

## ORDINANCE CERTIFICATION

At a regular meeting of the Boyne Falls Village Council, Charlevoix County, held in the Boyne Falls Village Hall, located at 2290 Railroad Street, Boyne Falls, Michigan, on October 14 1997, at 7:00 P.M.

PRESENT: William Bricker, William Cousineau, Debra Taylor, & Chris Williams

ABSENT: April Kenney and Paul Zerbel

It as moved by William Cousineau and supported by William Bricker that the following Ordinance be adopted.

(See attached VILLAGE OF BOYNE FALLS ORDINANCE NO. 42)

YES: 4  
NO: 0

ORDINANCE DECLARED ADOPTED.

VILLAGE OF BOYNE FALLS

By: Blake Kenney  
Blake Kenney, President

I, the undersigned, the Clerk of the Village of Boyne Falls, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Boyne Falls Village Council of said County at its regular meeting held on Oct. 14 1997, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Petoskey News Review on Oct. 28 1997.

Dated: October 14, 1997

Marilyn Cousineau  
Marilyn Cousineau, Clerk

Note: The Ordinance and this Ordinance Certification should be placed in the Village Ordinance Book.

**VILLAGE OF BOYNE FALLS**  
**ORDINANCE REGULATING FRUIT AND VEGETABLE STANDS**  
**Ordinance No. 42**

**THE VILLAGE OF BOYNE FALLS ORDAINS:**

**Section 1. Number of Fruit and Vegetable Stands Permitted.**

No more than three (3) fruit and/or vegetable stands shall be permitted at any one (1) time within the right-of-way of any street or highway within the Village.

**Section 2. Prohibited Conduct.**

No person, firm, corporation, association, partnership, limited liability company, or other legal entity shall establish and maintain a fruit and/or vegetable stand for the sale of fruits and/or vegetables within the right-of-way of any street or highway within the Village, except in compliance with the requirements of this Ordinance.

**Section 3. Permit Required.**

Any person, firm, corporation, association, partnership, limited liability company, or other legal entity that desires to establish and maintain a fruit and/or vegetable stand for the sale of fruits and/or vegetables within the right-of-way of any street or highway within the Village shall first obtain a permit from the Village Clerk and pay the required fee as established by resolution of the Village Council. Any permit issued under this section shall be valid for only thirty (30) days from the date issued. All permits shall be issued between May 1 and November 15 each year on a first come, first served basis. No person, firm, corporation, association, partnership, limited liability company, or other legal entity shall be eligible for a permit for two (2) or more consecutive thirty (30) day periods, unless no other person, firm, corporation, association, partnership, limited liability company, or other legal entity has requested such a permit.

**Section 4. Fruit and/or Vegetable Stand Regulations.**

Any fruit and/or vegetable stand authorized by this Ordinance shall not be permanently anchored within the right-of-way, shall be no more than twenty feet (20') wide by twenty feet (20') deep, and shall be removed from the right-of-way at the expiration of the permit.

**Section 5. Penalty/Civil Infraction**

Any person who shall violate 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 as determined by the Village Council pursuant to Ordinance No. 47. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.


#### **Section 6. Severability.**

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 portion or application of this Ordinance which can be given effect without the invalid portion or application.

#### **Section 7. Effective Date.**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Village.

#### **VILLAGE OF BOYNE FALLS**

By:   
Blake Kenney, President

By:   
Marilyn Cousineau, Clerk