking
- a) If the dwelling is a mobile home, all exterior skirting shall be firmly attached to the dwelling on all sides.
- b) All decks and steps shall be in firm condition with no gaps or broken boards or pieces.
- c) All external lighting shall be in working order and comply with the Village of Lake Isabella lighting code standards.
- d) The Owner shall provide off-street parking in driveways and other areas which comply ~~to~~-with the Codified Ordinances of the Village of Lake Isabella for the vehicles and trailers of the Tenant.
- e) Lawns and landscaping shall be provided for and maintained.
- f) Sufficient waste receptacles shall be used to keep trash and refuse in closed containers, and such trash or refuse shall be removed weekly.
10. Interior Walls, Floors, and Ceilings
- a) All interior walls, floors, and ceilings shall be in sound condition, free from gaps or holes which could be a danger to the occupants.

11. Utilities

- a) All rental dwellings shall have and maintain in working condition electrical service, well or water service, and sewer or septic service. A dwelling not serviced by working electrical, well or water, or sewer/septic shall not be occupied until such utility service is restored.

~~11. Occupancy Threshold~~

- ~~a) Occupancy shall comply with the minimum standards of the following table:~~

Space	Minimum Floor Area in Habitable Square Feet	
	Up to 6 Occupants	7 or more Occupants
Living Room	120	150
Dining Room	80	100
Kitchen	60	80

Bedrooms	Every bedroom occupied by 1 person shall contain at least 70 square feet of habitable floor area.
Minimum Room Width	A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension.

~~b) Bedrooms shall not constitute the only means of access or egress to other bedrooms or other habitable spaces. Every bedroom shall have access to at least one water closet/lavatory without passing through another bedroom.~~

- B. Upon completion of the inspection, the Inspections Officer shall, if the dwelling passes the above criteria, sign and date the inspection report.
- C. If, for any reason, the property to be rented fails the inspection, the owner shall make any repairs or modifications needed to gain approval and, upon completion of such repairs and/or modifications, request a second inspection in order to comply with the minimum standards contained in this Chapter.

5. Appeal Process

If any owner or agent desires to appeal the results of their inspection, they may do so by filing a written objection to the Zoning Board of Appeals. The objection shall be filed as required by the zoning code. The ZBA shall review the objection and may grant approval of to the owner or agent. The ZBA may also table the request to allow for any desired repairs or modifications to be made for their approval. The decision of the ZBA shall be final.

6. Violations & Penalties

In addition to the remedies detailed in this Chapter, violations of this Chapter are subject to the penalties and conditions of Chapter 600 of the Codified Ordinances of the Village of Lake Isabella.

- ~~A. Any person who disobeys, neglects, or refuses to comply with any provision of this Chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this Chapter. A violation of this Chapter is deemed to be a nuisance per se.~~
- ~~B. A violation of this Chapter is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.~~
- ~~C. Each day during which any violation continues shall be deemed a separate offense.~~

- ~~D. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this Chapter, and such other relief as may be provided by law. If the Village abates a nuisance as defined herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.~~
- ~~E. This Chapter shall be administered and enforced by a Code Enforcement Officer of the Village of Lake Isabella, a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency having jurisdiction in the Village of Lake Isabella including the Isabella County Sheriff's Department, the Michigan State Police, and the Michigan Department of Natural Resources, or by such other person(s) as designated by the Village Council from time to time.~~

MARIJUANA ESTABLISHMENTS & FACILITIES

1. Purpose

The purpose of this Chapter is to define and prohibit certain types of businesses ~~that have been~~-created either through the Michigan Medical Marihuana Facilities Licensing Act and/or the Michigan Regulation and Taxation of Marihuana Act from being located within the Village of Lake Isabella.

2. Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning [\(For the purpose of the Chapter the use of the word Marijuana shall convey the same meaning as the word Marihuana as used on state law\)](#):

- A. IHRA means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 et seq.
- B. Marihuana establishment means that term as defined in the MRTMA.
- C. Marihuana facility means that term as defined in the MMFLA.
- D. MMFLA means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
- E. MMMA means the Michigan Medical Marihuana Act, 2008 IL 1, as amended.
- F. MRTMA means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.

3. Marijuana Establishments & Facilities Prohibited

- A. Pursuant to Section 6.1 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Village of Lake Isabella. This prohibition includes⁷ but is not limited to, any marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the State of Michigan under the Michigan Regulation and Taxation of Marihuana Act.
- B. Pursuant to the Michigan Medical Marihuana Facilities Licensing Act, Section 205(1), being MCL 333.27205(1), the Village elects to prohibit medical marihuana facilities within its boundaries, including, but not limited to, any medical marihuana grower, medical marihuana processor, medical marihuana provisioning center, medical marihuana secure transporter, medical marihuana safety compliance facility, or any other type of medical marihuana-related business licensed by the State of Michigan under the Michigan Medical Marihuana Facilities Licensing Act.

4. Unaffected Rights

- A. Except as specifically provided in Section 8429.305, this Chapter shall not affect the rights or privileges of any individual or other person preserved under the MRTMA.
- B. This Chapter does not affect the rights or privileges of a marihuana facility outside of the Village of Lake Isabella to engage in activities within the village that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
- C. This Chapter does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
- D. This Chapter does not affect the rights or privileges of any individual or other person under the IHRA.
- E. This Chapter does not affect the rights or privileges of any individual or other person under any other federal or state law, rule, or regulation related to the medical use of marihuana.

5. Violations & Penalties

- A. Any person who disobeys, neglects, or refuses to comply with any provision of this Chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this Chapter. A violation of this Chapter is deemed to be a nuisance per se.
- B. A violation of this Chapter is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, ~~in~~at the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, ~~which~~that the Village incurs in connection with the municipal civil infraction.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this Chapter, and such other relief as may be provided by law. If the Village abates a nuisance as defined herein, the cost of any abatement, including legal expenses and the authorized administrative fee, will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.

- E. This Chapter shall be administered and enforced by a Code Enforcement Officer of the Village of Lake Isabella, a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency having jurisdiction in the Village of Lake Isabella including the Isabella County Sheriff's Department, the Michigan State Police, and the Michigan Department of Natural Resources, or by such other person(s) as designated by the Village Council from time to time.

SINGLE STATE CONSTRUCTION ACT

1. Michigan Building Code

Pursuant to Section 8b(6) of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1508b(6), the Village of Lake Isabella hereby elects (effective January 18, 2011) to administer and enforce the 1972 PA 230 and the Michigan Building Code. The Village of Lake Isabella shall also administer and enforce the respective provisions of the Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A government official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.

2. Michigan Electrical Code

Pursuant to Section 8b(6) of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1508b(6), the Village of Lake Isabella hereby elects (effective January 18, 2011) to administer and enforce the 1972 PA 230 and the Michigan Electrical Code. The Village of Lake Isabella shall also administer and enforce the respective provisions of the Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A government official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.

3. Michigan Mechanical Code

Pursuant to Section 8b(6) of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1508b(6), the Village of Lake Isabella hereby elects (effective January 18, 2011) to administer and enforce the 1972 PA 230 and the Michigan Mechanical Code. The Village of Lake Isabella shall also administer and enforce the respective provisions of the Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A government official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.

4. Michigan Plumbing Code

Pursuant to Section 8b(6) of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1508b(6), the Village of Lake Isabella hereby elects (effective January 18, 2011) to administer and enforce the 1972 PA 230 and the Michigan Plumbing Code. The Village of Lake Isabella shall also administer and enforce the respective provisions of the

Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A government official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.

5. Floodplain Regulation

- A. Pursuant to the provisions of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, as amended, and in accordance with section 8b(6) of said Act, the Building Official of the Village of Lake Isabella is hereby designated as the enforcing agency to discharge the responsibility of the Village of Lake Isabella under PA 230 of 1972, as amended. The Village of Lake Isabella, or its assigned, assumes responsibility for the administration and enforcement of said Act though out the incorporated limits of the village.
- B. Pursuant to the provisions of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 23, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Village of Lake Isabella.
- C. The Federal Emergency Management Agency (FEMA) preliminary Flood Insurance Study (FIS) Entitled "Isabella County, Michigan (All Jurisdictions) and dated 9/20/10 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26073C; 0145D, 0165D, and 0275D and dated 9/20/11 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.

METRO ACT

1. Purpose

The Purpose of this Chapter is to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Ways Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the Village qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.- Nothing in this chapter shall be construed in such a manner as to conflict with the Act or other applicable law.

2. Terms Defined

For the purposes of Chapter 1012 of the codified ordinances of the Village of Lake Isabella the following definitions shall apply;

- A. Act. ~~means~~ Means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.
- B. Authority. ~~means~~ Means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.
- C. MPSC. ~~means~~ Means the Michigan Public Service Commission and the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.
- D. Permit. ~~m~~Means a non-exclusive permit issued pursuant to the Act and this chapter to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.
- E. Person. ~~means~~ Means an individual, corporation, partnership, association, governmental entity, or any other legal entity.
- F. Public Right-of-Way. ~~means~~ Means the area on, below, or above a public roadway, highway, street, alley, easement, or waterway.- Public right-of-way does not include a federal, state, or private right-of-way.
- G. Telecommunication Facilities or Facilities. ~~means~~ Means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals.- Telecommunications facilities or facilities do not include antennas, supporting structures of antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332 (d) of part I of title III of the

communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

- H. Telecommunications Provider, Provider and Telecommunications Services. ~~mean~~ Means those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. ~~Telecommunication Provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332 (d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device.~~ For the purpose of the Act and this ordinance only, a Provider also includes all of the following:
 1. A cable television operator that provides a telecommunications service.
 2. Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
 3. A person providing broadband Internet transport access service.
- I. Village. ~~means~~ Means the Village of Lake Isabella.
- J. Village Council. ~~means~~ Means the Village Council of the Village of Lake Isabella or its designee. ~~This Section does not authorize~~ the delegation of any decision or function that is required by law to be made by the Village Council.
- K. Village Manager. ~~means~~ Means the Village Manager or his/her designee.

3. Issuance of Permits

Permit Required. ~~Except as otherwise provided in the Act, telecommunications providers~~ s using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this chapter.

- A. Application. ~~Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act.~~ A telecommunications provider shall file one copy of the application with the Village Clerk, one copy with the Village Manager, and one copy with the Village Attorney. ~~Upon receipt, the Village Clerk shall make~~ ~~7~~ seven copies of the application and distribute a copy to the Planning Commission. ~~Applications shall be complete and include all information required by the Act, including~~ without limitation, a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6 (5) of the Act.
- B. Confidential Information. ~~If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6 (5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.~~

- C. Application Fee.— Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.
- D. Additional Information.— The Village Manager may request an applicant to submit such additional information ~~which~~ that the Village Manager deems reasonably necessary or relevant.— The applicant shall comply with all such requests in compliance with the reasonable deadlines for such additional information established by the Village Manager. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or the applicant shall notify the MPSC as provided in Section 6 (2) of the Act.
- E. Previously Issued Permits.— Pursuant to Section 5 (1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251, and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this chapter.
- F. Existing Providers.— Pursuant to Section 5 (3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, ~~that~~ that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this chapter.— Pursuant to Section 5 (3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (c) above.— A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5 (4) of the Act.
- G. Approval or Denial.— The authority to approve or deny an application for a permit is hereby delegated to the Village Manager.— Pursuant to Section 15 (3) of the Act, the Village Manager shall approve or deny an application for a permit within forty-five days from the date a telecommunications provider files an application for a permit under Section 4 (b) of this ordinance for access to a public right-of-way within the Village.— Pursuant to Section 6 (6) of the Act, the Village Manager shall notify the MPSC when the Village Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which the permit was granted or denied.— The Village Manager shall not unreasonably deny an application for a permit.
- H. Form of Permit.— If an application for a permit is approved, the Village Manager shall issue a permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Section s 6 (1), 6 (2), and 15 of the Act.

- I. Conditions.— Pursuant to Section 15 (4) of the Act, the Village Manager may impose conditions on the issuance of a permit, which ~~conditions~~ shall be limited to the telecommunications provider's access and usage of the public right-of-way.
- J. Bond Requirements.— Pursuant to Section 15 (3) of the Act, and without limitation on subsection (c) above, the Village Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

4. Construction and/or Engineering Permit

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Village without first obtaining a construction or engineering permit as required under this chapter, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

5. Conduit or Utility Pole

Pursuant to Section 4 (3) of the Act, obtaining a permit or paying the fees required under the Act or under this chapter does not give a telecommunications provider a right to use conduit or utility poles.

6. Route Maps

Pursuant to Section 6 (7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village. The route maps should be in paper format unless and until the Commission determines otherwise, in accordance with Section 6 (8) of the Act.

7. Repair or Damage

Pursuant to Section 15 (5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

8. Maintenance Fee

In addition to the non-refundable application fee paid to the Village set forth in subsection 4 (d) above, a telecommunications provider with telecommunications facilities in the Village's public right-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

9. Modification of Existing Fees

In compliance with the requirements of Section 13 (1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority.- In compliance with the requirements of Section 13 (4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13 (4) of the Act.- To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.

10. Savings Clause

Pursuant to Section 13 (5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

11. Use of Funds

Pursuant [to](#) Section 9 (4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes.- In conformance with the requirement, all funds received by the Village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

12. Annual Report

Pursuant to Section 10 (5) of the Act, the Village Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

13. Cable Television Operators

Pursuant to Section 13 (6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

14. Existing Rights

Pursuant to Section 4 (2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.

15. Conditions and Requirements

The Village hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. - The Village shall comply in all respects with the requirements of the Act, including but not limited to the following:

- A. Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231,215.246, as provided in Section 4(c) of this ordinance;
- B. Allowing certain previously issued permits to satisfy the permit requirements of this chapter, in accordance with Section 4 (f) of this ordinance;
- C. Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 4 (g) of this ordinance;
- D. Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public rights-of-way within the Village, in accordance with Section 5 (a) of this ordinance;
- E. Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 5 (a) of this ordinance;
- F. Not unreasonably denying an application for a permit, in accordance with Section 5 (a) of this ordinance;
- G. Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5 (b) of this chapter;
- H. Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5 (c) of this ordinance;
- I. Not requiring a bond of a telecommunications provider ~~which~~that exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5 (d) of this ordinance;

- J. Not charging any telecommunication providers any additional fees for construction permits, in accordance with Section 6 of this ordinance;
- K. Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;

Submitting an annual report to the Authority, in accordance with chapter 1012.23 of this chapter~~7~~², and not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with chapter 1012.25 of this chapter.

16. Reservation of Powers and Violations

Pursuant to Section 15 (2) of the Act, this chapter shall not limit the Village's right to review and approve a telecommunication provider's access to an ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety, and welfare of the public.

A person who violates any provision of this chapter or the terms or conditions of a permit is responsible for a municipal civil infraction~~7~~² and shall be subject to the fee schedule set forth by chapter 222 of the Village of Lake Isabella Codified Ordinances.~~-~~ Nothing in this chapter shall be construed to limit the remedies available to the Village in the event of a violation by a person of this chapter or a permit.

CONSUMER'S ENERGY NATURAL GAS FRANCHISE

1. Granting Terms

The Village of Lake Isabella hereby grants (originally granted on October 19, 1999) to the Consumers Energy Company, a Michigan Corporation, its successors and assigns, hereinafter called the "Grantee," the revocable right, power, and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a legal local gas business in the Village of Lake Isabella. In consideration of the rights, power, and authority hereby granted, said Grantee shall faithfully perform all the things required by the terms hereof.

2. Conditions

- A. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use of thereof for highway purposes.
- B. The Grantee shall relocate, at its own expense, its facilities which are in the public right-of-way whenever the public's use of such rights-of-way, for public purposes such as sewer and water mains, is in direct conflict with the location of such utility facilities, provided however, that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under State or Federal law.

3. Hold Harmless

Said Grantee shall at all times keep and save the Village free and harmless from all loss, costs, and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

4. Extensions

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

5. Franchise Not Exclusive

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

6. Rates

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

7. Revocation

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

8. MPSC Jurisdiction

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

MICHIGAN CONSOLIDATED GAS COMPANY FRANCHISE

1. Grant of Gas Franchise and Consent to Laying of Pipes, Etc.

Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in the Village of Lake Isabella, Isabella County, Michigan, and a non-exclusive franchise is hereby granted to the Company, its successors and assigns, to transact local business in the Village of Lake Isabella for the purposes of conveying gas into and through and supplying and selling gas in the Village of Lake Isabella and all other matters incidental thereto.

2. Installation and Extension of System

If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

3. Use of Streets and Other Public Places

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the Village of Lake Isabella and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Village of Lake Isabella for all damages and costs which may be recovered against the Village of Lake Isabella arising from the default, carelessness, or negligence of the Company or its officers, agents, and servants.

No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Village of Lake Isabella or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Village of Lake Isabella or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

4. Standards and Conditions of Service; Rules, Regulations and Rates

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Village of Lake Isabella under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

5. Successors and Assigns

The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

HOMEWORKS TRI-COUNTY ELECTRIC UTILITY FRANCHISE

1. Term Grant

The Village of Lake Isabella grants (effective July 24, 2018) the right, power, and authority to Homeworks Tri-County Electric Cooperative, a Michigan corporation, (the "Grantee"), to construct, maintain, and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Village of Lake Isabella for a period of thirty (30) years.

2. Consideration

In consideration of the rights, power, and authority granted by the Village, the Grantee shall faithfully perform all things required by this ordinance and shall further reimburse the Village for actual expenses incurred by it for costs of publication payable within thirty (30) days of the adoption of this ordinance by the Village.

3. Conditions

- A. Construction. No highway, street, alley, bridge, waterway, or other public place used by the Grantee shall be obstructed longer than necessary during the work of construction or repair (the "~~work~~") and must be restored to the same good order and condition as when such work was commenced. All towers, masts, poles, and other supports must be set, and all wires must be suspended or buried in a careful and proper manner so as not to injure persons or property. Without limitation, work performed by the Grantee within any right-of-way in the Village shall comply with Chapter 652 of the codified ordinances of the Village, as amended.
- B. Installation and Maintenance. The construction and installation of ~~Grantee's~~ Grantee's facilities shall be pursuant to plans approved by the Village. The open cut of any Public Right-of-Way shall be coordinated in advance with the Village. Grantee shall install and maintain its facilities in a reasonably safe condition. Grantee may perform maintenance of its facilities without prior approval from the Village, provided that Grantee shall obtain any and all permits required by the Village in the event that any maintenance will disturb or block vehicular traffic or as otherwise required by the Village.
- C. Tree Trimming. Grantee may trim trees upon and overhanging a public right-of-way so as to prevent the branches of such trees from coming into contact with any of its facilities consistent with any standards adopted by the Village. Grantee shall promptly dispose of all trimmed materials. Grantee shall minimize the trimming of trees to that which is essential to maintain the integrity of its facilities. Except in emergency

situations, all trimming of trees in a public right-of-way shall have the advance written approval of the Village, and comply with Section 652.05 1.(g) of the codified ordinances of the Village, as amended.

- D. Condition of Highways, Streets, and Alleys. ~~Grantee's~~ Grantee's electrical system and associated appurtenances must be neat and slightly and must not unnecessarily interfere with the use of the public rights-of-way. ~~Grantee's~~ Grantee's electrical system must be suspended or buried so as not to endanger or injure persons or property in the public rights-of-way. All work performed by Grantee must be done so as not to unreasonably interfere with the use of public rights-of-way. Grantee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at ~~Grantee's~~ Grantee's sole expense, in a manner approved by the Village, any portion of a public right-of-way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of its facilities to a reasonably equivalent (or, at ~~Grantee's~~ Grantee's option, better) condition as that which existed prior to the disturbance as required by Section 652.05 1.(e) of the codified ordinances of the Village, as amended. In the event that Grantee, its contractors or subcontractors fail to make such repair within a reasonable time, the Village may make the repair, and Grantee shall pay the costs the Village incurred for such repair.
- E. Notice. Except as otherwise provided for herein, Grantee must give 48 hours written notice to the Village before undertaking any work in the Village involving public rights-of-way. The notice must state the intended duration of any right-of-way obstruction, which obstruction must not continue for more than four (4) hours beyond the stated time unless an extension of time is granted by the Village.
- F. Emergency. The Grantee may immediately commence construction or repair work resulting from a storm or other act of God or when deemed necessary to prevent danger to life or property, and in such cases, the Grantee must notify the Village of the construction or repair work as soon as reasonably practical.
- G. No Burden on Public Right-of-Way. Grantee, its contractors, subcontractors, and its facilities shall not unduly burden or interfere with the present or future use of any of the public rights-of-way. ~~Grantee's~~ Grantee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the public rights-of-way. If the Village reasonably determines that any portion of the ~~Grantee's~~ Grantee's facilities constitutes an undue burden or interference due to changed circumstances, Grantee, at its sole expense, shall modify the facilities or take such other actions as the Village may determine is in the public interest to remove or alleviate the burden and Grantee shall do so within a reasonable time period. The Village will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

- H. Relocation. If the Village requests Grantee to relocate, protect, support, disconnect, or remove its facilities because of planned street or utility work, or other planned public projects, Grantee shall relocate, protect, support, disconnect, or remove its facilities at its sole cost and expense including where necessary to such alternate route as the Village, applying reasonable engineering standards, shall specify. ~~Grantee's~~ Grantee's work shall be completed within a reasonable time period and, to that end, the Village and Grantee shall negotiate a work schedule in good faith. If Grantee fails to meet the agreed-upon schedule except due to acts of God or other causes beyond the reasonable control of the Grantee, then Grantee shall be responsible for any actual costs incurred by the Village as a result of the delay.
- I. Above Ground Wires. As regulated by Section 626.2 of the codified ordinances of the Village, as amended, the placement of new aerial or aboveground electric service or transmission wires and utility poles in, on or across the streets or public rights-of-way of the Village is prohibited. All electric service or transmission wires, and similar materials shall be placed underground pursuant to a permit issued as provided in chapter 626.

4. **Grantee Liability, Indemnification, and Hold Harmless**

Grantee must at all times keep and save the Village and its officials, officers, employees and agents free and harmless from all claims for damages, costs and expense arising from or related to ~~Grantee's~~ Grantee's negligent or other legally actionable errors or omissions in the exercise of rights under this Ordinance. In case any action asserting a claim against the Village on account of the permission herein given is commenced, Grantee must defend the action and save the Village and its officials, officers, employees and agents free and harmless from all costs, expenses, losses and damages of or awarded or incurred in the action. Grantee must reimburse the Village for any costs incurred in responding to any emergency involving ~~Grantee's~~ Grantee's electric transmission or distribution facilities. Nothing in this ~~section~~ Section authorizes the Village to make or attempt to make alterations or repairs to ~~Grantee's~~ Grantee's electric transmission or distribution facilities, structures, and equipment. The Village will promptly provide written notice to Grantee of claims or actions believed to be the responsibility of Grantee under this Section.

5. **Extensions**

The Grantee may construct and extend its electric distribution system within the Village, and may furnish electric service to applicants residing in the Village in accordance with applicable laws, rules and regulations.

6. **Franchise Not Exclusive**

The rights, power, and authority granted by this Ordinance are not exclusive.

7. **Rates/Service**

The Grantee is entitled to charge ~~Grantee's~~ Grantee's cooperative members in the Village for electricity furnished at rates as approved by ~~Grantee's~~ Grantee's membership, as determined from time to time in accordance with Michigan law. Service standards shall be as established by the Michigan Public Service Commission.

8. Revocation

The franchise granted by this Ordinance is subject to revocation by either the Village or Grantee upon the provision of ~~one hundred twenty~~ (120) days written notice to the other.

9. MPSC Jurisdiction

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

10. No Liability

The Village, and its agents, employees and contractors, are not liable to Grantee or to ~~Grantee's~~ Grantee's customers for any interference with or disruption in the operation of ~~Grantee's~~ Grantee's electrical system, or for any damages arising out of ~~Grantee's~~ Grantee's use of the public rights-of-way, except to the extent of the gross negligence or willful misconduct of the Village, its agents, employees or contractors.

11. No Assignment

Grantee may not assign this Agreement to any other person, firm or corporation without the prior written approval of the Village except that assignment to a corporate affiliate of Grantee, which corporate affiliate is controlled by Grantee, will not be considered an assignment for the purposes of this Agreement. The Village may not unreasonably withhold its consent to an assignment if the assignee is financially able to carry out the ~~Grantee's~~ Grantee's obligations under this Agreement.

12. Compliance with Laws

Grantee shall be subject to and comply with all applicable laws, statutes, ordinances, rules and regulations regarding the installation, construction, ownership, or use of the ~~Grantee's~~ Grantee's electrical system, whether federal, state or local, now in force or which are later promulgated including, without limitation, compliance with ~~section~~ Section XIV of the Village Charter, the terms of which shall be deemed incorporated herein by reference. Before any installation is commenced, Grantee must secure all necessary permits, licenses, and approvals from all appropriate departments, agencies, boards, or commissions of the Village or other governmental entity as is required by law. Nothing in this Ordinance is to be construed as a waiver by Grantee or the Village of any of their existing or future rights to contest any statute, ordinance, or regulation which either believes is unlawful or invalid.