



PUBLIC HEARING NOTICE

THURSDAY, APRIL 13, 2023, 7:00 PM
EMPIRE TOWNSHIP HALL

A public hearing will be held at 7:00pm on Thursday, April 13, 2023, at the Empire Township Hall, 10088 W. Front St. on the following ordinances:

- 1) Public Highways, Streets Alleys, Right-of-Way Maintenance and Snow Removal Ordinance No. 147
- 2) Floodplain Management Provisions of the State Construction Code Ordinance No. 152

Copies of the proposed amendments are available for public inspection in the Village of Empire Office, 11518 S. LaCore Street or online at www.leelanau.gov.

The Village Council regular meeting will immediately follow the hearing. Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Deputy Clerk at (231) 326-5466, PO Box 253, Empire, MI 49630, or at deputyclerk@villageofempire.com.

**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN**

ORDINANCE 147

**PUBLIC HIGHWAYS, STREETS, ALLEYS, RIGHT-OF-WAY
MAINTENANCE AND SNOW REMOVAL ORDINANCE**

AN ORDINANCE TO RESTRICT THE TIME, PLACE AND MANNER OF PARKING OR ABANDONING VEHICLES AND/OR THE PLACING OF OTHER OBJECTS, INCLUDING SNOW, ICE OR SLUSH IN THE PUBLIC RIGHT OF WAY; TO PROVIDE FOR VIOLATIONS AND PENALTIES; AND TO DESIGNATE ENFORCEMENT OFFICIALS.

THE VILLAGE OF EMPIRE HEREBY ORDAINS:

Section 1.

In accordance MCL 257.677a of the Michigan Motor Vehicle Code, a person shall not remove or cause to be removed, snow, ice or slush onto or across a roadway in a manner which obstructs the safety vision of the driver of motor vehicle; or deposit, or cause to be deposited snow, ice or slush on any roadway or highway.

Section 2.

In accordance with this Ordinance no person shall park or abandon any vehicle or other objects or occupy the right-of-way of a public street in any manner which interferes with snow removal or maintenance or which encumbers, obstructs or endangers the use of a public highway, street or alley.

Section 3.

From October 15th through April 15th of each year, no person shall park or abandon any vehicle, trailer or object, or occupy the street right-of-way between the hours of 3:00 a.m. and 8:00 a.m.

Section 4.

No person shall deposit on any public highway, street or alley, sidewalk, or right-of-way thereof, snow or ice which has been removed from private driveways or private property. No person shall place or plow snow toward an intersection thereby causing obstruction of sight for vehicular traffic at the intersection.

Section 5.

No person shall place or deposit on to any public sidewalk, street, alley or right- of-way, snow or ice which has been removed from private driveways or property that will impede pedestrian or vehicle movement.

Section 6.

No person shall place or deposit at any intersection snow, ice or slush which has been removed from private driveways or property that will block or obstruct vision at any intersection of vehicle traffic.

Section 7. Violations and Penalties.

Any person who violates any provision of this Ordinance shall be responsible for a municipal

civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate new violation.

Following the issuance of a municipal civil infraction citation, if a person fails to remove the vehicle, trailer, or object after being directed to do so by a police officer, the officer may have such vehicle removed and impounded at the owner's expense.

Section 8. Enforcement Officials.

The Zoning Administrator of the Village of Empire, any member of the Leelanau County Sheriff's Department, and the Department of Public Works Supervisor are hereby designated as the authorized officials to issue municipal civil infraction citations under this ordinance.

Section 9. Separate Enforcement Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may have any vehicle parked within the street or alley right-of-way removed and impounded at the owner's expense. The Village may initiate proceedings in the District Court to abate or eliminate the nuisance or any other violation of this Ordinance.

Section 10. Repeal of Prior Ordinances.

Ordinance 71 and any other ordinance related to snow removal are hereby repealed in their entirety.

Section 11. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 12. Effective Date.

This Ordinance shall become effective thirty (30) days after publication.

Sue Palmer, President, Village of Empire

Derith Smith, Clerk, Village of Empire

Adoption Date:

Publication Date:

Effective Date:

**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN**

ORDINANCE NO. 152

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

An Ordinance to Designate an enforcing agency to discharge the responsibility of the Village of Empire located in Leelanau County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Village of Empire ordains:

Section 1. AGENCY DESIGNATED.

Pursuant to the provisions of the state construction code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the Construction Codes Authority of the County of Leelanau is hereby designated as the enforcing agency to discharge the responsibility of the Village of Empire under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Leelanau assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED.

Pursuant to the provisions of the state construction code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Leelanau County, Michigan (All Jurisdictions)" and dated June 7, 2023, and the Flood Insurance Rate Map(s) (FIRMs) listed on the index panel 26089CIND0B dated June 7, 2023 are adopted by reference for the purposes of administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEAL OF PRIOR ORDINANCES.

Ordinance 152 and any other ordinance of the Village of Empire which conflicts with the provisions of this ordinance are hereby repealed.

Section 5. SEVERABILITY.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph, or section of the Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

Section 6. SAVINGS CLAUSE.

All proceedings pending and rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

VC 4/13/23

Section 7. EFFECTIVE DATE.

This Ordinance shall take effect upon the later of 30 days after adoption or 30 days after the date of its publication in the manner provided by law.

Section 8. ADOPTION.

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the _____ of _____, 2023

Section 8. PUBLICATION.

The Village Clerk shall cause this ordinance to be published in a newspaper of general circulation within the Village of Empire within fifteen (15) days after adoption.

Sue Palmer, President, Village of Empire

Derith Smith, Clerk, Village of Empire

Adoption Date:

Publication Date:

Effective Date:

CERTIFICATION

I, Derith Smith, Clerk, Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on _____, 2023. The following members of the Village of Empire Council were present at the meeting:

The Ordinance was adopted by the Empire Village Council with members of the Council voting in favor:

members of the Council voting against:

A copy of the Ordinance or a summary has been published in the Leelanau Enterprise on

_____, 2023.

Derith Smith, Clerk, Village of Empire