

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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ANIMAL CONTROL

90.01 PREAMBLE.

This chapter provides for the regulation, treatment and behavior of domestic animals within the city, including the regulation of noise and other conduct and to provide for penalties for the violation thereof.

(Ord. 89, passed 9-13-1976)

90.02 DEFINITIONS.

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

ANIMAL CONTROL OFFICER. The City Animal Control Officer and shall also include all members of any Police Department authorized by law to patrol the city.

CITY. The City of the Village of Clarkston, Oakland County, Michigan.

COUNCIL. The City Council.

COUNTY. Oakland County, State of Michigan.

DANGEROUS ANIMAL. An animal which repeatedly bites, chases, menaces or in any way injures people or which repeatedly damages property of persons other than the owner.

DOG. Any dog, or doglike creature, such as a wolf, fox or the like, when domesticated, whether male, female or unsexed.

DOMESTIC ANIMALS. Dogs, cats, domesticated birds or small animals commonly classified as pets which are customarily kept or housed inside dwellings as household pets.

OWNER. Includes every person having possession of, a right of property in or control of a domestic animal. Every person who keeps or harbors a dog or who permits a dog to remain in, on or about the premises occupied by that person shall be presumed to be the ***OWNER*** of that dog. Further, any person accompanied by a dog in a public place, which dog is subject to the command of that person shall be presumed to be the ***OWNER*** of that dog. To be an ***OWNER*** for purposes of this chapter, the person need only have control over or command of the dog.

PERSON. Any natural person or a combination of persons or legal entity.

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REASONABLE CONTROL. A secure leash of suitable strength and length, in the hands of one able to restrain or move the animal if necessary, so as to enable the attendant to bring the animal to the attendant=s side immediately on command. In addition, an enclosed vehicle or container, or the owner=s occupied property, shall be deemed **REASONABLE CONTROL.**

(Ord. 89, passed 9-13-1976)

' 90.03 GENERAL REGULATIONS.

(A) (1) No person shall in any way cruelly treat any animal in the city. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this division.

(2) Any Animal Control Officer is hereby authorized to seize and impound any cruelly treated animal pending prosecution of the person or persons thought to be in violation of division (A)(1) above.

(B) No person shall permit any dangerous or vicious animal of any kind to run at large within the city. Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the city law enforcement agency.

(C) No person shall keep or harbor any animals which disturb the public peace by barking, howling, meowing, squawking or making other sounds, frequently or for a continued duration which annoys, endangers, injures or disturbs a person of normal sensitivities on premises other than that occupied by the owner of the animal.

(D) Any Animal Control Officer is hereby authorized to destroy any dangerous animal or animals of any kind when it is necessary for the protection of any person or property.

(E) (1) No person shall allow any domestic animal afflicted with a contagious or infectious disease to run at large, or to be exposed in any public place whereby the health of humans or beasts may be affected; nor shall a diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Animal Control Officer.

(2) It is hereby made the duty of the Animal Control Officer to secure the disposition of any diseased animal and the treatment of the affected premises as to prevent communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

(3) No person shall permit any cattle, horse, swine, sheep, goats or poultry to run at large in the city. Any animal running at large in any public place in the city shall be impounded by any Animal Control Officer in accordance with county regulations. It shall be further unlawful to picket or tie any animal on any of the streets of the city for the purpose of grazing or feeding.

(4) No person shall keep or have any swine, pigs, goats, cattle or chickens within 150 feet of any residence other than the residence of the person so keeping or having those animals.

(F) (1) No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome.

(2) Any Animal Control Officer is hereby authorized to kill any dangerous animal or animals of any kind when it is necessary for the protection of any person or property.

(G) No person who has injured or killed a dog or cat with a motor vehicle shall fail to, as soon as possible, stop the vehicle and notify either a city law enforcement officer or the owner of the animal.

(Ord. 89, passed 9-13-1976; Ord. 89-1, passed 1-23-1978) Penalty, see ' 90.99

' 90.04 LICENSING OF DOGS.

(A) No person shall permit a dog to be or remain

in the city without being licensed as hereinafter provided.

(B) (1) On or before March 1, of each year, an owner residing within the city, of any dog six months old or older, shall apply to the agent appointed by the City Council in writing for license for each dog owned or kept by him or her. The applications shall state the breed, sex, age, color and markings of the dog, and the name and address of the last previous owner. The application for license shall be accompanied by a proof of vaccination for rabies, with the vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian.

(2) The license fee schedule shall be the same as adopted by the Independence Township Board.

(C) Upon issuance of a license tag, it shall be the duty of the owner to cause the license tag to be securely attached around the dog=s neck and kept there at all times during the license period.

(D) Only a dog=s owner or the owner=s authorized agent shall be empowered to remove the license tag from his or her dog. Any other person removing the license tag from a dog shall be deemed in violation of this section.

(E) Any person who owns or harbors a dog shall produce proof of the dog=s licensure upon request of any Animal Control Officer.

(F) Any person who shall steal or take, without the consent of the owner and without lawful authority, any dog registered under the provisions of this subchapter or any person excepting Animal Control Officers who shall harbor or hold in his or her possession any stray dog of which he or she is not the owner, and does not report this possession to the Sheriff of the county or to the Chief of Police within 48 hours after the person came into the possession of the dog, where the value of the dog shall not be in excess of \$100, shall be guilty of a misdemeanor, and where the value of the dog shall be in excess of \$100, shall be guilty of a misdemeanor and upon conviction thereof shall be penalized as set out in ' 90.99(B).

(Ord. 89, passed 9-13-1976; Ord. 89-1, passed

1-23-1978) Penalty, see ' 90.99

' 90.05 DOG CONTROL.

(A) No person shall permit any vicious or ferocious dog or dog sick with or liable to communicate hydrophobia or other contagious or infectious disease to be in any public place or to be otherwise exposed to or a threat to any person or property.

(B) All owners shall keep any dog within the city under reasonable control at all times.

(C) No owner shall suffer or permit the dog to disturb the peace and quiet of the neighborhood by barking, making other loud or unusual noises or by running through or across cultivated gardens or fields.

(D) In addition to any penalty imposed on any owner or other person, any dog found in the city either without a license or running at large under conditions set forth above is hereby declared to be a nuisance and shall be impounded at the direction of the Animal Control Officer. Any impounding shall be governed by the rules, regulations and fees established by the county and/or pursuant to state law.

(E) Whenever any dog bites a person, the owner of the dog shall immediately notify the Animal Control Officer, who shall order the dog held on the owner=s premises or shall have it impounded for a period of two weeks. The dog shall be examined immediately after it has bitten anyone and again at the end of the two-week period. If at the end of two weeks a veterinarian is convinced that the dog is then free from rabies, the dog shall be released from quarantine or from the pound as the case may be. If the dog dies in the meanwhile, it shall be sent to the State Department of Health for examination for rabies.

(F) (1) Any person may make a sworn complaint to the District Judge or his or her designated alternate that one of the following facts exists:

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(a) After January 10 and before January 15 in each year any dog over four months old is running at large, unaccompanied by its owner or engaged in lawful hunting and not under the reasonable control of its owner, without license attached to the collar of the dog;

(b) Any dog at any time licensed or unlicensed has destroyed property or habitually trespassed in any damaging way on property of persons other than the owner;

(c) Any dog at any time licensed or unlicensed has attacked or bitten a person;

(d) Any dog shows vicious habits and molests passers-by who are lawfully upon the public highways; or

(e) Any dog duly licensed and wearing his or her license tag is running at large contrary to the provisions of this subchapter, or contrary to the provisions of applicable state law.

(2) Upon the receipt of the complaint, the District Judge shall issue a summons against the owner of the dog demanding him or her to appear before the District Judge to show cause why the dog should not be destroyed. Upon the hearing, the District Judge may either order the dog destroyed or may order him or her confined to the premises of the owner.
(Ord. 89, passed 9-13-1976; Ord. 89-1, passed 1-23-1978) Penalty, see ' 90.99

' 90.06 IMPOUNDING.

(A) All animals picked up or otherwise coming within the control of the Animal Control Officer shall be impounded and held for a length of time as required by state law or as determined by the impounding authorities, or for those periods as set forth in this chapter, whichever is the greater.

(B) Fees for impounding shall be as set by state law, the impounding authorities or by the City Council by published schedule, whichever is the greater.
(Ord. 89, passed 9-13-1976)

FOWL

' 90.20 RUNNING AT LARGE.

It shall be unlawful for any person or persons to permit any chickens or other fowl owned by them or in their possession to run at large within the corporate limits of the city.

(Ord. 12, passed 6-2-1915) Penalty, see ' 90.99

' 90.99 PENALTY.

(A) *Animal control.*

(1) Any person or persons violating any of the provisions of ' ' 90.01 through 90.06 shall, upon conviction, be subject to a fine of not more than \$500, or imprisonment in the county jail not exceeding 90 days, or both a fine and imprisonment together with the costs of prosecution.

(2) Any penalty as provided for by this section shall be in addition to those penalties as are provided for in division (C) below and in no case shall the levy of either penalty be so construed as to interfere with the court=s right to levy either or all these penalties.

(3) In addition to those penalties as above provided, the city may seek injunctive relief as may be necessary to restrain violations hereof.

(4) Any Animal Control Officer appointed for the purpose of enforcing ' ' 90.01 through 90.06 shall meet at least the following standards:

(a) Those requirements for physical, educational, mental and moral fitness as the City Council shall provide by regulation; and

(b) A minimum course of study of not less than 100 instructional hours as prescribed by the State Department of Agriculture, when available.

(B) *Licensing of dogs.* Any person guilty of violating ' 90.04(F) where the value of the dog is in excess of \$100 shall be fined not less than \$50 or more than \$500 or imprisoned in the county jail for not more than one year, or both, the fine and imprisonment in the discretion of the court.

(C) *Dog control.* If the owner disobeys the order as contained in ' 90.05(E), he or she shall be liable to be punished by fine of not less than \$10 and not more than \$100, or he or she shall be imprisoned in the county jail for a period not exceeding three months. The court may levy both a fine and imprisonment at the court=s discretion. Costs in these proceedings shall be taxed against the owner of the dog and distributed in accordance with state law.

(D) *Fowl.* Any person or persons violating the provision of ' 90.20 shall, on conviction thereof, be punished by a fine not to exceed \$10, or in default of the payment of the fine shall be imprisoned in the county jail for a period of not to exceed ten days.
(Ord. 12, passed 6-2-1915; Ord. 89, passed 9-13-1976; Ord. 89-1, passed 1-23-1978)

CHAPTER 91: FIRE PROTECTION AND PREVENTION

Section

Fire Prevention Code

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- 91.05 Authority at fires and other emergencies
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FIRE PREVENTION CODE

' 91.01 ADOPTION OF FIRE PREVENTION CODE; AMENDMENTS.

(A) The 1996 edition of the BOCA National Fire Prevention Code (hereinafter referred to as the ABOCA Fire Code®), is hereby adopted and incorporated by reference as part of this code.

(B) Complete printed copies of the BOCA Fire Code shall be available for public use and inspection at the office of the Building Department or the Fire Department.

(C) The following sections and subsections of the BOCA Fire Code are hereby amended or deleted as set forth, and additional sections and subsections are added as indicated. Section numbers used refer to the like numbered sections of the BOCA Fire Code.

F-100.1 TITLE: These regulations as set forth herein shall be known as the Fire Prevention Code of the City of the Village of Clarkston and are herein referred to as such or as Athis code.®

F-101.1 NEW AND EXISTING CONDITIONS: The provisions of this code and the City of the Village of Clarkston Building, Mechanical and Plumbing Codes shall apply equally to new and existing buildings and conditions.

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Exceptions:

1. Existing conditions, which do not constitute a distinct hazard to life or property.
2. The transportation of any article or substance under the jurisdiction of and in compliance with the regulations prescribed by the military forces of the United States.

F-101.2 EXEMPTIONS: Buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this code pertaining to any of the following matters, except as otherwise provided for in this code:

1. Fire protection of building elements, except as required for existing buildings under Article 4 of this code or the City of the Village of Clarkston Building Code.
2. Exits required, except as required for existing buildings under Article 4 of this code or the City of the Village of Clarkston Building Code.

3. Isolation of hazardous operations and mixed uses as required for existing buildings under this code or the City of the Village of Clarkston Building Code; provided, however, that the code official requires the installation of fire safety devices or systems (fire extinguishers, fire protective signaling systems, automatic fire detection devices, sprinklers or similar systems) where such devices or systems are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems, or when necessary to secure safety in addition thereto, the code official shall prescribe limitations on the handling and storage of materials or substances, or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property.

F-101.5 REFERENCED STANDARDS:

The standards referenced in this code and listed in the City of the Village of Clarkston Building, Mechanical and Plumbing Codes, as well as the codes listed in Appendix A of the BOCA National Fire Prevention Code of 1990 (excluding the Appendix A listing of the BOCA-NBC, BOCA-NMC, and BOCA-NPC, except to the extent such codes have been adopted by the City of the Village of Clarkston) shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and referenced standards, the provisions of this code shall apply.

F-101.6 APPLICATION OF BUILDING CODE:

The planning, design and construction of new buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be controlled by the City of the Village of Clarkston Building Code; and any alterations, additions or changes in buildings required by the provisions of this code, which are within the scope of the City of the

Village of Clarkston Building Code, shall be made in accordance therewith.

F-11[Unchanged]

F-113.0 RESTITUTION.

F-113.1 Restitution: When the fire department is called to respond to any emergency or incident, which was the result of a violation of any federal, state or local regulation governing fire safety, or from gross negligence, the responsible person or firm shall reimburse the fire department for all costs incurred as a result of the emergency or incident.

F-305.1 [Unchanged]

F-305.2 [Unchanged]

F-305.13 through F-305.17 [Unchanged]

F-313.1 [Unchanged]

F-313.4 [Unchanged]

F-313.5 [Unchanged]

F-319.0 KEY BOXES.

F-319.1 General: The fire official may require a key box to be installed in an accessible location where immediate access is necessary for life saving or to verify the existence of a fire or other emergency in those buildings.

F-319.2 Type, contents, installation: The key box shall be of a type approved by the fire official, shall contain keys to gain necessary access, as required by the fire official, and shall be installed in a manner approved by the fire official. The Independence Township Fire Department shall have possession of the only key to the key box. In the event locks are changed for which keys are provided, the Independence Fire Department shall be notified immediately.

F-112.1 [Unchanged]

F-12[Unchanged]

F-319.3 Alarms: At the request of the owner or lessee, the fire official shall permit him to install a key box tamper switch connection to the building=s burglar or fire alarm system.

F-320.0 DUMPSTERS:

F-320.1 Dumpsters. Dumpsters shall be located a minimum of fifteen (15) feet from any building or structure. (Exception: Dumpsters connected to a compactor contained within a building or structure.)

F-500.7 INSTALLATION AND LOCATION OF HYDRANTS:

Fire hydrants shall be located at each intersection with intermediate hydrants so that they are not over six hundred (600) feet apart and not more than three hundred fifty (350) feet from the farthest point of any building. The six hundred (600) feet spacing between hydrants shall be scaled along paved streets or driveways of approved width and construction such as a piece of fire apparatus would travel in an emergency situation.

F-500.8 UTILITIES: Gas meters, propane tanks, overhead electrical services and transformers shall not be located on the same side of a building or structure as a fire department connection unless a clear distance of one hundred fifty (150) feet can be maintained between the utilities and the fire department connection.

F-500.9 [Unchanged]

F-500.10[Unchanged]

F-500.11 DEFINITIONS: A Certified@ means a firm certified by the state fire marshal to install and maintain fire alarm and suppression equipment pursuant to Act

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144 of the Public Acts of 1982. Upon request, firms shall present evidence of **F-510.2 SYSTEM TEST:** In buildings and structures having floors used for human occupancy located more than 40 feet (12,192 mm) above the lowest level of fire department vehicle access, all standpipe systems shall be tested at two-year intervals. All standpipe systems and all other buildings and structures shall be tested at five-year intervals. A flow test shall be conducted and the flow shall not be less than the flow demands required at the time of installation. At the time of the test, all control valves, including those inside hose cabinets, shall also be tested to ensure the operation of the valves.

F-517.6 RESIDENTIAL BUILDINGS: In all hotels, dormitories, lodging houses and apartment houses at least one (1) fire extinguisher shall be provided on each floor at the stairway landing and in the corridor at each elevator or bank of elevators or near the exit doors from the corridor.

Individual apartment units are required to have one (1) extinguisher accessible for their use in the individual unit or within travel guidelines of NFPA 10 if only accessible to unit.

F-520.0 SUPERVISION OF FIRE PROTECTION SYSTEMS AND CONTROL VALVES.

F-520.1 Supervision of fire protection systems: All required fire protection or suppression systems shall be supervised by one (1) of the following methods:

1. Approved central station alarm in accordance with an NFPA 71.
2. Approved proprietary alarm system in accordance with NFPA 72D.

Exceptions:

1. Standpipe systems.

certification to the fire official.

2. Single station smoke detectors.
3. Limited area suppression systems in buildings not required to be completely suppressed.

F-520.2 VALVES: Valves controlling fire suppression systems shall be supervised by one of the following methods:

1. Approved central station alarm.
2. Approved proprietary alarm.
3. Approved chains and locks.

F-520.3 FIRE ALARM SYSTEMS: All fire alarm systems that are not connected to an approved central station alarm system or proprietary alarm shall display a durable sign at each manual initiating device which reads "This alarm does not notify the Fire Department. To report a fire, call 9-1-1 or 625-3311."

F-520.4 WATER SUPPLY: Domestic and fire water supply will be separate or gated in such a manner that, if domestic water would be shut off for any reason, this would not interrupt the fire suppression system.

F-602.1 INTERIOR STAIRWAY DOORS: All interior exit stairway doors and required exit stairways shall be openable from the side from which egress is to be made without the use of a key or special knowledge or effort at all times. All other egress doors shall be openable from the side from which egress is to be made without the use of a key or special knowledge or effort at all times, except as provided in F-602.2.

F-604.4 [Unchanged]

F-701.2 EGRESS PLAN: An emergency evacuation plan showing the occupant load, seating diagram and location of exits and aisles leading thereto shall be submitted to the fire official and an approved copy posted in a conspicuous location on the premises.

F-1703.2 DOORS: Egress doors shall not be locked, bolted or otherwise fastened or obstructed by any means, so that the door cannot be opened from the inside by the use of an ordinary door latch or knob, or by the pressure on the door, or on a panic release device, except as provided in F-602.2.

F-2800.1 SCOPE: This article shall apply to the transportation, storage, handling and processing of flammable and combustible liquids as defined F-201.0 of this code. The rules for the storage of flammable and combustible liquids addition, as promulgated by the State Fire Safety Board, are hereby adopted by reference.

F-2800.4.1 STATIONARY TANK INFORMATION: The application to install, repair or alter any stationary tank for the storage of flammable or combustible liquids shall contain a general description of the proposed work and shall include two (2) copies of a drawing indicating the location, capacity and piping arrangement of all existing and proposed tanks located, or which are to be located, upon the premises and all adjacent buildings and property lines. Information which confirms that the tank meets the design requirements of F-2801.2 shall be attached to or made a part of the application.

F-2804.10 SELF-SERVICE STATIONS: The owner or lessee of a self-service gasoline station shall conspicuously post at all times at the approved emergency controls the current state or local fire code regulations governing self-service stations, as prescribed by the fire official. All gas pump attendants and persons in charge of the premises shall be familiar with all provisions of the regulation.

F-2900.2 [Unchanged]

F-3000.1 [Unchanged]

F-3000.2 [Unchanged]

(Ord. 117, passed 4-10-1995; Ord. 122-1, passed 12-14-1998)

' 91.02 SCOPE AND APPLICATION.

The terms and provisions of this subchapter shall be interpreted and applied as minimum standards and regulations for the protection of persons and property from the dangers of fire.

(Ord. 117, passed 4-10-1995)

' 91.03 DEFINITIONS.

(A) For the purposes of construction and application of this subchapter, and any provisions adopted or incorporated by reference hereto and made a part hereof, the definitions and meanings of words, terms and phrases specified or provided for in the BOCA Fire Code shall apply.

(B) Terms not treated in the BOCA Fire Code, nor defined herein, shall have meanings customarily assigned to them.

(C) Reference to the term *MUNICIPALITY* shall mean the City of the Village of Clarkston, Oakland County, State of Michigan.

(D) Reference to *CORPORATE COUNSEL* shall mean the Attorney for the city.

(E) Reference to *BUREAU* shall mean the City Council, created and administered pursuant to this subchapter.

(F) Reference to *CHIEF* shall mean the Chief of the Independence Township Fire Department.

(Ord. 117, passed 4-10-1995)

Cross-reference:

Definitions, see ' 10.02

' 91.04 MODIFICATIONS.

(A) If the enforcement of the strict letter of this subchapter shall operate to create a hardship or practical difficulty to a person in the city, the aggrieved person may make written application to the City Council for a modification. The City Council, with the approval of both the Chief and Fire Marshal, may, after conducting a hearing before the Chief and Fire Marshal, duly noticed by publication in a newspaper of general circulation in the city, and after providing the opportunity for the applicant and all interested parties to be heard, grant a modification from the provisions of this subchapter upon the finding that:

(1) There is a hardship or practical difficulty to the applicant in carrying out the strict letter of this subchapter, and that the cause of the hardship or practical difficulty is unique unto the applicant and not shared in common by all who are like or similarly situated; and

(2) The spirit of this subchapter shall be observed.

(B) The Chief shall specify reasons for a grant or denial of a modification.
(Ord. 117, passed 4-10-1995)

' 91.05 AUTHORITY AT FIRES AND OTHER EMERGENCIES.

The Fire Chief or his or her duly authorized representative is, within the scope of generally acceptable fire procedures, empowered to:

(A) Direct those operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other conditions or situations or of taking any other action necessary in the reasonable performance of his or her duty;

(B) Prohibit any person, vehicle or object from approaching the scene or any emergency situation, and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The same authority is conferred upon the duly authorized police authority of the city in the assistance of the Fire Department;

(C) Remove or cause to be removed any person, vehicle or object from hazardous areas; and/or

(D) Order persons to leave a hazardous area until authorized to re-enter by the Fire Chief or fire official in charge.

(Ord. 117, passed 4-10-1995)

' 91.06 PROHIBITION UPON INTERFERENCE WITH DEPARTMENT VEHICLES AND OPERATIONS.

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any Fire Department emergency vehicle, or to interfere with, attempt to interfere, conspire to interfere with, obstruct or hamper any Fire Department operation.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.07 COMPLIANCE WITH ORDERS.

All persons shall comply with any lawful order or direction of the Fire Chief or fire official at the scene of a fire.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.08 PROHIBITION UPON BOARDING OR TAMPERING.

A person shall not without proper authorization from the fire official in charge of Fire Department emergency equipment cling to, attach himself or herself to, climb upon or into, board or swing upon any Fire Department vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound producing device thereon, or to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any Fire Department emergency vehicle.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.09 DAMAGE OR INJURY TO FIRE DEPARTMENT EQUIPMENT OR PERSONNEL.

It shall be unlawful for any person to damage or deface or attempt or conspire to damage or deface any Fire Department emergency vehicle at any time or to injure or attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.10 VEHICLES CROSSING FIRE HOSE.

A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the fire official in command of operations.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.11 BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS.

(A) It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or Fire Department connection for the pressurization of fire suppression systems including fire hydrants and Fire Department connections that are located on public or private property. No obstruction shall be placed or constructed within 15 feet of any fire hydrant, public or private.

(B) Upon expiration of the time stated in notice specifying a violation of this section, if obstructions or encroachments have not been removed, the fire official may proceed to remove the same. The expense incurred shall be a debt to the township from the responsible person, and if necessary the township may institute appropriate legal action for the recovery of these costs.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.12 HYDRANT USE AND MAINTENANCE.

(A) A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless the person first obtains permission from the fire official and secures a permit for that use from the Department of Public Works. This section shall not apply to the use of these hydrants by a person employed by and authorized to make this use by the city.

(B) A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code, except for the purpose of extinguishing fires, training or testing purposes, recharging or making necessary repairs, or when permitted by the fire official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the fire official.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.13 SALE OF DEFECTIVE FIRE EXTINGUISHERS.

A person shall not sell, trade, loan or give away in any form, type or kind of fire extinguisher which is not approved by the fire official or which is not in proper working order or the contents of which do not meet the requirements of the fire official. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk and the units are permanently disfigured or marked

with permanent signs identifying the unit as junk.
(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' **91.14 FALSE ALARMS.**

(A) It shall be unlawful for any person to summon, in any way, the Fire Department unless a valid reason for its response is present.

(B) Any person found by a court of competent jurisdiction to have caused or assisted in a false alarm shall be liable for all costs incurred in responding to the false alarm.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' **91.15 ACTIVATION OF FIRE ALARM SYSTEMS.**

A person shall not activate a fire alarm system in any building or place within the city unless a valid fire emergency exists within that building or place. A **FIRE ALARM SYSTEM** is any system which upon activation warns the occupants of the building or place that a fire emergency exists.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' **91.16 OPEN BUILDINGS DUE TO FIRE.**

The fire official or his or her duly authorized representative is empowered to order the securing of fire damaged buildings. If the owners of the affected building are present, this order shall be given to them. If no owners or representatives of the building are present, and are not located upon reasonable investigation, the fire official or his or her duly authorized representative may have the building secured. The expense of this securing shall be a debt to the owner from the fire official or his or her duly authorized representative.

(Ord. 117, passed 4-10-1995)

' **91.17 AUTHORITY FOR ENFORCEMENT.**

This subchapter may be enforced by the Fire Chief, the Fire Marshal, fire inspectors and designated officers who shall have the authority to issue appearance citations for violations of this subchapter.
(Ord. 117, passed 4-10-1995)

' **91.18 STATE REGULATIONS PREVAIL.**

Whenever state law or regulations apply a higher or more restrictive standard or requirement than is provided in this code, the higher requirement or standard of the state law shall prevail.

(Ord. 117, passed 4-10-1995)

OPEN BURNING

' **91.30 INTENT.**

The city has determined that open burning is detrimental to the environment, posing health hazards and reducing property values. It is the intent of this subchapter to regulate and restrict open burning, and thus promote the public health, safety and welfare of the residents, tourists, property owners and those employed with the city.

(Ord. 117, passed 4-10-1995)

' **91.31 DEFINITIONS.**

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

APPROVED CONTAINER. A container having a maximum capacity of 55 gallons, manufactured with solid construction designed to contain combustible materials. The **CONTAINER** should be adequately vented, having vent holes approximately one-half inch in diameter, adequately spaced horizontally around the circumference, and should have a fine mesh cover.

OPEN BURNING. The igniting or combustion of any natural or human-made material or item out of doors.

YARD WASTE. Brush, limbs and tree cuttings only. For the purpose of this subchapter, leaves and grass clippings are not considered as **YARD WASTE**.
(Ord. 117, passed 4-10-1995)

' 91.32 GENERAL PROHIBITION.

Except as provided in ' 91.33, it shall be unlawful for any person to cause, permit or maintain any open burning on property situated within the city limits. Burning of leaves is strictly prohibited by anyone within the city limits, without exception. (Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

' 91.33 EXCEPTIONS; PERMIT REQUIREMENTS; REGULATION FEES.

(A) *Exceptions.* The following open burning shall be permitted, as specified:

(1) Open burning is allowed without prior notification to the Fire Department for highway safety flares; for smudge pots; and for similar occupational needs, as approved by the fire official. Open burning for clearing land is not considered an occupational need and is therefore prohibited within the city; and

(2) Open burning does not include the burning or use of:

- (a) Candles, lanterns and lamps;
- (b) Bug repellent torches;
- (c) Cigars, cigarette and pipes;

(d) Charcoal cookers, grills, braziers, hibachi=s liquefied gas stoves or similar cooking devices maintained and used solely for the preparation of food on the premises of the owner or occupant, or within designated areas of city parks and the like; and

(e) Controlled fires set and controlled by the Fire Department for training firefighters.

(B) *Open burning authorized by permit.*

(1) To obtain a permit for open burning as permitted under this section, application must be made at the Independence Township Fire Department, hereafter referred to as the AFire Department.@ If approved, the permit will be issued to the owner, or person in control of the land upon which the burning is to occur. Permits issued will be effective up to a maximum of one year, as specified on the permit.

(2) Open burning of yard waste is allowed only upon application for, and receipt of a burning permit from the Fire Department. There are prescribed dates, specific days of the week and times that yard waste can be burned under permit, as adopted and published resolution of the City Council. Refer to division (C) below for burning restrictions.

(3) A bonfire or campfire shall be allowed under Aspecial permit@ if the fire does not exceed six feet by four feet by two feet in dimension, and provided the fire does not burn longer than three hours, and provided the conditions of division (C) below are also met. Authorization for bonfires and campfires shall be subject to suitable atmospheric conditions. Fuel for a bonfire or campfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper or other acceptable means, as determined by the fire official.

(4) Open burning for prevention or control of disease or pests; for recognized silviculture; and for wildlife management practices, subject to the regulations of this subchapter, and obtaining of a burning permit, shall be allowed.

(C) *Regulations.* The following regulations shall apply to open burning which has been authorized by receipt of a burning permit.

(1) Open burning is prohibited on any public road right-of-way, sidewalk or safety path.

(2) Open burning is prohibited on October 30 and October 31.

(3) Open burning is prohibited on Aozone action@ days to minimize environmental impact.

(4) The location of open burning shall not

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be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to

(5) Open burning shall not be used as a means for disposal of household wastes.

(6) The maximum physical dimensions of the stack of materials that can be burned is six feet by four feet by two feet in dimension.

(7) The fuel shall be chosen to minimize the generation and emission of air contaminants.

(8) Flammable liquids shall not be used to ignite or maintain an open burning fire under any circumstances.

(9) All authorization for burning shall be subject to a mandate from any governmental entity or official having jurisdiction.

(10) The granting of a burning permit under this subchapter shall be subject to applicable subdivision or deed restrictions.

(11) Open burning shall be allowed only during the hours of 7:00 a.m. to 7:00 p.m. on approved days as defined in this section, and as approved by the fire official, except during daylight savings time, the hours will be extended to 10:00 p.m. (Refer to division (B)(2) above for determining permissible days to burn yard wastes.)

within 50 feet of any structure.

(12) The fire official may use his or her discretion to postpone or prohibit open burning otherwise authorized under this subchapter, or as authorized by permit. Prohibition under this division may be determined prior to, or subsequent to ignition of the fire, by ordering extinguishing of the fire. The burning permit may be permanently revoked, but the person securing the permit will have an opportunity to be heard by the fire official prior to the revocation. Just cause for any of the measures stated in this division include, but are not limited to, fire hazard, unsafe conditions, excessive smoke, disruptive to others (health hazard or nuisance), atmospheric conditions, or when burning would be in violation to any law or regulation administered by the State Department of Natural Resources or other governing body.

(13) A maximum of one active fire is allowed per site permit. The fire shall be constantly attended by a competent person 14 years of age or older, until the fire is completely extinguished. A **COMPETENT PERSON** as defined in this division is a person who has an awareness of fire safety, is responsible and who knows how to safely extinguish the fire he or she is assigned to attend. Suitable fire extinguishing equipment/materials shall be available for immediate use while burning, and it is the responsibility of the person that secured the permit that this provision is met. Person should consult a fire official before burning for recommended extinguishing means.

(14) Material that may be burned must be from the site, and shall not be brought to the site for the purpose of burning.

(15) On each day open burning under special permit is to occur, the person responsible for the fire shall notify the Fire Department.

(D) *Permit fees.* Fees for permits applied for under this subchapter shall be in an amount established by the city.

(Ord. 117, passed 4-10-1995) Penalty, see ' 91.99

EXPLOSIVES

explosives and blasting agents shall comply with Public Act 202 of 1970, being M.C.L.A. ' ' 29.41 et seq., and the applicable requirements of this code. (Ord. 117, passed 4-10-1995)

' 91.45 ESTABLISHMENT OF LIMITS.

The limits referred to in ' F-2601.2 of the BOCA National Fire Prevention Code in which the storage of explosives, ammunition and blasting is prohibited are hereby established as follows. The storage of

' 91.99 PENALTY.

(A) Any person who shall violates this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500 in costs to the prosecution or by imprisonment in the county jail not to exceed 90 days, or by both a fine and imprisonment in the discretion of the court.

(B) Any person guilty of a violation of this chapter shall also be subject to civil proceedings for damages and/or injunctive relief by the city, or by any person or corporation injured or damaged by the violation.

(C) Both criminal and civil proceedings may be commenced against a person violating this chapter and commencement of any proceedings shall not constitute an election of remedies providing the commencement of other proceedings against the violator.

(Ord. 117, passed 4-10-1995)

CHAPTER 92: PARKS AND RECREATION

Section

Park Use

PARK USE

- 92.01 Preamble
- 92.02 Definitions
- 92.03 General regulations
- 92.04 Application
- 92.05 Restrictions
- 92.06 Unlawful activities and events
- 92.07 Special events
- 92.08 Hours of operation

' 92.01 PREAMBLE.

The purpose of this subchapter is to provide rules and regulations for the use of and conduct in the public parks and public recreation areas within the city. References to Acity@ shall mean the City of the Village of Clarkston.
(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)

Parke Lake

- 92.20 Preamble
- 92.21 Definitions
- 92.22 Parke Lake prohibitions

' 92.02 DEFINITIONS.

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

Deer Lake Beach

- 92.35 Hours
- 92.36 Permits
- 92.37 Beach regulations
- 92.38 Swimming regulations
- 92.39 Boating and fishing regulations

ANIMALS. Includes cats, dogs, horses, any other fowl or birds, or any other creatures found within the public park or recreation area.

CROSSING. The extension of any sidewalk space across any intersecting drive, street or highway, whether or not the **CROSSING** is marked by pavement or otherwise.

Mill Pond

- 92.50 Operation of gasoline, electrical or mechanical powered craft prohibited
- 92.51 Effective date

- 92.99 Penalty

CURB. Any boundary of a street, road, avenue, boulevard or drive, whether or not the boundary is actually marked by a **CURB**.

PARK ATTENDANT. Any official or person employed by the city as a **PARK ATTENDANT** to perform duties or tasks within the park or recreation areas including police and DPW personnel.

Cross-reference:

- Animals, see Ch. 90*
- Nuisances, see Ch. 94*
- Trees, see Ch. 96*

PATH. Any foot path, walk or any path maintained for pedestrians.

PEDESTRIAN. Any person traveling on foot.

PERMISSION. Authorization in writing from the City Manager, City Council or authorized agent allowing specific activities and events as defined in this subchapter.

PERMIT. Any written license issued by or under the authority of the city permitting a special event or other activity within a public park or recreation area.

PERSON. Any natural person, corporation, company, association, joint stock association, firm or co-partnership.

RESERVATION. Notification of anticipated use of the park and recreation facilities that are generally allowed by this subchapter.

SOLICITING. Persons selling goods or services either by taking orders for future delivery or by sample with or without accepting advanced payment for goods sold. **SOLICITING** also includes persons seeking any form of contribution or alms.

STOPPING or **STANDING.** When prohibited means cessation or movement of a vehicle except when necessary to avoid interference with pedestrians or other traffic.

TRAFFIC. Moving pedestrians, ridden animals and vehicles either moving singly or together.

VEHICLE. Any conveyance (except baby carriages) including motor vehicles, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs, snowmobiles, push carts or vehicles propelled by other than muscular power. For purposes of this subchapter, **VEHICLES** also include any horse or horse drawn conveyance.

VENDING. Selling or trading any item or service.
(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)

' 92.03 GENERAL REGULATIONS.

In the interpretation of this subchapter, the provisions therein shall be construed as follows:

(A) Any term of the singular shall include the plural;

(B) Any term in the masculine shall include the feminine and neuter;

(C) Any requirement or prohibition of any act shall respectively extend to and include the causing or procuring either directly or indirectly of that act;

(D) No provision of this subchapter shall make unlawful any act necessarily performed by an officer or employee of the city in the line of duty, or by any person, his or her agent, and employees within the proper and necessary execution of the terms of any agreement with the city; and

(E) Any act otherwise prohibited by law or this subchapter shall be lawful, if performed under or by virtue of or within the provisions of a permit to do so, and done to the extent authorized thereby.
(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)

' 92.04 APPLICATION.

This subchapter shall apply in all parks and recreation areas under the jurisdiction of the city, unless expressly exempted.
(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)

' 92.05 RESTRICTIONS.

It is unlawful for any person in a public park or recreation area to do any of the following unless it is in conjunction with authorized city business:

(A) Mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, playground equipment or other boundary markers or other structures or equipment, facilities, park property or appurtenances thereto;

(B) Fail to maintain any park and City Hall restrooms, washrooms and other facilities in a neat and sanitary condition. As a condition of using these facilities by groups of individuals attending functions or activities within the city park, fees shall be charged in accordance with the provisions of this subchapter;

(C) Climb any tree; to climb, stand or sit upon monuments, vases, planters, fountains, railings, fences or on any other property not designated or customarily used for that purpose;

(D) Throw, discharge or place in the waters of any stream, tributary or storm drain, any substance, either liquid or solid, which may result in the pollution of the waters within the city;

(E) Attach any rope, cable or other contrivance to any tree, fence, railing, bridge, bench or other structure;

(F) Take into, carry through or deposit any rubbish, refuse, garbage or other material, unless the refuse is deposited in receptacles provided for that purpose. Where receptacles are not provided, all rubbish or waste material shall be removed from park or recreation area by the persons responsible for its presence, and properly disposed of elsewhere. In addition, it shall be unlawful to use the city park or park receptacles as trash dumps for household or commercial refuse;

(G) Cause or permit any animal to run loose;

(H) Tie or hitch any animal to any tree or plant;

(I) Hunt, molest, frighten, harm, kill, trap, pursue, chase, lease, shoot or throw missiles at any animal, or the egg, nest or young of any reptile or bird;

(J) Bring a dog or other animal without a leash and maintain that animal under control. The owner or persons having custody of the dog or other animal shall be responsible for removal of the animal's solid waste;

(K) Have in his or her possession or set off any fireworks;

(L) Post, paint, affix, distribute, deliver, place, cast or leave about any bill, billboard, plaque, ticket, handbill, circular or advertisement;

(M) Build or maintain an open fire;

(N) Roller skate or use skateboards, except on paved areas used as walkways but not in the playground area, within the gazebo or when that activity would be hazardous to other pedestrians;

(O) Enter an area as posted closed to the public except for official city business;

(P) Fail to produce and exhibit any required permit upon request of an authorized agent of the city who desires to inspect the same for the purpose of enforcing compliance of this subchapter, and any other ordinance of the city or state law;

(Q) Operation and use of motorized vehicles.

(1) Operate motorized vehicles in the park except for purposes of maintenance of the park or special events in which permission has been granted;

(2) Park a vehicle anywhere except on a designated parking area;

(3) Wash a vehicle; and/or

(4) Use the park drives, parking places or parkways for the purpose of demonstrating any vehicle or for the purpose of instructing another to drive or operate any vehicle, nor shall any person use park areas or recreation areas including parking spaces, for the repairing or cleaning of a vehicle except in an emergency.

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(R) Use, bring into or have in their possession in any park or recreation area any gun or other projectiles including:

(1) Any pistol or revolver capable of firing blanks or loaded cartridges. Official starting guns at authorized field events are permitted; and

(2) Any rifle, shotgun, BB, air gun, spring gun, slingshot, bow or other similar weapon capable of propelling a projectile by any means whatsoever.

(S) While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner and shall not:

(1) Bring or consume alcoholic beverages or controlled dangerous substances into the city park or recreation area. Nor shall any person be under the influence of intoxicating liquor or a controlled substance in a park or recreation area;

(2) Play a game of chance or possess any instrument or device for gambling;

(3) Engage in any game or competitive sport for money or other valuable consideration without a written permit; and

(4) Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior which breaches the public peace.

(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)
Penalty, see ' 92.99

' 92.06 UNLAWFUL ACTIVITIES AND EVENTS.

The following activities and events are unlawful in park and recreation areas unless a reservation and permission is obtained from the City Manager:

(A) Display any advertising signs or any advertising matter;

(B) Operate for advertising purposes any musical instruments, sound track, drum or sound system;

(C) Hold public assemblies;

(D) Conduct exhibitions;

(E) Hold a parade;

(F) Sell or offer for sale any article;

(G) Solicit alms or contributions for any purpose whether public or private;

(H) Camp or stay overnight;

(I) Fly model airplanes;

(J) Picnics with more than 20 participants;

(K) Bring into, plant, dig or remove any soil, rock, sand, stones, trees, shrubs or plants, or other wood or materials or make any excavation by tool, equipment, blasting or any other means or agency;

(L) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers, or seeds of any tree or plant, or to dig in, or otherwise disturb grass areas or in any other way to injure the natural beauty or usefulness of any area;

(M) To construct or erect any building or structure of any kind whatsoever, or to install any public utility service into, upon or across a public park or recreation area; and

(N) Due to the existence of underground utilities, including sprinkler systems, no stakes, posts or similar objects shall be driven into the ground for any reason unless prior approval is obtained from the DPW Supervisor.

(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)
Penalty, see ' 92.99

92.07 SPECIAL EVENTS.

Due to the limited parking, access and facilities, reservation of the park facilities and permission for special events in parks and recreation areas shall be obtained by application to the City Manager for approval according to the following procedure.

(A) The person or persons seeking to reserve park facilities or permission hereunder shall file a letter of request with the city stating:

- (1) The name and address of the applicant;
- (2) The name and address of the person, persons, corporation or association sponsoring the activity if any;
- (3) The day and hours to be reserved or for which the permission is desired; and
- (4) Any variances requested from these rules or regulations.

(B) Standards for reserving park facilities and granting a park use permit for special events shall include the following findings:

- (1) The proposed activity or use of the park will not unreasonably interfere or detract from the general public's enjoyment of the park;
- (2) The proposed activity and use will not unreasonably interfere or detract with the promotion of the public health, safety, welfare and recreation;
- (3) The proposed activity or use as reasonably anticipated will not include violence, crime or disorderly conduct;
- (4) The proposed activity or activities will not entail extraordinary or burdensome expense or police operation by the city or in any manner affect public safety or damage public property. A bond may be required for use of the park as determined the City Manager or City Council;

(5) The facilities desired have not been reserved for other use on the date and hour requested in the application or that the occurrence of multiple events in the same time period does not cause an issue of public safety; and

(6) Reservation of the park facilities are on a first come first served basis except for those events that occur annually.

(C) The City Manager shall review the requests and either approve, deny or forward to the City Council any request no later than the second Council meeting after its receipt by the City Clerk. The decision of the City Council regarding an application is final.

(D) Permission to use park property does not diminish the party to abide by all park rules and regulations and all applicable ordinances and are part of the permission.

(E) An applicant for permission may be required to submit evidence of liability insurance naming the city as an additional insured and covering injuries to members of the general public arising from permitted activities in an amount as may be determined by the City Council prior to the commencement of any activity or issuance of any permission.

(F) The City Council may revoke permission upon finding of violation of ordinances of the city or upon good cause shown.

(G) The City Manager, Mayor, park attendant and police shall have the authority to order any person or persons acting in violation of this subchapter to leave the park.

(H) Fees for special event use of the park, park facilities and City Hall are assessed per the schedule adopted by the City Council and payment is required prior to reserving a specific date and actual use of the park.
(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)

' **92.08 HOURS OF OPERATION.**

No person shall be permitted in any park between the hours of 10:00 p.m. and 5:30 a.m. unless permission is obtained from the City Council or City Manager, or the persons are only passing through the park on defined paths, walkways and safety paths, and not loitering.
(Ord. 97, passed 12-12-1983; Ord. passed 2-26-2007)

PARKE LAKE

' **92.20 PREAMBLE.**

This subchapter regulates the speed of vessels and to provide for the safe use of the waters in the city; enacted under the authority of Act 303, Administrative Rules filed in the office of the Secretary of State.
(Ord. 87, passed 8-11-1975)

' **92.21 DEFINITIONS.**

All words and phrases used in this subchapter shall be construed and have the same meanings as those words and phrases defined in Public Act 303 of 1967, being M.C.L.A. ' ' 281.1001 through 281.1199, as amended.
(Ord. 87, passed 8-11-1975)

' **92.22 PARKE LAKE PROHIBITIONS.**

On the waters of Parke Lake, section 20, T4N, R9E, Independence Township, the City of the Village of Clarkston, Oakland County, it is unlawful to:

(A) Operate a vessel at high speed or no wake; or

(B) Have in tow or otherwise assist in the propulsion of a person on water skis, water sled, kite,

surfboard or other similar contrivance.
(Ord. 87, passed 8-11-1975) Penalty, see ' 92.99

DEER LAKE BEACH

' **92.35 HOURS.**

Beach facilities are open every day from 10:00 a.m. to sunset, Memorial Day through Labor Day.
(Ord. 115, passed 8-10-1992)

' **92.36 PERMITS.**

(A) Permits can be purchased at the township offices Monday through Friday, 9:00 a.m. through 5:00 p.m., beginning May 1. A person must have proof of residency.

(B) A fee will be required if the key or membership card is lost.
(Ord. 115, passed 8-10-1992)

' **92.37 BEACH REGULATIONS.**

(A) On a beach no person shall be in possession or custody of any one of the following:

(1) A container or reservoir of any kind or size made in whole, or in part, of glass; or

(2) A pet.

(B) On a beach no person shall in any manner use or consume an alcoholic beverage.

(C) On a beach no person shall ignite, tend or in any manner maintain a fire or barbeque device, nor shall a person in any manner cook food or do any picnicking.

(D) In a parking lot or parking facility used with, for or incidental to a beach, no person shall park an automobile or other motor-driven vehicle in an area which has not been designated for that purpose. If an ambiguity as to whether an area is designated for parking purposes, an instruction, warning or order given by a law enforcement officer or beach employee to the effect that a particular area is not designated for that purpose shall constitute due and proper notice to any person that an area has not been designated for parking purposes.

(E) No person shall be on a beach at any time while the gates provided for ingress and egress to the beach are locked, or, in any event, no person shall be on a beach prior to sunrise or subsequent to sunset. (Ord. 115, passed 8-10-1992) Penalty, see ' 92.99

' 92.38 SWIMMING REGULATIONS.

(A) The following swimming regulations shall be obeyed at Deer Lake:

- (1) No swimming outside the markers;
- (2) No more than ten persons on a diving raft;
- (3) No playing or wading allowed in the stream channel;
- (4) No climbing or playing allowed on walking bridge;
- (5) No Adunking@ or general Ahorseplay@ in the water;
- (6) No children under ten years old allowed to use facility without adult accompaniment. (Ten-year-olds, however, may not bring in younger brothers and/or sisters);
- (7) No swimming around a diving raft with lifejackets, inner tubes or similar devices;
- (8) No swimming or playing around the swim markers; and
- (9) Under no circumstances are

nonswimmers allowed on the raft.

(B) Lifeguards have the authority to clear the water at any time. (Ord. 115, passed 8-10-1992) Penalty, see ' 92.99

' 92.39 BOATING AND FISHING REGULATIONS.

(A) All boats using Deer Lake must display the appropriate township boat sticker on the starboard side.

(B) There is a guest fee for boaters from outside the city or township. The one-day permit can be picked up at the Deer Lake Beach station. Guest boaters must be off the lake when the beach closes because the boat gate is locked.

(C) Boaters and skiers are to stay 100 feet from swim markers or swimmers.

(D) No swimming shall be done outside the swim area. Diving from rafts, canoes, sailboats, pontoons or similar craft is prohibited.

(E) Bank fishing not permitted between Memorial Day and Labor Day, during normal beach hours.

(F) All persons must lock the boat gate each time they use the boat launch.

(G) Boats are not to be docked over night at Deer Lake. (Ord. 115, passed 8-10-1992) Penalty, see ' 92.99

MILL POND

' 92.50 OPERATION OF GASOLINE, ELECTRICAL OR MECHANICAL POWERED CRAFT PROHIBITED.

No person shall, after the effective date hereof, operate any gasoline, electrical or mechanical powered craft on the waters of the Mill Pond located with the city.

(Ord. 60, passed 8-25-1969) Penalty, see ' 92.99

' **92.51 EFFECTIVE DATE.**

Section 92.50 became effective on September 14, 1969.

(Ord. 60, passed 8-25-1969)

' **92.99 PENALTY.**

(A) *Park use.*

(1) *Municipal civil infraction/payment of fine.* Any person, firm or corporation violating a provision of ' ' 92.01 through 92.08, upon an admission or a finding of responsibility for the violation, shall be deemed responsible for a municipal civil infraction as that term is defined, and shall pay a civil fine as prescribed by the ordinance as determined by the District Court, District Court Judge or the District Court Magistrate.

(2) *Cost.* A person, firm or corporation ordered to pay a fine under division (A)(1) above shall be ordered by the District Court Judge or Magistrate to pay cost of not more than \$500 which costs may include all expenses, direct and indirect, to which the city has been put in connection with the violation of ' ' 92.01 through 92.08 up to the entry of the court=s judgment or order to pay fines and cost.

(B) *Parke Lake.* Violations of ' ' 92.20 through 92.22 are a misdemeanor and may be punished by a fine not to exceed \$500 together with costs of prosecution or imprisonment in the county jail or another place of detention as the court may prescribe, for a period not to exceed 90 days or a fine, costs of prosecution and imprisonment, at the discretion of the court.

(C) *Deer Lake Beach.* Violations of any provisions of ' ' 92.35 through 92.39 shall be a misdemeanor punishable by a fine not in excess of \$500 or by imprisonment for not in excess of 90 days or by both a fine and imprisonment in the discretion of the court together with costs of prosecution. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) *Mill Pond.* Any person that violates any of the provisions of ' 92.50 shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$500 and/or confinement in the county jail for a period not exceeding 90 days or both. Each act committed in violation of the provision hereof shall be deemed a separate offense and shall be punished accordingly.

(Ord. 60, passed 8-25-1969; Ord. 87, passed 8-11-1975; Ord. 97, passed 12-12-1983; Ord. 115, passed 8-10-1992; Ord. passed 2-26-2007)

CHAPTER 93: SIDEWALKS AND STREETS

Section

Sidewalks

- 93.01 Definition
- 93.02 Use and maintenance
- 93.03 Conditions requiring repair or replacement
- 93.04 New sidewalk requirements
- 93.05 Permits and inspections
- 93.06 Costs of construction and maintenance

SIDEWALK. Includes any sidewalk, crosswalk or driveway including that portion of the public sidewalk common to a driveway adjoining any public street, or adjoining, abutting or on any public property. (Ord. 140, passed 6-10-2008)

Protection of Pavement, Curb, Gutter and Sidewalk

- 93.15 Fires
- 93.16 Streets
- 93.17 Curbs
- 93.18 Permits; issuance

' 93.02 USE AND MAINTENANCE.

(A) The owner or owners of all properties abutting public rights-of-way and sidewalks within the city are required to maintain and keep clear and safe all sidewalks adjacent to or on his, her or their property and/or along the public right-of-way and to notify the city of any conditions that may be deemed unsafe or not in accordance with the governing laws and ordinances contained herein.

Streets

- 93.30 Use of oil
- 93.31 Obstructions

- 93.99 Penalty

(B) It is the responsibility of all owners or occupants of property adjacent to public sidewalks to keep them free of ice, snow or other conditions or obstructions that hinder the use of the sidewalk as a means for pedestrian traffic. It is further the responsibility of all owners or occupants of property to remove ice, snow conditions or obstructions within 24 hours of snow, ice conditions or obstructions occurring.

SIDEWALKS

' 93.01 DEFINITION.

For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

(C) Owners of property adjacent to public sidewalks shall be responsible to maintain the sidewalks clear of any dirt, debris, objects or other substance that would impair or hinder the use of the sidewalk by any person or persons.

(D) Failure of a property owner to comply with the requirements of this subchapter, or a failure to take action once notified by the city, shall result in the work being performed by the city and all costs incurred charged to the property owner or occupant in accordance with the requirements of this subchapter and as provided for within the laws of the state. (Ord. 140, passed 6-10-2008)

' 93.03 CONDITIONS REQUIRING REPAIR OR REPLACEMENT.

The following conditions require repair or replacement:

(A) Surface discontinuities shall not exceed 13 millimeters (0.50 inches) maximum. Vertical discontinuities between 6.4 millimeters (0.25 inches) and 13 millimeters (0.5 inches) maximum shall be beveled at one to two minimum. The bevel shall be applied across the entire level change;

(B) A slab, or adjacent slabs, have raised, settled or cracked causing a slope of greater than one one-fourth inch per foot transverse to the path and/or greater than one in 20 in line with the path of travel;

(C) Slabs that move or wobble, creating an unstable condition;

(D) Slabs that have settled preventing water from draining off the sidewalk;

(E) Separation of one-half inch or more (excluding joint material or score line) between slabs;

(F) Spalling of one-half inch deep by 12 inches diameter or greater;

(G) Holes in a slab larger than one-half inch diameter; and

(H) Obstructions protruding three-fourths inch or more above the sidewalk surface. (Ord. 140, passed 6-10-2008)

' 93.04 NEW SIDEWALK REQUIREMENTS.

Any new repair, replacement or construction of sidewalks shall be in accordance with American Association of State Highway and Traffic Officials (AASHTO), *Guide for the Planning, Design and Operation of Pedestrian Facilities* and American with Disabilities Act (ADA) requirements with the following minimum requirements:

(A) Sidewalks shall typically be constructed of four-inch thick concrete with six-inch thickness at driveways. All concrete shall be placed on a minimum two-inch compacted MDOT 22A aggregate fill;

(B) Sidewalks shall slope no more than one in 20 (5%) along the path of travel and no more than one-fourth inch per foot (2%) perpendicular to the path of travel; and

(C) All curb cuts shall have slopes, surface treatment and construction in accordance with ADA requirements.

(D) Concrete shall be made with air entrained concrete containing Portland cement with the use of up to 25% ground blast furnace slag cement recommended as a replacement for Type I or IA cement. All concrete shall have from 5% to 7% entrained air and have a 28-day strength of no less than 3,500 pounds per square inch.

(E) Concrete surface shall have a light transverse broom finish and all edges shall have a one-fourth radius, troweled into it a the time of placement prior to the initial set occurring.

(F) Construction and/or control joints shall be made to create as square a concrete section as reasonably possible with joints no more than eight feet apart, i.e. a five-foot wide walk will have a trowel transverse joint at a maximum spacing of five feet, a six-foot wide walk will have joints at a maximum of six feet, etc.

(G) Sidewalk ramps with truncated dome pads shall be built with a minimum six-inch thick concrete. Pads shall be burnt red in color.

(H) Full depth one-half-inch preformed expansion joints shall be provided at no greater than 50 feet and at all driveway intersections and at any location where the walk will abut a permanent structure, such as a building, walls or other fixed objects.

(I) The minimum width of any new sidewalk construction or repair shall not be less than four feet as required to match adjacent sidewalk sections. In no case shall the clear path of travel of a public sidewalk be less than that required by AASHTO and ADA requirements.

(Ord. 140, passed 6-10-2008) Penalty, see ' 93.99

' 93.05 PERMITS AND INSPECTIONS.

(A) A permit is required from the city for any sidewalk repair or replacement performed by or on behalf of the property owner and shall include a certificate of insurance from the party performing the work naming the city as an additional named insured while working within the public right-of-way.

(B) The cost of a sidewalk permit shall be established annually by resolution of City Council.

(C) An inspection is required immediately prior to and following placement of sidewalk concrete.

(Ord. 140, passed 6-10-2008) Penalty, see ' 93.99

' 93.06 COSTS OF CONSTRUCTION AND MAINTENANCE.

(A) Sidewalks within the public right-of-way exist to serve the general public and provide a safe and convenient means of pedestrian travel. Therefore, when general tax funds are available, the city will pay for the construction and repair of sidewalks that have failed due to normal wear and aging as defined in ' 93.03. The city reserves a right to establish a special assessment district or entertain a petition for a special assessment district as provided by law.

(B) The cost of work done voluntarily by a property owner to improve normal wear and aging will be reimbursed 50% of the cost of the needed work (based on the cost of the city performing the work in accordance with this subchapter.) Property owners shall request reimbursement from the city prior to commencing work to allow for concurrence that funds exist and to allow inspections to be scheduled.

(C) The unit cost for replacement, repair or maintenance of sidewalks shall be established annually by the resolution of the City Council

(D) Replacement, repair or maintenance costs caused solely by the actions of the property owner, agent, or contractor retained by the property owner shall be completed at the property owner's expense. If the property owner does not replace, repair or maintain a sidewalk in accordance with the requirements of this subchapter, and the sidewalk is determined to be unsatisfactory by the city, (based on the standards contained within this subchapter), the city shall have the work done by the city and the property owner will be invoiced for the services. Unpaid invoices shall be declared delinquent if not paid within 60 days of issuance and shall be added as a tax on the property as provided by law.

(Ord. 140, passed 6-10-2008) Penalty, see ' 93.99

PROTECTION OF PAVEMENT, CURB, GUTTER AND SIDEWALK

' 93.15 FIRES.

No person shall kindle fire in or upon any paved street or alley or upon any public place, except in publicly owned park ovens.

(Ord. 31, passed 9-5-1939) Penalty, see ' 93.99

' 93.16 STREETS.

(A) No person shall make any excavation or opening in or under any street, alley, sidewalk or public place without first obtaining a written permit from the City Clerk. The fee for this permit shall be \$1.

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(B) Before any permit is issued, the applicant therefor may be required to furnish a bond deemed adequate by the Public Works Committee which bond shall become available in the payment of any damage to public or private property and the payment for any personal injuries resulting from the excavation or opening, or any work in connection therewith.

(C) The City President may, if the public safety requires immediate action, grant permission to make a necessary street cut or excavation, provided that a permit shall be obtained on the following business day and the provisions of this section shall be complied with, according to the rules and regulations established by this subchapter and the Public Works Committee.

(D) No person shall make any opening or excavation in or under a paved street or alley within a period of two years after the completion of any paving or resurfacing thereof. If the public safety requires immediate action, the City President may suspend the operation of this provision.
(Ord. 31, passed 9-5-1939) Penalty, see ' 93.99

' 93.17 CURBS.

(A) No person shall make any opening in or through any curb of any street, alley or public place without first obtaining a written permit from the City Clerk. The fee for this permit shall be \$1.

(B) Before any permit is issued, the applicant therefor may be required to furnish a bond deemed adequate by the Public Works Committee, which bond shall become available in the payment of any damage to public or private property and the payment for any personal injuries resulting because of and during the process of making the opening.
(Ord. 31, passed 9-5-1939)

' 93.18 PERMITS; ISSUANCE.

(A) No permit shall be issued:

(1) When the cut is to be made permanent and is within 20 feet of any other permanent cut on the same premises;

(2) When the cut is to be made permanent and is intended to be more than 40 feet in its total width; and

(3) When the cut is to be made permanent and in the opinion of the Public Works Committee will interfere with the safety of the public.

(B) No curb cut shall be made except in accordance with plans and specifications established by the Public Works Committee.
(Ord. 31, passed 9-5-1939) Penalty, see ' 93.99

STREETS**' 93.30 USE OF OIL.**

It shall be unlawful for any person or persons, firm or corporations to use oil of any kind upon the streets of the city.
(Ord. 26, passed 2-1-1926) Penalty, see ' 93.99

' 93.31 OBSTRUCTIONS.

(A) No person or persons shall obstruct in any manner with any article or thing whatever, any sidewalk, street, alley or other public place within the corporate limits of the city, except upon permission granted by the City Council.

(B) This section shall not be construed so as to prohibit merchants or other business persons from using and occupying the sidewalk next to their place of business for a distance of four feet for the purpose of displaying their goods, wares and merchandise, nor shall it be construed to prevent the moving of goods, wares and merchandise across any sidewalk in the way of trade or for the use of families.

(Ord. 9, passed 6-21-1915) Penalty, see ' 93.99

' 93.99 PENALTY.

(A) *Sidewalks.*

(1) *Municipal civil infraction.* A violation of ' ' 93.01 through 93.06 shall be deemed a municipal civil infraction and shall be subject to the following fines:

(a) *First offense.* The civil fine for a first offense violation shall be in the amount of \$100 plus costs and other sanctions.

(b) *Second or subsequent offenses.* Second or subsequent offenses will be a civil fine in an amount not to exceed \$500.

(2) *Remedies not limited.* Nothing in ' ' 93.01 through 93.06 shall be construed to limit the remedies available to the city in the event of a violation of these sections. In addition to ordering any person in violation of the civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment or order necessary to enforce or enjoin in violation of ' ' 93.01 through 93.06.

(3) *Continuing offense.* Each act of violation of ' ' 93.01 through 93.06, and each day upon which the violation shall occur, shall constitute a separate offense.

(B) *Protection pavement, curb, gutter and sidewalk.* Any person, firm or corporation who shall violate or fail to comply with any of the provisions of ' ' 93.15 through 93.18 shall be punished by a fine of not more than \$100 or by imprisonment for a term of not to exceed 90 days, or by both a fine and

imprisonment in the discretion of the court.

(C) *Oil.* Any persons or person, firm or corporation violating ' 93.30 or any provisions thereof, shall upon conviction thereof be punished by a fine of not to exceed \$10 or imprisonment in the county jail for a period not to exceed 30 days, or both, the fine and imprisonment in the discretion of the court.

(D) *Obstructions.* Any person violating any provision of ' 93.31 shall be punished by a fine not to exceed \$10 for each and every offense or in default thereof imprisonment in the county jail not to exceed five days.

(Ord. 9, passed 6-21-1915; Ord. 26, passed 2-1-1926; Ord. 31, passed 9-5-1939; Ord. 140, passed 6-10-2008)

CHAPTER 94: NUISANCES

Section

Nuisances

- 94.01 Preamble
- 94.02 Definitions
- 94.03 Nuisances listed
- 94.04 Unlawful to keep animals
- 94.05 Sanitary conditions maintained when keeping dogs, cats or other domesticated household pets
- 94.06 Health Officer to correct conditions or condemn
- 94.07 Unlawful to occupy condemned premises
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- 94.10 Enforcing officers
- 94.11 Rules and regulations
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Dumping or Seepage from Cess Pools, Drains and the Like

- 94.30 Prohibited

Weeds

- 94.45 Owner=s duty
- 94.46 Owner=s failure to take action

- 94.99 Penalty

NUISANCES

' 94.01 PREAMBLE.

This subchapter defines certain public nuisances in the city, prohibiting the creation or maintenance, providing a method for the abatement and correction by the proper authorities and providing penalties for violation thereof.

(Ord. 76, passed 9-9-1974)

' 94.02 DEFINITIONS.

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

HEALTH OFFICER. The City Manager or the City Manager=s designee.

PUBLIC NUISANCES. Those things, acts or uses of property which injure, or endanger the safety and/or health of the public, and the term ***NUISANCE*** shall be held to embrace ***PUBLIC NUISANCE*** as known at common law or in equity jurisprudence and whatever is dangerous to human life, detrimental to health or whatever renders the air or human food or drink unwholesome are all ***NUISANCES*** and as such are hereby declared illegal.

(Ord. 76, passed 9-9-1974)

' 94.03 NUISANCES LISTED.

Each of the following listed conditions and circumstances is hereby declared to be a nuisance within the meaning of this subchapter:

(A) Whatever is dangerous or injurious to human life, health or habitation;

(B) Whatever causes or has a tendency to cause the air, food, water or other drink in any place or manner in the city to be injurious to or to endanger the health and/or safety of any person or of the public;

(C) Whatever building, erection, structure, cellar or part thereof is overcrowded or not provided with adequate means of ingress or egress or for the disposal of human excreta, or for obtaining a reasonably necessary amount of clean water for use on the premises, or is unfit for human habitation, or is not sufficiently supported, ventilated, drained, cleaned or lighted;

(D) Any and all conditions, premises, buildings or structures that harbor or are conducive to the harboring or breeding of insects, vermin, rats or other rodents;

(E) All ponds of stagnant water;

(F) All cellars and foundations of and excavations for houses, the bottoms of which contain stagnant or putrid water;

(G) All dead and putrefied animals or rubbish lying about the roadways, lanes, streets, alleys, vacant lots or yards or upon the surface of the ground or not buried in the ground a sufficient depth;

(H) All methods of human excreta disposal except toilets or water closets properly maintained and connected with a sanitary sewer or septic tank or privies which have been constructed and are being maintained in accordance with law and the ordinance of the city and which are screened against flies and which are maintained in compliance with health measures, or other disposal systems authorized by and maintained in accordance with the provisions of law and city ordinance;

(I) All choked or clogged sewers and house drains;

(J) All unreasonable accumulation of garbage ashes or refuse; and

(K) All wells, cisterns and reservoirs from which water for drinking or other domestic purposes may be obtained which are not constructed or maintained in accordance with the provisions of city ordinances and which show pollution.

(Ord. 76, passed 9-9-1974) Penalty, see ' 94.99

' 94.04 UNLAWFUL TO KEEP ANIMALS.

No animals shall be allowed in any commercial establishment where foodstuffs are prepared, sold or packaged for public consumption; provided, however, that this section shall not be construed so as to prevent the keeping of animals by a business establishment for temporary promotional purposes provided that the establishment is not in the business of preparing, selling or packaging foodstuffs for public consumption; provided, further, that the display of animals meets with the approval of the Health Officer as not to endanger the public health.

(Ord. 76, passed 9-9-1974) Penalty, see ' 94.99

' 94.05 SANITARY CONDITIONS MAINTAINED WHEN KEEPING DOGS, CATS OR OTHER DOMESTICATED HOUSEHOLD PETS.

(A) It shall be unlawful for any person to maintain or permit to be maintained an unclean building, yard or premises. All manure and excreta shall be removed and disposed of in a manner so as to

prevent the breeding or harboring of insects and vermin.

(B) All yards where these animals are kept shall be well drained, maintained in a sanitary condition and treated so as to effectively prevent the breeding or harboring of flies, mosquitoes or rodents.

(Ord. 76, passed 9-9-1974) Penalty, see ' 94.99

' 94.06 HEALTH OFFICER TO CORRECT CONDITIONS OR CONDEMN.

(A) The Health Officer if satisfied upon examination that a building, tenement, room or cellar in the city which is occupied as a dwelling place, or any other place where human beings reside, congregate, work or have access to, has become, by reason of its being inhabited or used, unclean or unfit for use as herein stated, or is likely to become a nuisance as herein declared or to be the place, shall give notice in writing to the occupant or owner of the premises or post in a conspicuous location upon the entrance of the premises notice condemning the place as being unfit for human habitation or use, and shall demand the occupant or owner of the premises to put the place in a sanitary and habitable condition within a reasonable time as therein stated. If the occupant or owner shall fail or refuse to comply with the terms of the notice within the time specified, the Health Officer may declare the premises a nuisance and make and file complaint against the occupant or owner, or both, as herein provided, or he or she may cause the condition of the premises to be corrected at the owner's expense, or he or she may do whatever is reasonably necessary to abate the nuisance at the expense of the owner.

(B) The reasonable cost and expense incurred by the Health Officer in repairing the premises and abating the nuisance shall be determined by the Health Officer, and the amount thus determined shall be charged to the owner of the premises involved, and shall be due and payable forthwith. A bill covering the amount shall be mailed by the Clerk to the owner of the premises at his or her last known post office address, demanding payment of the amount due. If the amount is not promptly paid, it shall be a lien on the

property and the amount may be collected in the same manner as real property taxes.

(C) If the premises are vacated, the Health Officer may in his or her discretion refuse to permit and shall condemn the use of any premises for human habitation declared by him or her to be a nuisance, and the premises shall not again be occupied as a human habitation until they are put in a sanitary and habitable condition.

(D) The Health Officer shall have the power and he or she is hereby authorized and empowered, to condemn any premises declared by him or her to be a nuisance which are occupied as a residence and may order the premises vacated until repaired or the conditions corrected to make them habitable.

(Ord. 76, passed 9-9-1974)

' 94.07 UNLAWFUL TO OCCUPY CONDEMNED PREMISES.

It shall be unlawful for any person to occupy or use the premises thus condemned by the Health Officer until put in a sanitary and habitable condition in accordance with the law and the ordinances of the city.

(Ord. 76, passed 9-9-1974) Penalty, see ' 94.99

' 94.08 UNLAWFUL TO REMOVE CONDEMNATION SIGN.

It shall be unlawful for any unauthorized person to remove any sign or notice posted on any premises condemning the use of the premises as a human habitation or declaring the premises to be a nuisance.

(Ord. 76, passed 9-9-1974) Penalty, see ' 94.99

' 94.09 RIGHT OF ENTRY.

The Health Officer shall have the right to enter private property as provided by law at any reasonable hour of the day or night for the purpose of making a sanitary or health survey of the premises, obtaining a sum of water used thereon, or collecting other data and material pertaining to public health, and enforcing the provisions of the housing law and the within this subchapter, and it shall be unlawful for any person to resist or attempt to prevent the Health Officer from carrying out the purposes herein set forth.

(Ord. 76, passed 9-9-1974)

‘ 94.10 ENFORCING OFFICERS.

The Health Officer and any deputy agents, or inspectors designated by him or her, are hereby empowered to perform the duties and functions and are hereby given like authority of law enforcement officers.

(Ord. 76, passed 9-9-1974)

‘ 94.11 RULES AND REGULATIONS.

The Health Officer is hereby authorized to prepare reasonable rules and regulations which he or she deems necessary to carry out and enforce the provisions of this subchapter.

(Ord. 76, passed 9-9-1974)

‘ 94.12 OWNER AND OCCUPANTS RESPONSIBLE FOR PREMISES BEING KEPT CLEAN.

All persons who own, manage, lease, rent or occupy any premises whatsoever shall be equally responsible for keeping the premises in a clean and habitable condition and shall take all necessary precautions to prevent any nuisance as herein declared, or other condition detrimental to public health from arising thereon, and particularly to take all reasonable precautions to prevent rodents and vermin, including rats, bedbugs and cockroaches, from being attracted thereto or existing thereon.

(Ord. 76, passed 9-9-1974)

‘ 94.13 OWNER TO KEEP RESIDENCES IN HABITABLE CONDITION; AGREEMENT.

Every building or portion thereof which shall be used as a home or residence for one or more families shall be kept by the owner thereof or the landlord in a habitable condition to prevent the premises from becoming a nuisance under applicable law.

(Ord. 76, passed 9-9-1974)

‘ 94.14 ABATEMENT OF NUISANCES.

In the event any dwelling, building, structure or lot is maintained as a nuisance or in the event any nuisance exists on a lot, dwelling or building, the Health Officer shall order the abatement of the nuisance by written notice served upon the owner or person causing the same. The notice shall prescribe the time when the nuisance shall be abated. Upon failure to abate the nuisance, the Health Officer may, by complaint duly verified, set forth the facts and supply to the Circuit Court for the county or to any judge therefor for an order granting the relief for which the action or proceeding is brought or for an order enjoining all persons from doing or maintaining the nuisance and the Health Officer may also apply to the Circuit Court or any judge thereof for an order authorizing him or her to execute and carry out the provision of the notice, to remove any violations specified in the notice or to abate any nuisance in or about the dwelling, building or structure or the lot upon which it is situated or upon any vacant lot where a nuisance exists.

(Ord. 76, passed 9-9-1974)

' 94.15 PERSONS LIABLE.

(Ord. 76, passed 9-9-1974) Penalty, see ' 94.99

The owner of any dwelling or any building or structure upon the same lot with a dwelling or the owner of any lot either improved or unimproved where a nuisance exists shall be guilty of a violation of this subchapter.

DUMPING OR SEEPAGE FROM CESS POOLS, DRAINS AND THE LIKE

' 94.30 PROHIBITED.

(A) It is hereby declared unlawful and a public nuisance to dump, throw, allow to accumulate or seep into or flow, or allow waste materials such as tin cans, ashes, old iron such as car bodies and frames, fencing, slops, wash water, seepage or flowage from cess pools or septic tanks, garbage and leaves to accumulate at or by or flow into any street, alley, ditch, creek, lake or pond within the city.

(B) By *STREETS* or *ALLEYS*, it is the intent to mean any public or private street or alley.

(C) By *DITCH, CREEK, LAKE* or *POND*, it is the intent to mean any public or private ditch or watercourse within the city.

(Ord. 29, effective 5-1-1932) Penalty, see ' 94.99

WEEDS

' 94.45 OWNER=S DUTY.

It shall be the duty of every owner, occupant or person having charge of lands in the city to cut down or cause to be cut down all Canada thistles, milkweed, burdock, yellow dock or other noxious weeds, growing thereon, in each and every year, so often as necessary to prevent any weeds going to seed.

(Ord. 13, passed 6-21-1915) Penalty, see ' 94.99

' 94.46 OWNER=S FAILURE TO TAKE ACTION.

Upon the refusal or failure of the owner or occupant to destroy the weeds as hereinbefore provided in ' 94.45, the Council of the city may cause the same to be done and the expense thereof shall be a proper charge against the lands upon which any of the weeds shall be cut by the order of the Council, and the expense shall be assessed against those lands by special assessment.

(Ord. 13, passed 6-21-1915) Penalty, see ' 94.99

' 94.99 PENALTY.

(A) *Nuisances.* Any violation of ' ' 94.01 through 94.15 shall constitute a misdemeanor and upon conviction thereof shall be punished by fine of not more than \$100 or by imprisonment in the county jail for not more than 90 days or both a fine and imprisonment in the discretion of the court. Each day that a misdemeanor, as specified in ' ' 94.01 through 94.15 is allowed or permitted to exist after abatement has been ordered by the Health Officer shall constitute separate and distinct violation punishable as herein above set forth.

(B) *Disposal of rubbish.* The following are penalties for violation of ' 94.30:

First violation	\$5 and costs/or ten days in the county jail
Second violation	\$15 and costs/or ten days in the county jail
Third violation	At the discretion of the court

(C) *Weeds; ' ' 94.45 and 94.46.* A violation of these sections is a civil infraction.

(Ord. 13, passed 6-21-1915; Ord. 29, effective 5-1-1932; Ord. 76, passed 9-9-1974)

CHAPTER 95: ABANDONED VEHICLES AND HOUSEHOLD GOODS

Section

General Provisions

- 95.01 Preamble
- 95.02 Short title
- 95.03 Definitions

Regulations

- 95.15 Prohibition; storage more than 15 days
- 95.16 Temporary placement extended
- 95.17 Authority to impound vehicles
- 95.18 Notifying owner of impounded vehicle
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- 95.20 Notification and disposal of unregistered vehicle
- 95.21 Notice of abandoned vehicles

- 95.99 Penalty

GENERAL PROVISIONS

' 95.01 PREAMBLE.

This chapter regulates the keeping and storing of abandoned, junk and distressed vehicles, household goods and business equipment on private property, and to provide for the removal of disabled and abandoned vehicles from public and private property; to preserve surrounding property values; to preserve the public health, safety and welfare; and to provide penalties for violations of this chapter.
(Ord. 106, passed 5-8-1989)

' 95.02 SHORT TITLE.

(3) A vehicle which has remained on public or private property for a period of 48 hours after

This chapter shall be known and cited as the city abandoned, junk and distressed vehicle and household goods ordinance, and it shall be deemed sufficient in any action for enforcement of the provisions hereof, to define the same by this title and reference to the number hereof.
(Ord. 106, passed 5-8-1989)

' 95.03 DEFINITIONS.

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

ABANDONED VEHICLE. A vehicle designed for use and licensing under Public Act 300 of 1949, being M.C.L.A. ' ' 257.1 through 257.923, as amended, which has been discarded or abandoned from use, whether or not the vehicle is licensed or operable, meeting any of the following standards:

(1) A vehicle which has remained on a public street, highway or other place open to travel by the public for a period of 72 hours or more, without notification by the registered owner of the vehicle to the Sheriff, other peace officer or the City Manager of the reason for leaving the vehicle in the public place;

(2) A vehicle which has remained on private property for a period of 48 hours or more without the consent of the person who owns, controls or leases the property, or a vehicle which remains on property for a period of 48 hours or more after consent to leave the vehicle on the property is revoked; and

the owner of the vehicle has been given notice pursuant to ' ' 95.15 through 95.21 to remove the

vehicle.

BUSINESS EQUIPMENT. All furnishings and fixtures used for business purposes, business machinery and all waste emanating from operation of a business.

DISTRESSED VEHICLE. A vehicle that has been wrecked, destroyed or damaged to an extent that the owner or the insurance company which insures the vehicle considers it uneconomical to repair the vehicle; and, because of the condition, the vehicle's ownership is to be transferred.

HOUSEHOLD GOODS. All household furnishings, fixtures, paper, glass, cans, bottles and household waste.

JUNK VEHICLE. Any form of conveyance, including, but not limited to, vehicles designed for use and licensing under Public Act 300 of 1949, being M.C.L.A. ' ' 257.1 through 257.923, as amended, which has been stored or collected for salvage, repair or parts stripping, or any combination thereof, or any vehicle which has remained unlicensed for one month or more. Any parts from this vehicle shall be considered a **JUNK VEHICLE**. A distressed vehicle may also be considered a **JUNK VEHICLE** herein if it falls within this definition.

OPEN AREA. Any unenclosed portion of a parcel of land devoted to the storage of abandoned, junk and distressed vehicles household goods or business equipment which is not effectively screened from the ordinary view of the general public or from persons occupying abutting or contiguous to the property.

OWNER.

(1) Any persons, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.

(2) A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession invested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the **OWNER**.

PEACE OFFICER. A Sheriff or his or her deputies, a city marshal, an officer of the Police Department of a city, a village, a township and an officer of the State Police.

STREET or **HIGHWAY.** The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
(Ord. 106, passed 5-8-1989)

REGULATIONS

' 95.15 PROHIBITION; STORAGE MORE THAN 15 DAYS.

(A) It is prohibited and a violation of this chapter for any person, firm, partnership or corporation to keep or store, or suffer or permit the keeping or storing of any abandoned, junk and distressed vehicle and household goods, or business equipment so as to occupy the open areas of property owned, leased or controlled by that person, firm, partnership or corporation, its employees and agents. Under no conditions shall these vehicles, household goods or business equipment be stored or kept within 35 feet of a public road or private easement right-of-way.

(B) This section shall not apply to the temporary placement of abandoned, junk and distressed vehicles, or household goods or business equipment in any open area of property for 15 days or less, the time to be computed cumulatively.

(Ord. 106, passed 5-8-1989) Penalty, see ' 95.99

' 95.16 TEMPORARY PLACEMENT EXTENDED.

Any party subject to the provisions of ' 95.17 may seek to keep or store in the open area vehicles, household goods or business equipment for not more than an additional 30 days by written request and by receiving written authority for an extension of the temporary placement of these items from the Marshal of the city.

(Ord. 106, passed 5-8-1989)

' 95.17 AUTHORITY TO IMPOUND VEHICLES.

A peace officer is hereby authorized to remove or order the removal of any vehicle from a street or highway or any place open to the public for travel or upon complaint of the owner of private property upon which the vehicle is abandoned in any of the following circumstances:

(A) When any vehicle is left unattended and is so parked upon any bridge viaduct, highway, street or other place open to the public for travel and that vehicle constitutes a hazard or obstruction to traffic;

(B) When a vehicle is found being driven upon the streets, highways or other places open to the public for travel and is not in a proper and safe condition to be driven;

(C) When the driver of a vehicle is taken into custody, and the vehicle would thereby be left

unattended upon the street, highway or other place open to the public for travel;

(D) When removal is necessary in the interest of public safety because of fire, flood, storm, snow or other emergency reason; and

(E) When any vehicle is on a street, highway or any place, whether public or private, and the vehicle is deemed an abandoned vehicle pursuant to the provisions of this chapter.

(Ord. 106, passed 5-8-1989)

' 95.18 NOTIFYING OWNER OF IMPOUNDED VEHICLE.

(A) Whenever a peace officer removes or orders removed a vehicle from a street, highway or other place as authorized in this chapter, and the officer knows or is able to ascertain the name and address of the owner thereof, the officer shall immediately give or cause to be given notice in writing to the owner of the fact of the removal, and the reason therefor, and of the place to which the vehicle has been removed, and that if the vehicle is not claimed within 45 days, the vehicle will be disposed pursuant to ' 95.19. In the event this vehicle is stored in a garage, a copy of the notice shall be given to the proprietor of the garage.

(B) Whenever an officer removes or orders removed a vehicle from a street, highway or other place as authorized in this chapter, the officer shall, within ten days, send or cause to be sent by mail a written report of the removal to the Secretary of State and shall file a copy of the notice with the proprietor of any garage in which the vehicle is stored. This notice shall include a complete description of the vehicle, the date, time and place from which removed, and the reasons for which removed, the name of the garage or place where the vehicle is stored and the name of the officer who has custody of the vehicle.

(C) Whenever an officer removes a vehicle from a street, highway or other place as authorized in this chapter, and does not know and is not able to ascertain the name of the owner, the officer shall send or cause to be sent an inquiry to the Secretary of State requesting the name and address of the owner. Upon receipt of the requested information, the officer shall notify the owner and Secretary of State as provided in divisions (A) and (B) above.
(Ord. 106, passed 5-8-1989)

' 95.19 DISPOSAL OF VEHICLES.

(A) At any time within 45 days after the date of the notice to the registered owner and lien holders, the registered owner or any lien holder may claim the vehicle by paying all charges which are due.

(B) If neither the registered owner nor any lien holder claims the vehicle and pays the charges within 45 days following the date of notice, the Sheriff or other peace officer may sell the vehicle at a public or private sale.

(C) Any surplus received at the sale, after all charges of the Sheriff or other peace officer and garagemen have been paid and satisfied and all costs of the sale have been deducted, shall be returned to any lien holder who has given notice to the Sheriff or other peace officer of his or her claim within 45 days after the date of the notice to the registered owner and lien holders, and the balance, if any, shall be returned to the registered owner of the vehicle.
(Ord. 106, passed 5-8-1989)

' 95.20 NOTIFICATION AND DISPOSAL OF UNREGISTERED VEHICLE.

(A) If the abandoned vehicle bears registration plates issued by any other state or country, the peace officer shall notify the Motor Vehicle Administrator or any other appropriate official of that state or country of the impoundment of that vehicle and determine the owner and lien holder of the vehicle. Upon determination of the owner and lien holder of the vehicle, the peace officer shall provide notification to the owner and lien holder as provided in ' 95.18 and that the vehicle will be disposed of under the

provisions and requirements of ' 95.19.

(B) If the Secretary of State finds that the vehicle is not currently registered in the state or any other state, the peace officer may proceed to dispose of the vehicle under the provisions of ' ' 95.18 and 95.19 provided that a notice containing description of the vehicle, stating that the vehicle will be sold at public auction at a date, time and place specified therein not less than 45 days after the date of publication, be published in a newspaper printed and circulated in the county.

(C) If any person, prior to the date of the sale specified in the notice, established to the satisfaction of the Sheriff or other peace officer that he or she is the owner of the vehicle or that he or she is the holder of a lien against it, that person may claim the vehicle by paying all charges and costs which are due, including the cost of publication.
(Ord. 106, passed 5-8-1989)

' 95.21 NOTICE OF ABANDONED VEHICLES.

Any peace officer, or the President or any other official designated as an ordinance enforcement officer by the City Council may, upon ascertaining that a vehicle on private property is disabled and is not being used and is becoming a public or private nuisance, notify the owner or person in charge of that vehicle that the vehicle must be removed within 48 hours or it shall be deemed an abandoned vehicle hereunder.
(Ord. 106, passed 5-8-1989)

' 95.99 PENALTY.

(A) The Marshal of the city shall be charged with the enforcement of the provisions of this chapter. Violations shall be brought by a sworn complaint upon an appearance form or by complaint and warrant through the office of the Attorney for the city. Anyone found be in violation for a second offense within a one-year period shall automatically be given a court citation.

(B) Violations of this chapter constitute a nuisance per se, and the city may seek injunction relief or any other remedy provided by law to eliminate the violation.

(C) Any person, firm, partnership or corporation who shall violate any of the terms of this chapter shall, upon conviction in a court of competent jurisdiction, be subject to a fine of not more than \$500 plus the costs of prosecution, or to imprisonment in the county jail for a period not to exceed 90 days, or to fines, costs and imprisonment at the discretion of the court.

(D) Each day and fraction thereof that a vehicle remains abandoned hereunder shall be considered a separate and distinct offense.

(Ord. 106, passed 5-8-1989)

CHAPTER 96: TREES

Section

- 96.01 Planting of trees
- 96.02 Hitching of animals
- 96.03 Cutting or destroying trees
- 96.04 Electric wires
- 96.05 Trimming of trees

- 96.99 Penalty

' 96.01 PLANTING OF TREES.

Any person owning or occupying any lot, lands or premises in the city desiring to plant or transplant shade or ornamental trees in the streets contiguous to land may apply to the DPW whose duty it shall be to designate where these trees shall be set or planted, and when the DPW has so designated, then, and not until then, shall the party be permitted to set out or plant shade or ornamental trees. If any person is dissatisfied with the finding of DPW, he or she may bring the finding of the DPW before the Council whose finding shall be final. The action of the DPW shall be binding on all parties until the Council shall act upon it.
(Ord. 7, passed 6-21-1915)

' 96.02 HITCHING OF ANIMALS.

No person or persons shall hitch any horse or horses or other animals to shade or ornamental trees, or permit a horse, horses or animals to stand within reach of those trees in the city.
(Ord. 7, passed 6-21-1915) Penalty, see ' 96.99

' 96.03 CUTTING OR DESTROYING TREES.

(A) No person or persons shall cut, cut down, destroy or mutilate in any manner, except as may be provided for in this chapter, any shade or ornamental trees so long as they are alive and growing within the limits of the city.

(B) This section is not to be construed so as to prevent the owner of private premises from cutting any tree or trees growing wholly within or upon private premises.
(Ord. 7, passed 6-21-1915) Penalty, see ' 96.99

' 96.04 ELECTRIC WIRES.

No electric wires shall be strung so as to transmit electric current to or interfere with the growth of any shade or ornamental tree alive and growing within the limits of the city.
(Ord. 7, passed 6-21-1915)

' 96.05 TRIMMING OF TREES.

(A) All trees that stand in and extend over the streets of the city shall at all times be kept so trimmed that no branches thereof shall be less than eight feet above the sidewalk in or over which they stand.

(B) It shall be the duty of the owners of these trees to keep them trimmed as required by this chapter.
(Ord. 7, passed 6-21-1915) Penalty, see ' 96.99

' 96.99 PENALTY.

Any person or persons violating the provisions of this chapter on conviction thereof, shall be punished by a fine not exceeding \$500 and the costs of prosecution or by imprisonment in the county jail for a period of not exceeding 90 days, or both a fine and imprisonment in the discretion of the court or magistrate before whom the conviction is had.

(Ord. 7, passed 6-21-1915)