

**TITLE IX: GENERAL REGULATIONS**

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**CHAPTER 90: NUISANCES**

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***Cross-reference:***

*Nuisance parties, see §§ 130.15 through 130.17*

***GENERAL PROVISIONS***

**§ 90.01 DEFINITION.**

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

**PUBLIC NUISANCE.** Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway or navigable stream; allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property. "Public nuisance" shall include, but not be limited to, whatever is forbidden by any provisions of this chapter and the common and statute law of this state.

('88 Code, Title IX, Ch. 109, § 9.1)

#### § 90.02 DRAINAGE OF LOTS.

If any lands, excavations, cellar, vault, sewer, drain, place or premises within the City shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the City Commission or Health Officer may require the same to be drained, filled up, cleansed or purified by the owner, or occupant, or person in charge of such lot, premises or place.

('88 Code, Title IX, Ch. 109, § 9.51) Penalty, see § 90.99

#### § 90.03 SMOKE AND AIR POLLUTION.

No individual or individuals shall cause, suffer or allow to be discharged in the atmosphere from any source other than ships, marine vessels, railroad locomotives, or air or land transport vehicles, smoke the shade or appearance of which is equivalent to, or greater than, that density described as No. 2 of the Ringelmann Chart, provided, however, that smoke, the shade or appearance of which is equivalent to, but not darker than, No. 2 of the Ringelmann Chart for a period or periods aggregating four minutes in any 30 minutes shall be permitted and provided further, that smoke, the shade or appearance of which is equivalent to, but not darker than, No. 3 of the Ringelmann Chart for a period or periods aggregating three minutes in any 15 minutes shall also be permitted when building new fire or when breakdown or malfunctioning of equipment occurs such as to make it evident that the emission was not reasonably preventable.

(Ord. 250-8-88, passed 8-15-88) Penalty, see § 90.99

#### § 90.04 VIBRATION FROM INDUSTRIAL OR COMMERCIAL DISTRICT; CONSTRUCTION EXEMPT.

No commercial or industrial district use shall generate any ground transmitted vibration that is perceptible to the human sense of touch of a panel of healthy observers measured at either the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on the lot or the lot line if the enterprise generating the vibration is the only enterprise located on a lot. Vibrations resulting from construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

(Ord. 250-8-88, passed 8-15-88) Penalty, see § 90.99

#### NOISE

#### § 90.15 NOISES PROHIBITED.

Among others, each of the following acts is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive, namely:

(A) *Horns and signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(B) *Radio and musical instruments.* The playing of any radio, television, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity;

(C) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of

11:00 p.m. and 7:00 a.m. or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(D) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner.

(E) *Animal and bird noises.* The keeping of any animals or birds which by causing frequent or long continued noise shall disturb the comfort or repose of any person.

(F) *Whistle or siren.* The blowing of any whistle or siren, except as a warning of fire or danger.

(G) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom.

(H) *Construction noises.* The erection, including excavating, demolition, alteration, or repair of any building, the excavation of streets and highways, other than between the hours of 7:00 a.m. and 6:00 p.m. unless a permit be first obtained from the Department of Public Works.

(I) *Handling merchandise.* The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(J) *Devices to attract attention.* The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.

(K) *Noise or commotion.* To make a commotion or make unnecessarily loud noises, whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed.

(L) *Sound trucks.* To operate or cause to be operated a sound truck with radio or amplifier within the City without first having obtained a permit therefor from the City Commission.  
(‘88 Code, Title IX, Ch. 109, § 9.21) Penalty, see § 90.99

## § 90.16 EXCEPTIONS.

None of the prohibitions in § 90.15 shall apply to or be enforced against any police or fire vehicle of the City or ambulance while engaged upon necessary public emergency business; necessary excavations or repairs of bridges, streets, or

highways by, or on behalf of the City, county or state during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day; the reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.  
(‘88 Code, Title IX, Ch. 109, § 9.22)

## § 90.17 NOISE RESTRICTIONS FOR INDUSTRIAL AND COMMERCIAL ZONING DISTRICTS.

(A) No Industrial District (I) and C-1, C-2 and C-3 Commercial District uses shall generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the I, C-1, C-2 and C-3 district uses if those uses be one of several located on a lot or uses located on adjacent lots.

(B) Except as provided in division (F), the table set forth in division (E) establishes the maximum permissible noise levels for I, C-1, C-2 and C-3 district uses. Measurements shall be taken at the boundary line of lot where those uses are located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the district uses identified in division (A) are located.

(C) A **DECIBEL** is a measure of a unit of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether pitch of the sound is high or low), and A-weighted filter constructed in accordance with the specifications of the American Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on and sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in db(A) to reflect the use of this A-weighted filter.

(D) The standards established in the table set forth in division (E) are expressed in terms of the Equivalent Sound Level (Leq), which must be

calculated by taking 100 instantaneous A-weighted sound levels at 10-second intervals.

(E) *Table of Maximum Permitted Sound Levels, dB(A).*

*(re: 0.0002 Microbar)*

<b>Zoning of Lot Where Use Located</b>	<b>R-1, R-2, R-3, RC</b>		<b>C-1, C-2, C-3</b>		<b>I</b>
	<b>(A)*</b>	<b>(B)**</b>	<b>(A)*</b>	<b>(B)*</b>	
<b>I</b>	65	55	70	60	75 70
<b>C-1, C-2, C-3</b>	65	55	70	60	7 0

\* 7:00 a.m. to 10:00 p.m. a.m.

\*\* 10:00 p.m. to 7:00 a.m.

(F) **SPIKE NOISES** are sounds that occur intermittently rather than continuously. Spike noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 db(A) in excess of the figures listed in division (E), except that this higher level of permissible noise shall not apply from 10:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter. (Ord. 250-8-88, passed 8-15-88) Penalty, see § 90.99

**§ 90.18 CONSTRUCTION ACTIVITY.**

Noise resulting from construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of § 90.18. (Ord. 250-8-88, passed 8-15-88)

**§ 90.19 TRUCKS.**

No trucks while stationary on an industrial or commercial district use shall make any noise greater than the standard established in the table in § 90.17(E) for a period or periods aggregating 15 minutes in any hour. (Ord. 250-8-88, passed 8-15-88) Penalty, see § 90.99

**GRASS AND WEEDS**

**§ 90.25 FINDINGS AND PURPOSE.**

The City Commission finds the failure to cut and mow grass and weeds in the City creates a nuisance. Such failure to act is harmful to the health and well-being and is contrary to the general welfare of the residents. Specifically, the failure to mow the grass and cut weeds in the City:

(A) Creates a nuisance in that weeds are permitted to seed and spread onto the lawns of neighbors.

(B) Creates a health hazard in the lawns overgrown with weeds and contributes to the amount and spread of pollen, affecting those who suffer from allergies.

(C) Affects property appearances and thus the value of adjoining properties.

(D) Creates a danger of crime where unkept lawns may give rise to an assumption that premises are unoccupied.

(E) Creates an environment to which rodents and other undesirable pests are attracted.

(F) Affects the public welfare by reflecting negatively on the City and its citizens. (Ord. 275-6-89, passed 6-23-89) Penalty, see § 90.99

**§ 90.26 RESTRICTIONS, EXCEPTIONS.**

(A) It shall be unlawful for any owner and /or occupant of any real estate within the City to allow or maintain on any portion of such real estate and into the right-of-way one foot beyond any curb or pavement line adjacent to such real estate any growth of vegetation not edible or planted for some useful or ornamental purpose that:

(1) Exceeds six inches in height;

(2) Blocks, impedes and/or obstructs stormwater runoff;

(3) Grows in sidewalks or other walking areas, or between sidewalk and curbing with a service strip;

- (4) Emits any unpleasant or noxious odor;
- (5) Conceals a filthy deposit; or
- (6) Creates or produces pollen

(B) This section shall not be enforced with respect to weeds, grass, or similar vegetation when such growth is more than 50 feet from land owned by any other person or from any street or alley or with respect to the common boundary or adjoining unused vacant lots.  
(Ord. 275-6-89, passed 6-23-89; Am. Ord. 306-7-91, passed 7-1-91) Penalty, see § 90.99

**§ 90.27 NOTICE TO OWNER OR OCCUPANT TO REMOVE.**

(A) Whenever it shall be reported to or observed by the Department of Neighborhood Services or the Department of Public Safety that any owner or occupant of real property has failed to comply with any of the terms of § 90.26, the Department of Neighborhood Services shall cause notice to be delivered in the manner prescribed in § 10.14 directing the owner or occupant to comply within five days.

(B) Any person failing to mow the grass or cut the weeds within five days of the posting, mailing, or actual receipt of the notice to do so, shall be responsible for a municipal civil infraction and subject to the penalty prescribed in § 90.99.  
(Ord. 275-6-89, passed 6-23-89; Am. Ord. 465-4-00, passed 4-17-00; Am. Ord. 626-07-10, passed 7-6-10) Penalty, see § 90.99

**§ 90.28 ABATEMENT OF NUISANCE.**

(A) In the event the owner or occupant fails to mow the grass and cut the weeds within five days of the posting, mailing, or actual receipt of the notice to do so, the Department of Neighborhood Services may have the offending vegetation cut and removed. When such an action is taken the owner shall be billed for the cost of the work plus an administrative fee of 20%. The costs and fees shall be in addition to fines and costs for municipal civil infractions. Costs and fees may be collected by any procedure authorized by law.

(B) After notice has been delivered personally or by certified mail to the owner at least once in any growing season (May through October) additional notices during that same growing season can be delivered to or posted at the site with copies sent by

first class mail to the owner and occupant, but no citation shall be issued and no abatement ordered by the Department of Neighborhood Services shall occur until the tenth day after delivery or posting and mailing of the notice.  
(Ord. 275-6-89, passed 6-23-89; Am. Ord. 465-4-00, passed 4-17-00; Am. Ord. 626-07-10, passed 7-6-10) Penalty, see § 90.99

**LITTER**

**§ 90.30 DEPOSIT OF UNWHOLESOME SUBSTANCES.**

No person shall by himself or by another, throw, place, deposit or leave in the street, lane, alley, public place or square, any animal or vegetable substance, dead animals, fish, shavings, dirt, rubbish, excrement, filth, unclean or nauseous water or liquor, hay, straw, soot, offal, garbage, swill, or any other article or substance whatever which may cause any offensive, unwholesome, or nauseous smell, or endanger the health of the public.  
(’88 Code, Title IX, Ch. 109, § 9.45) Penalty, see § 90.99

**§ 90.31 DEPOSIT OF INJURIOUS SUBSTANCES.**

No person shall by himself or by another, throw, place, deposit or leave in any street, highway, lane, alley, public place or square, or in any private place or premises, any glass, broken or unbroken, or any metal, stone, earthenware, tacks, cinders or other substances of a nature likely to cause injury to travelers or pedestrians, automobiles, bicycles, or vehicles, or to injure any horse or other animal or which might injure, cut or puncture any pneumatic tire.  
(’88 Code, Title IX, Ch. 109, § 9.46) Penalty, see § 90.99

**BLIGHT PREVENTION**

**§ 90.35 BLIGHT CONDITIONS; FINDINGS AND PURPOSE.**

The City Commission hereby finds and determines that conditions of blight contribute to the deterioration of areas and neighborhoods within the City. Such conditions of blight cause, create or constitute a nuisance, and are harmful to the health,

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well-being and welfare of City residents and the general public. Specifically, the failure to keep real property free from blight conditions in the City:

(A) Creates a nuisance in that litter and other materials scatter into yards of neighbors.

(B) Affects property appearances and thus, decreases the value of adjoining properties.

(C) Creates an environment to which rodents and other undesirable pests are attracted.

(D) Creates a danger of crime where substandard building conditions or facilities may give rise to an assumption that premises are unoccupied.

(E) Affects the public welfare by reflecting negatively on the City and its citizens. (Ord. 304-4-91, passed 6-17-91) Penalty, see § 90.99

### § 90.36 RESTRICTIONS; EXCEPTIONS.

(A) It shall be unlawful for any owner or occupant of real property within the City to allow or maintain on any portion of such real property the following:

(1) Building materials unless such materials are stored in a completely enclosed building or there is a valid building permit issued for construction on that property and the stored materials are to be used in that construction. **BUILDING MATERIALS** shall include, but not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws and tools.

(2) Litter, junk, trash, rubbish or garbage or other unwholesome, hazardous or injurious substances. For the purpose of this section, the term **JUNK** includes, but is not necessarily limited to, equipment and machines or parts therefrom, motor vehicle parts, appliances, furniture, remnants of lumber, metal, plastic or other material of a cast-off nature, whether or not such material could be put to any reasonable use, unless such items are stored completely in an enclosed building.

(3) Any vacant dwelling, garage or other outbuilding that is not kept securely closed, with windows glazed or neatly boarded up or otherwise secured to prevent entrance by vandals.

(4) Any structure or portion thereof that is no longer habitable or useful for any discernible legal purpose.

(5) Any partially completed structure, unless such structure is in the course of construction pursuant to a valid building permit.

(B) This section shall not be enforced when the structures, activities or uses identified in division (A) are incidental to and necessary for the operation of any business or occupation lawfully operating on the property.

(C) A person who violates any provision of this section shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97.

(Ord. 304-4-91, passed 6-17-91; Am. Ord. 442-2-99, passed 2-4-99; Am. Ord. 459-1-00, passed 1-3-00) Penalty, see § 90.99

### § 90.37 IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates a different meaning.

**ACT.** The Michigan Fireworks Safety Act, MCL 28.451 *et seq.*

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

**LOW IMPACT FIREWORKS.** Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

**NATIONAL HOLIDAY.** New Year's Day, Martin Luther King, Jr.'s birthday, President's Day (also referred to as Washington's birthday), Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day.

(B) *Prohibitions.* No person shall ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m., including the day preceding, the day of, or the day after a national holiday.

(C) *Violations and penalties.* A person who violates this section shall be subject to a municipal civil infraction, punishable by a fine of not more than \$500 for each violation of this section. (Ord. 668-09-13, passed 9-3-13)

**§ 90.38 ABATEMENT OF BLIGHT.**

(A) The City Commission finds and determines that conditions of blight constitute a nuisance that can be abated by the Department of Neighborhood Services.

(B) Whenever conditions of blight are reported to or observed by the Department of Public Safety or the Department of Neighborhood Services, regardless of whether or not a municipal civil infraction citation has been issued for the condition of blight, the Department of Neighborhood Services can give notice in the manner prescribed in § 10.14 to the owner or occupant, or both, directing the removal, elimination, or corrections of the blighted condition within five calendar days.

(C) In the event the owner and/or occupant fails to remove, eliminate or correct the condition of blight within five days after receiving the notice, the Department of Neighborhood Services may abate the condition of blight by removing, eliminating, or correcting it. When such an action is taken, the owner shall be billed for the actual cost of the work plus an administrative fee of 20% of the actual cost. The cost and fee shall be in addition to fines and costs assessed upon a finding of responsibility for a municipal civil infraction.

(D) The City Manager may direct abatement of any blight condition within 24 hours of giving notice pursuant to § 10.14 that such condition be removed or eliminated if the condition present a clear and present danger to the public health, safety or general welfare of City residents requiring immediate abatement action. If such an action is taken, the costs of such action shall be calculated in the same manner as in subsection (C) of this section. (Ord. 304-4-91, passed 6-17-91; Am. Ord. 459-1-00, passed 1-3-00) Penalty, see § 90.99

***DANGEROUS STRUCTURES***

**§ 90.45 DANGEROUS STRUCTURES.**

No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public. ('88 Code, Title IX, Ch. 109, § 9.11) Penalty, see § 90.99

**§ 90.46 CONDEMNATION; NOTICE AND HEARING.**

The City Commission may, after notice to the owner and after holding a public hearing thereon, condemn such structure by giving notice to the owner of the land upon which such structure is located, specifying in what respects said structure is a public nuisance and requiring said owner to alter, repair, tear down or remove the same within such reasonable time, not exceeding 60 days, as may be necessary to do or have done the work required by said notice. The notice may also provide a reasonable time within which such work shall be commenced.

('88 Code, Title IX, Ch. 109, § 9.12)

**§ 90.47 ABATEMENT.**

If, at the expiration of any time limit in the notice, the owner has not complied with the requirements thereof, the City Manager shall carry out the requirements of the notice. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with the provisions of Section 3.4 of the Charter.

('88 Code, Title IX, Ch. 109, § 9.13)

**§ 90.48 EMERGENCY ABATEMENT.**

The City Manager may abate any such public nuisance, if the public safety requires immediate action, without preliminary order of the City Commission. Thereafter the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of Section 3.4 of the Charter.

('88 Code, Title IX, Ch. 109, § 9.14)

**RADIO AND TELEVISION INTERFERENCE****§ 90.55 RADIO AND TELEVISION INTERFERENCE PROHIBITED.**

No person shall maintain or operate any equipment, device, appliance, or apparatus in the City which generates or causes high frequency oscillations which interfere with radio or television transmitting or reception; except, that X-ray pictures, examinations, or treatments and diathermy treatments may be made if the machine or apparatus therefor is equipped to avoid all unnecessary or unreasonable interference and are not negligently operated.

('88 Code, Title IX, Ch. 109, § 9.27) Penalty, see § 90.99

**§ 90.56 INSPECTION.**

The City Engineer may designate a radio inspector, to investigate complaints of interference with radio and television transmitting, and reception and he is hereby given authority, upon presenting his evidence of authority, to have a right of access to any premises at any reasonable hour for the purpose of inspecting any equipment, device, appliance, or apparatus coming within the terms of this subchapter to determine if such equipment, device, appliance, and apparatus complies with the terms of this subchapter, and no person shall interfere with the Radio Inspector in making such inspection or refuse to allow the Radio Inspector to enter upon the premises for such purpose.

('88 Code, Title IX, Ch. 109, § 9.28) Penalty, see § 90.99

**§ 90.57 NOTICE OF VIOLATION.**

Whenever an inspection and test shall have been made by the Radio Inspector, and it is found that such equipment, device, appliance, or apparatus is being operated in violation of this subchapter, the person responsible for such operation shall be notified in writing to discontinue the use of such equipment, device, appliance or apparatus or to make additions, repairs, or modifications thereof, in order that the same may be operated in a manner which complies with the provisions of this chapter. Such notice may be given personally to the person or by registered mail, addressed to the person. In the event that the person, within 48 hours after receipt of such notice to repair or discontinue the use of said equipment, device, appliance or apparatus, does not discontinue

its use or repair the same so that it complies with this subchapter, such person shall be deemed to be operating the same in violation thereof.

('88 Code, Title IX, Ch. 109, § 9.29) Penalty, see § 90.99

**§ 90.58 INTERFERENCE WITH POLICE RADIO.**

The operation of any machine, mechanical device, electrical device, or thing that interferes with, or causes static in the operation of the police radio system is hereby declared to be a public nuisance; the operator of the machine or device shall immediately discontinue the use of the equipment upon being notified of its interference with the police radio system and shall not again place the same in operation until it has been repaired or modified so as not to interfere with the police radio system.

('88 Code, Title IX, Ch. 109, § 9.30) Penalty, see § 90.99

**§ 90.59 FEDERAL LICENSEES.**

No provisions of this subchapter shall be construed as regulating any equipment, device, appliance or apparatus used in interstate commerce where the same is licensed or regulated by or under any Act of Congress of the United States.

('88 Code, Title IX, Ch. 109, § 9.31)

**JUNK AUTOMOBILES****§ 90.70 DISABLED AND INOPERABLE MOTOR VEHICLES.**

(A) A disabled or inoperable motor vehicle is one that is not currently registered and licensed for operation upon the highways of the state, or is not otherwise operable because of missing, damaged, or broken equipment.

(B) It shall be unlawful to keep or store a disabled or inoperable motor vehicle on any parcel of real property within the City of Big Rapids for more than 14 days, except in a completely enclosed building or at a state licensed business that engages in the sale, repair, or dismantling of motor vehicles.

(C) Any disabled or inoperable motor vehicle kept or stored in a manner contrary to this section shall be affixed with a sticker explaining that the

motor vehicle must be repaired, registered and licensed in compliance with this section, moved within a completely enclosed building, or moved to a state licensed business engaged in the sale, repair, or dismantling of motor vehicles, within 14 days of the date the sticker is placed on the motor vehicle. A record shall be kept of the date and time the sticker is placed on the motor vehicle, the location of the motor vehicle, and the disabled or inoperable status of the motor vehicle.

(D) Upon expiration of the 14 days reflected on the sticker, the registered owner of the motor vehicle and/or the owner of the real property where the motor vehicle is kept or stored contrary to the terms of this section can be cited by way of an appearance ticket for a violation of this section. Each day after the 14 days shall constitute a separate violation of this section.

(E) The Zoning Administrator, Code Enforcement Officer, Property Maintenance Inspectors and Service Officers within the City of Big Rapids Department of Public Safety are authorized to investigate and issue appearance tickets for a violation of this section, which shall be a municipal civil infraction punishable as provided in § 10.97.

(F) The presence of one or more disabled or inoperable motor vehicles in violation of this section shall constitute a condition of blight within the meaning of § 90.35, which is also determined to be a nuisance subject to abatement by the City, but only after expiration of the 14 day period described in the sticker affixed to the motor vehicle. (Ord. 442-2-99, passed 2-4-99; Am. Ord. 509-02-03, passed 2-3-03; Am. Ord. 676-07-14, passed 7-7-14)

**REPEATED ILLEGAL ACTIVITY INVOLVING CONTROLLED SUBSTANCES OR ALCOHOL**

**§ 90.80 LEGISLATIVE FINDINGS.**

The City Commission determines that whenever the repeated illegal use, sale, distribution, furnishing or possession of controlled substances or alcoholic beverages occurs on any real property, or whenever any real property is used repeatedly for the violation of laws regulating controlled substances, alcoholic beverages, or nuisance parties, a public nuisance may result. A public nuisance results from the increased criminal activity that occurs within the surrounding neighborhood, the increased pedestrian

and vehicular traffic within the surrounding neighborhood, the increased noise and public disturbances that occur within the surrounding neighborhood by reason of loud music, yelling and screaming, brawls, domestic violence, damage to personal property, litter and public urination, and the fear engendered in the minds of neighbors living in the surrounding neighborhood. (Ord. 483-8-01, passed 8-6-01)

**§ 90.81 DEFINITIONS.**

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

**CITY COMMISSION.** The Big Rapids City Commission or a special committee of the Big Rapids City Commission.

**NUISANCE PARTY.** An incident defined in the Big Rapids City Code (see § 130.15) as a nuisance party.

**OWNER.** Any person who possesses or holds any legal or equitable interest in real property.

**OWNER** also includes any person who holds, exercises or delegates any control, custody or dominion over real property whether or not that person has or claims to have any legal or equitable interest in the real property. **OWNER** specifically includes tenants, whether or not identified in a written lease.

**REAL PROPERTY** means any land, house, structure, building, dwelling, apartment, premises, or any part thereof.

**REPEATED** and **REPEATEDLY.** Three or more times within any nine-month period. (Ord. 483-8-01, passed 8-6-01)

**§ 90.82 DECLARATION OF PUBLIC NUISANCE.**

Whenever one of these specified incidents or conditions occurs or exists repeatedly on any real property within the City of Big Rapids, the City Commission may declare by resolution that the real property is a public nuisance, and may order the nuisance abated:

(A) The illegal use, sale, distribution, furnishing or possession of a controlled substance; or

(B) The illegal use, sale, distribution, furnishing or possession of an alcoholic beverage; or

(C) Holding, sponsoring, causing, or allowing a nuisance party.  
(Ord. 483-8-01, passed 8-6-01)

### **§ 90.83 PROCEDURE FOR DECLARATION OF A PUBLIC NUISANCE.**

A declaration of a public nuisance under this chapter by the City Commission shall occur according to the following procedure.

(A) A declaration of a public nuisance can occur only after a formal complaint is filed by the City's Director of Public Safety and notice is given to the owner of the real property and the owner has had an opportunity to be heard at a public evidentiary hearing before the City Commission.

(B) Notice of the public evidentiary hearing shall be given to the owner by personal service or certified mail to the address indicated by the City Assessor's records, the Mecosta County Register of Deeds records, and the City's Neighborhood Services Department records. The notice shall state the nature of the alleged public nuisance, and the time, date and location of the hearing. Certified mail shall be delivered with a return receipt requested. Notice to an owner shall occur at least seven calendar days prior to the date of the hearing. Notice shall be given to any and all persons who have an ownership interest in the real property, including record title owners, mortgage holders, tenants, and trustees, whose ownership interest is reflected in the records described above. Notice shall be posted on the real property at least seven calendar days prior to the date of the hearing.

(C) The City Commission shall act as a municipal administrative agency, functioning in a quasi-judicial capacity as authorized by state law and its Charter, when determining whether or not a public nuisance exists under the standards established in this Chapter. The City Commission shall make this determination based solely on evidence presented at the public evidentiary hearing, of which a record shall be made and kept. In conducting the public evidentiary hearing, the City Commission shall afford an owner and City personnel an opportunity to present evidence and make arguments as to factual and legal issues. Cross-examination of opposing witnesses shall be permitted. An owner may appear in person or be represented by an attorney, but lay representation

shall not be permitted. In conducting the public evidentiary hearing, the City Commission can admit and give weight to probative evidence of a nature commonly relied upon by reasonably prudent individuals in the conduct of their affairs. The City Commission shall not be bound by the Michigan Rules of Evidence. Irrelevant, incompetent and unduly repetitious evidence shall be excluded.

(D) The City Commission shall make factual findings at the close of the public evidentiary hearing, determining at a minimum:

- (1) The street address and legal description of the property; and
- (2) The owner(s) of the real property; and
- (3) The number and nature of specified incidents or conditions; and
- (4) The time frame in which these occurred or existed; and
- (5) The nature of the alleged public nuisance; and
- (6) The actions taken by the owner to prevent or abate the specified incidents or conditions.

(E) The declaration of a public nuisance and any order of abatement must be by an affirmative vote of not less than four City Commission members.  
(Ord. 483-8-01, passed 8-6-01)

### **§ 90.84 ABATEMENT OF NUISANCE AND COSTS.**

If the City Commission determines by resolution that any real property is a public nuisance according to the provisions of this Chapter, and after giving due consideration to the actions taken by the owner to prevent or abate the specified incidents or conditions, it may order abatement of the public nuisance in addition to any other remedies available at law or in equity. The order of abatement can be entered at the public evidentiary hearing on the alleged public nuisance, or at a later hearing noticed out in the same manner as the public evidentiary hearing. The City Commission may receive additional evidence on the issue of abatement.

(A) If it is determined that all or a portion of the real property should be vacated to abate the public nuisance, the City Commission shall order the real property vacated and declare occupancy of all or a

portion of the real property prohibited, which shall authorize the Director of Public Safety to prohibit occupancy by padlocking, boarding, or otherwise securing the real property, for up to one year as determined by the City Commission based upon the evidence.

(B) The City Commission may determine and order that the owner shall be liable for the full cost of materials and personnel, including City employees and contractors, utilized in padlocking, boarding or securing the real property, and subsequent or remedial actions required to keep the real property vacant for the abatement period.

(C) The City Commission may order the costs assessed against the real property and collected as taxes.

(D) The City Commission may revoke the housing maintenance certificate for any real property determined to be a public nuisance, and the real property shall not be occupied by a tenant until a housing maintenance certificate has been requested and issued according to § 151.20.

(E) Where only a discrete area of the real property is involved in the illegal activity giving rise to the declaration of a public nuisance, the City Commission shall not order any other part of the real property vacated. By the way of example, if only a single apartment in a multiple unit structure is the site of the incidents or conditions specified in this Chapter, then the City Commission shall vacate the single apartment, and not the entire structure. (Ord. 483-8-01, passed 8-6-01; Am. Ord. 567-06-06, passed 6-5-06)

**§ 90.85 FINDING OF PUBLIC NUISANCE.**

(A) The City Commission may find that a public nuisance exists if any three or more of the following listed incidents or conditions occur within a nine-month period, as established by evidence presented at the public evidentiary hearing.

(1) The real property has been searched by law enforcement officers and an illegal controlled substance has been found on site.

(2) The real property has been the site of a nuisance party as defined in the Big Rapids City Code.

(3) The real property has been the site of the illegal use, sale, distribution, furnishing or possession of a controlled substance or an alcoholic beverage.

(B) A rebuttable presumption that a public nuisance exists at the real property arises when one of the incidents or conditions occurs or exists and notice of it is given by personal service or certified mail to the owner with an explanation of the potential consequences if similar activities occurs at the property within nine months, and if two or more specified incidents or conditions occur or are found to exist within nine months of the first.

(C) The nine month period shall be extended by the number of days the real property is ordered padlocked. (Ord. 483-8-01, passed 8-6-01; Am. Ord. 567-06-06, passed 6-5-06)

**§ 90.86 NOTIFICATION TO OWNERS.**

The notice of a specified incident or condition, and the notice of a public evidentiary hearing, as sent to an owner by certified mail or personal service, shall include a report of each specified incident or condition describing the date, location, persons known to be involved, and the nature of the underlying illegal activity. (Ord. 483-8-01, passed 8-6-01)

**§ 90.87 APPEAL.**

(A) An owner of real property aggrieved by any final decision or order of the City Commission under this chapter may appeal to the Circuit Court within 21 days of the date of the decision or order.

(B) The Circuit Court shall consider the appeal on the record made before the City Commission. The Circuit Court shall review the record and determine if the City Commission’s decision or order

(1) Complies with state and local law,

(2) Is supported by competent, substantial and material evidence on the record as a whole, and

(3) Involves the reasonable exercise of discretion. (Ord. 483-8-01, passed 8-6-01)

**§ 90.88 POSTING AND LISTING OF PUBLIC NUISANCES.**

(A) Whenever the City Commission declares real property is a public nuisance and orders the nuisance abated by ordering that the real property be vacated, the Department of Public Safety shall post a notice so stating at every entrance to each building on the real property, and at the entrance to each dwelling unit or other portion of the real property ordered vacated.

(B) The City Clerk and Department of Neighborhood Services shall maintain a list of those real properties declared to be public nuisances, and the order of abatement or other remedies ordered by the City Commission. Any person requesting a copy of the list shall be supplied one at no charge. The list shall be available for public inspection at the City Clerk's office.

(C) No person other than an authorized City employee shall tamper with, deface, alter, damage or remove the notice posted by the Department of Public Safety.  
(Ord. 483-8-01, passed 8-6-01)

**§ 90.89 ENTRY INTO OR USE OF VACATED PROPERTY.**

No person shall enter or use any real property declared to be a public nuisance and ordered vacated by the City Commission. It shall be an affirmative defense to a prosecution under this section that written permission to enter or use the property was obtained from the Director of Public Safety.  
(Ord. 483-8-01, passed 8-6-01)

**§ 90.99 PENALTY.**

(A) Any person who violates any noise ordinance regulation specified in § 10.97(A)(2), nuisance and litter provision specified in § 10.97(A)(3), blight and junk ordinance regulation specified in § 10.97(A)(4), or radio and television interference ordinance regulation specified in § 10.97(A)(5), or any regulation in Chapter 90, other than those specified in division (B) of this section, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97.  
(Ord. 427-10-97, passed 10-6-97; Am. Ord. 459-1-00, passed 1-1-00)

(B) Any person who violates § 90.88(C) or § 90.89 shall be subject to the following minimum criminal penalties which shall be assessed in addition to any other lawful sentence the Court may impose.

(1) For a first violation, a fine of not less than \$175 nor more than \$500.

(2) For a second violation, a fine of not less than \$300 nor more than \$500 and imprisonment for not less than ten days nor more than 90 days.

(3) For a third or subsequent violation, a fine of not less than \$400 nor more than \$500 and imprisonment for not less than 30 days nor more than 90 days.  
(Ord. 483-8-01, passed 8-6-01)

**CHAPTER 91: ANIMALS**

Section

**General Provisions**

- 91.01 Goats and swine prohibited
- 91.02 Animals prohibited; exceptions
- 91.03 Disturbing birds
- 91.04 Coloring birds prohibited
- 91.05 Sick or dead animals
- 91.06 Poisonous substances prohibited
- 91.07 Feeding required
- 91.08 Sanitary requirements

**Dogs**

- 91.20 License required
- 91.21 Impounding dogs; disposition
- 91.22 Records required
- 91.23 Female dogs
- 91.24 Report to police
- 91.25 Quarantine
- 91.26 Leash required
- 91.27 Barking, howling
- 91.28 Vicious dogs

**Cats**

- 91.35 Regulation of cats
- 91.99 Penalty

**GENERAL PROVISIONS**

**§ 91.01 GOATS AND SWINE PROHIBITED.**

It shall be unlawful for any person to keep live goats or swine on any premises within the City; except in slaughterhouses or yards adjacent thereto; and as required to conduct the weekly stock sale. ('88 Code, Title IX, Ch. 110, § 9.71) Penalty, see § 91.99

**§ 91.02 ANIMALS PROHIBITED; EXCEPTIONS.**

It shall be unlawful for any person to keep any animal or fowl within 500 feet of any dwelling, street, alley or public place; permit any animal or any fowl owned by him or in his possession or control to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof, except such animals as are commonly kept or housed as household pets. ('88 Code, Title IX, Ch. 110, § 9.72) Penalty, see § 91.99

**§ 91.03 DISTURBING BIRDS.**

It shall be unlawful for any person to willfully injure, molest, or disturb in any way any birds or the nest, eggs, young or brood of any such birds, except that this provision shall not apply to any birds declared by any law or this code to be "pests." ('88 Code, Title IX, Ch. 110, § 9.73) Penalty, see § 91.99

**§ 91.04 COLORING BIRDS PROHIBITED.**

It shall be unlawful for any person to artificially color, spray or paint any bird or fowl or to sell, offer for sale, or otherwise dispose of any such colored bird or fowl. ('88 Code, Title IX, Ch. 110, § 9.74) Penalty, see § 91.99

**§ 91.05 SICK OR DEAD ANIMALS.**

It shall be unlawful for any person to deposit, throw or place any dead or fatally sick or injured animal, or part thereof, on any public or private place, or into or on the banks of any stream, lake, pond, sewer or other body of water. ('88 Code, Title IX, Ch. 110, § 9.75) Penalty, see § 91.99

**§ 91.06 POISONOUS SUBSTANCES PROHIBITED.**

It shall be unlawful to throw or deposit poisoned meat, or any poison or harmful substances in any street, alley or public place, or on any private premises within the City, for the purpose of destroying any dog, bird, fowl or other animal.

('88 Code, Title IX, Ch. 110, § 9.76) Penalty, see § 91.99

**§ 91.07 FEEDING REQUIRED.**

It shall be unlawful to feed any animal unwholesome or unsuitable food, or unclean water to drink which is likely to cause or produce disease in the animal.

('88 Code, Title IX, Ch. 110, § 9.77) Penalty, see § 91.99

**§ 91.08 SANITARY REQUIREMENTS.**

Every person lawfully keeping or harboring any animal, shall keep or cause to be kept all manure, or offal therefrom, which shall be deposited or accumulated from such animal, securely and closely confined to or buried upon his premises and in such manner as will prevent it from being scattered from such place of deposit into or upon any street, sidewalk, alley or gutter of the City; and shall so cover and care for it as to prevent any malodorous or offensive condition to exist and to prevent any nuisance to arise therefrom. The owner of every cat and dog shall be responsible for the removal of fecal matter deposited by their animal(s) on public walks, recreation areas or private property. Any person who fails to remove such waste shall be subject to a municipal civil infraction.

('88 Code, Title IX, Ch. 110, § 9.78) (Am. Ord. 559-11-05, passed 11-7-05) Penalty, see § 91.99

**DOGS****§ 91.20 LICENSE REQUIRED.**

It shall be unlawful for any person to own, maintain, keep or harbor any dog within the City without first procuring a license therefor as prescribed by state law. Application for a license shall be made to the City Treasurer and shall state the breed, sex, age, color and markings of the dog, and the name and address of the applicant and the last known previous

owner. The application shall be accompanied by a certificate of a licensed veterinarian showing that the dog has been vaccinated against rabies.

('88 Code, Title IX, Ch. 110, § 9.91) (Am. Ord. 336-8-93, passed 8-16-93) Penalty, see § 91.99

**§ 91.21 IMPOUNDING DOGS; DISPOSITION.**

It shall be the duty of the Police Department or Dog Warden to seize and impound any dog found any-where in the City contrary to the provisions of this subchapter. No dog as impounded shall be released to its owner or other authorized person without payment of the sum of \$5 plus \$1 per dog for board to the Police Department or Dog Warden for its care and maintenance and without procuring a license as herein provided. The Police Department or dog warden shall, within 72 hours after impounding any dog, destroy such animal or if it is deemed valuable, sell it to any person the dog warden believes will properly care for such dog.

('88 Code, Title IX, Ch. 110, § 9.92)

**§ 91.22 RECORDS REQUIRED.**

The Police Department or Dog Warden shall maintain a complete record of all dogs impounded under the provisions of this subchapter and the disposition of same.

('88 Code, Title IX, Ch. 110, § 9.93)

**§ 91.23 FEMALE DOGS.**

It shall be unlawful for the owner or custodian of any female dog to permit such dog off the premises of the owner or custodian when in heat unless the dog is under control and attached to a leash.

('88 Code, Title IX, Ch. 110, § 9.94) Penalty, see § 10.99

**§ 91.24 REPORT TO POLICE.**

If any person is bitten by a dog, it shall be the duty of that person, or the owner or custodian of the dog having knowledge of same, to report same to the Police Department or Dog Warden within 12 hours thereafter. If the owner or custodian of any dog has any reason to believe or suspect that such dog has become infected with rabies, it shall be the duty of that person to report the same to the Police Department or Dog Warden within 12 hours thereafter.

('88 Code, Title IX, Ch. 110, § 9.95) Penalty, see § 10.99

## § 91.25 QUARANTINE.

In the event of any report as set forth in § 91.24, the Police Department or dog warden shall seize such dog and deliver it to the Health Officer. The Health Officer shall hold such dog in quarantine until a laboratory analysis by a licensed veterinarian is made to determine whether the dog is infected. The Health Officer shall promulgate and adopt such rules as he deems necessary for the procedure in all such cases and for the disposition of any dog delivered into his custody.

('88 Code, Title IX, Ch. 110, § 9.96)

## § 91.26 LEASH REQUIRED.

It shall be unlawful for the owner, or any other person having the possession, care, custody or control thereof, to permit any dog to run at large upon the public streets, walks, parks, or other public places within the City, unless such dog shall be attached to a leash of sufficient strength to restrain such dog in such manner as to be kept under the control of the person accompanying it.

('88 Code, Title IX, Ch. 110, § 9.97) Penalty, see § 91.99

## § 91.27 BARKING, HOWLING.

It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance to persons by frequent and habitual barking, howling or yelping.

('88 Code, Title IX, Ch. 110, § 9.98) Penalty, see § 91.99

## § 91.28 VICIOUS DOGS.

It shall be unlawful for any person to suffer or permit a vicious, fierce or dangerous dog to go unconfined and unrestrained on such person's premises, or to run at large.

('88 Code, Title IX, Ch. 110, § 9.99) Penalty, see § 91.99

## CATS

### § 91.35 REGULATION OF CATS.

(A) It shall be unlawful for any person in the City to have possession or custody of any cat without having it under control and/or confined to his premises at all times; provided, that the provisions of this division shall not apply to possession or custody of any cat less than four months of age, when proof of age can be and on request is submitted to a Police Officer.

(B) It shall be unlawful for any person to refuse to show or exhibit, at any reasonable time, any cat in his possession or custody to any Police Officer or Dog Warden of the City.

(C) It shall be unlawful for any person in the City to possess, harbor, shelter or keep more than three adult cats, excepting veterinary hospitals and pet shops. For the purpose of this subchapter, an **ADULT CAT** shall be deemed to be any cat six months old or older. It shall also be unlawful to maintain any cat or cats so as to create a nuisance by way of noise, odor or otherwise,

(D) Any Police Officer or other person, designated by the City, is authorized to impound any cat found running at large within the City. In the event capture cannot be effected, the Police Officer or such other person is authorized to destroy such cat.

(E) Any impounded cat not redeemed within 72 hours shall be disposed of in such a manner as prescribed for impounded dogs in § 91.21. A minimum daily charge of \$1 dollar per day shall be made for feeding and shelter of each cat, so impounded.

('88 Code, Title IX, Ch. 110, § 9.103) Penalty, see § 91.99

### § 91.99 PENALTY.

Any person who violates any animal control ordinance regulation in Title IX, Chapter 91, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97.

(Ord. 427-10-97, passed 10-6-97)



## CHAPTER 92: PARKS

### Section

- 92.01 Injury to park property
- 92.02 Waste containers
- 92.03 Ball games
- 92.04 Administration and enforcement of rules
- 92.05 Vandalism in parks or recreation areas
- 92.06 Alcoholic beverages prohibited
- 92.07 Smoking prohibited in designated City parks and public grounds
  
- 92.99 Penalty

#### **Cross-reference:**

*Park and Recreation Board, see Charter, Ch. XVI*

#### **§ 92.01 INJURY TO PARK PROPERTY.**

No person shall obstruct any walk or drive in a public park or playground and no person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces, or other public property within or pertaining to the parks.

('88 Code, Title III, Ch. 31, § 3.1) Penalty, see § 92.99

#### **§ 92.02 WASTE CONTAINERS.**

No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park or playground except in containers provided for that purpose.

('88 Code, Title III, Ch. 31, § 3.2) Penalty, see § 92.99

#### **§ 92.03 BALL GAMES.**

No baseball, football or softball throwing, or other violent or rough exercises or play shall be engaged in, in any public park or other public place, except in areas designated therefor by the Superintendent of Public Works who is also authorized to designate hours when City parks and recreation areas shall be closed to public use.

('88 Code, Title III, Ch. 31, § 3.3) Penalty, see § 92.99

#### **§ 92.04 ADMINISTRATION AND ENFORCEMENT OF RULES.**

The Superintendent of Public Works shall have general supervision of all City parks, and every matter pertaining thereto. Subject to the approval of the City Commission, the City Manager shall have the power to make, alter, and enforce rules and regulations for the maintenance of order, safety, and sanitation in all City parks, and for the protection of trees and other property and the preservation of the natural beauty thereof. Such rules and regulations shall be posted in conspicuous places in said parks. No person shall fail to comply with such rules and regulations.

('88 Code, Title III, Ch. 31, § 3.4)

#### **§ 92.05 VANDALISM IN PARKS OR RECREATION AREAS.**

Pursuant to Section 5 of P.A. 1969, No. 280, State of Michigan, any person convicted of an act of vandalism in a park or recreation area owned and operated by the City shall reimburse the City for up to three times the amount of the damage as determined by the Court. In every case of a conviction for an offence of vandalism, the Court before whom such conviction is obtained, shall enter judgment in favor of the City and against the defendant for liquidated damages in a sum up to three times the amount of the damage as determined by the Court. The City Attorney shall take such steps as shall be necessary to collect the award by execution or otherwise. If two or more defendants are convicted of the vandalism, the judgment for damages shall be entered against them jointly. If the defendant is a minor, the judgment shall be entered against his parents. Upon collection the sums shall be credited to the general fund of the City and shall be used for repairs and improvements to the parks and recreation areas.

('88 Code, Title III, Ch. 31, § 3.5) Penalty, see § 92.99

**§ 92.06 ALCOHOLIC BEVERAGES PROHIBITED.**

The consumption or possession of alcoholic beverages is prohibited in all City parks, except alcoholic beverages may be possessed and consumed in Hemlock, Vogel and Industrial Parks from 6:00 p.m. to 10:00 p.m. Monday through Friday, and from 1:00 p.m. to 10:00 p.m. Saturday and Sunday. Glass containers of alcoholic beverages are prohibited at all times in City parks. A violation of this section shall be a municipal civil infraction. (Ord. 433-4-98, passed 4-20-98)

**§ 92.07 SMOKING PROHIBITED IN DESIGNATED CITY PARKS AND PUBLIC GROUNDS.**

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

**SMOKING or SMOKE.** The act of carrying or holding a lighted cigar, cigarette, pipe, or other lighted smoking device by any person.

(B) *Prohibition.*

(1) A person shall not smoke in designated City park buildings, playgrounds, areas, or public grounds, which are:

- (a) Playscape in Hemlock Park;
- (b) Playground in Linden Street Park;
- (c) Playground in Northend Park; and

(d) Playground on Big Rapids Community Library grounds.

(2) No person shall smoke within 15 feet of any of the designated City park buildings, playgrounds, areas, or public grounds.

(C) *Posting.* Designated areas in which smoking is prohibited by this section shall be posted with conspicuous signs.

(D) *Violations and penalties.* A person who violates this section shall be subject to:

(1) Being asked to stop smoking in a designated place in which smoking is prohibited; and

(2) Being asked to leave the designated place in which smoking is prohibited; and

(3) Being cited for a municipal civil infraction, and punished according to § 10.97. (Ord. 662-06-13, passed 6-3-13)

**§ 92.99 PENALTY.**

Any person who violates any park ordinance regulation in Title IX, Chapter 92, (except § 92.01) shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. (Ord. 427-10-97, passed 10-6-97)

**CHAPTER 93: TREES**

Section

- 93.01 Definitions
- 93.02 Public ways; trees; control
- 93.03 Prohibited varieties
- 93.04 Mains; leaks
- 93.05 Injury to trees
- 93.06 Trimming by public utilities; permit required
- 93.07 Application for permit
- 93.08 Obstructions prohibited; trimming
- 93.09 Excavations; guards required
- 93.10 Covering planting strip
  
- 93.99 Penalty

**§ 93.01 DEFINITIONS.**

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

**GROWTH.** Includes any or all thereof unless the context otherwise requires.

**SHRUBS.** "Shrubs" under fifteen feet in height may include vines and plants.

**TREES.** Includes shrubs which grow higher than 15 feet.  
(‘88 Code, Title III, Ch. 32, § 3.21)

**§ 93.02 PUBLIC WAYS; TREES; CONTROL.**

The Park Board shall have complete charge and control over the planting, cutting, trimming and removal of trees and other growth upon all public highways and places and the Park Board may promulgate and adopt rules and regulations for the control of same.  
(‘88 Code, Title III, Ch. 32, § 3.22)

**§ 93.03 PROHIBITED VARIETIES.**

No person except the City, shall plant, remove or destroy any ornamental shade tree or shrub in any public way; or plant any poplar, box elder, basswood, cottonwood, willow, soft maple, common catalpa, horse chestnut, or "ailanthus glandulosa" tree anywhere within the City without first procuring a permit from the Park Board or person designated by the Board to issue such permits.  
(‘88 Code, Title III, Ch. 32, § 3.23) Penalty, see § 93.99

**§ 93.04 MAINS; LEAKS.**

Gas pipes or mains within or beneath any public way shall be so maintained as to avoid any leakage therefrom. If any leak exists or occurs, it shall be reported to the owner of such pipe and main, and the leak shall be repaired within 24 hours.  
(‘88 Code, Title III, Ch. 32, § 3.24) Penalty, see § 93.99

**§ 93.05 INJURY TO TREES.**

No person shall cut, mutilate, remove, saw or trim any tree within any public way in the City to make room for any telegraph, telephone or electric lines, moving buildings or machinery or other things or for repairing sidewalks without first procuring a permit from the Park Board. No person shall attach, tack, or in any manner fasten, to any tree in any public way any wire, rope, chain, cable, sign, card, board, poster or other article, nor hitch any animal thereto.  
(‘88 Code, Title III, Ch. 32, § 3.25) Penalty, see § 93.99

**§ 93.06 TRIMMING BY PUBLIC UTILITIES; PERMIT REQUIRED.**

No person owning or operating any bus line or other motor transportation over the City streets, or any public utility lines upon, above, or below the surface, shall trim, cut, or cause it to be trimmed or cut, any tree in any public way or park, without first having submitted to the Park Board a plan of the work to be done and having procured a permit for such work. Nothing in this section shall be construed to apply to the removal, under the direction of the Park Board, of any stump, roots, tree, shrub, vine, plant, or part there-of, wherever such removal shall be found necessary in the construction, or repair of any street, sidewalk, sewer, pavement, or other public improvement.

('88 Code, Title III, Ch. 32, § 3.26) Penalty, see § 93.99

**§ 93.07 APPLICATION FOR PERMIT.**

Application for any permit required by the provisions of this chapter shall be made in accordance with the terms and provisions of Chapter 94.

('88 Code, Title III, Ch. 32, § 3.27)

**§ 93.08 OBSTRUCTIONS PROHIBITED; TRIMMING.**

The owner, or person in charge or control of any lot or parcel of land within the City, upon which any tree, shrub, vine or plant may be standing adjacent to any public way, shall trim or cause to be trimmed, either at the property line, or to a clear height of at least eight feet above the surface of such public way, all branches thereof which overhang any portion of such public way, or which obstruct or interfere with the passage of light from any street lighting system, and shall not plant or maintain any thereof so close to any property line as to obstruct thereby the vision of travelers along the streets. The City may enter upon any such private premises to do such trimming as it determines necessary, or to remove such obstructions herein prohibited upon the failure of the owner so to do after notice to him in writing. The owner shall, or the City may, remove from such tree, shrub, plant or vine, all dead, decayed, unsightly, broken or dangerous limbs and branches that overhang, or are close to the public way; and when any such tree, shrub, plant or vine is dead, the owner shall remove the same, or after notice of such intention to the owner, the City

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may do so and charge the cost thereof to such owner. ('88 Code, Title III, Ch. 32, § 3.28) Penalty, see § 93.99

**§ 93.09 EXCAVATIONS; GUARDS REQUIRED.**

In any excavation, or the erection, alteration, or repair of any building or structure, or other work, the owner thereof, or someone for him, shall place or cause to be placed such guards around all nearby trees, shrubs and plants in the public way as will effectually prevent injury to them.

('88 Code, Title III, Ch. 32, § 3.29) Penalty, see § 93.99

**§ 93.10 COVERING PLANTING STRIP.**

No person shall place or maintain on any planting strip or lawn extensions in any public way or place of the City, any stone, brick, sand, concrete or other material or article, which may injure or which may in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, shrub, vine, or plant, without leaving an open space of ground not less than four feet in diameter around the same.

('88 Code, Title III, Ch. 32, § 3.30) Penalty, see § 93.99

**§ 93.99 PENALTY.**

Any person who violates any ordinance within Title IX, Chapter 93, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97.

(Ord. 427-10-97, passed 10-6-97)

**CHAPTER 94: STREETS AND SIDEWALKS**

Section

- 94.01 Crosswalks, driveway aprons, curb cuts; permit required
- 94.02 Curb cuts; agreement to install driveway apron
- 94.03 Driveway aprons; construction
- 94.04 Unsafe driveways and crosswalks; repair
- 94.05 Plans and specifications
- 94.06 Street cuts and excavations; permit required
- 94.07 Street openings to be guarded
- 94.08 Streets; payment of additional costs
- 94.09 Bond required
- 94.10 Refusal of permit, right of appeal
- 94.11 Permits; revocation, suspension
- 94.12 Additional construction regulations
- 94.13 Removal of construction materials
- 94.14 Utility poles; damage to
- 94.15 Moving buildings; permit required
- 94.16 Snow and ice; removal required
- 94.17 Suspension of objects over street; awnings and marquees
- 94.18 Driving on sidewalks
- 94.19 Signs, barricades; injury to
- 94.20 Obstructions and encumbrances prohibited
- 94.21 Depositing materials on streets
- 94.22 Sidewalk construction permit
- 94.23 Unsafe sidewalks
- 94.24 Sidewalk repair, procedure
- 94.25 Central Business District sidewalk occupancy permits

94.99 Penalty

**Cross-reference:**

*Vacating, discontinuing and abolishing streets or public grounds, see Chapter 36*

**§ 94.01 CROSSWALKS, DRIVEWAY APRONS, CURB CUTS; PERMIT REQUIRED.**

(A) No person shall construct, alter or change any crosswalk, driveway apron or any opening in or through any curb in any street or public way without first procuring a permit from the Department of Public Services.

(B) For all purposes within this Code, actions required of the Department of Public Services or the Director of Public Services can be performed by the Director of Public Services or his/her designee. ('88 Code, Title IV, Ch. 41, § 4.1) (Am. Ord. 409-9-96, passed 9-16-96) Penalty, see § 94.99

**§ 94.02 CURB CUTS; AGREEMENT TO INSTALL DRIVEWAY APRON.**

No permit to cut any curb on a paved street shall be issued by the Department of Public Services unless the applicant shall agree in such application, as a condition of the issuance of the permit, to install a driveway apron of concrete or other material of comparable quality within 90 days after completion of the cut. ('88 Code, Title IV, Ch. 41, § 4.2) (Am. Ord. 409-9-96, passed 9-16-96) Penalty, see § 94.99

**§ 94.03 DRIVEWAY APRONS; CONSTRUCTION.**

All driveway aprons located on paved streets shall be paved. The Director of Public Services shall give the owner or occupant 30 days notice to pave any such unpaved apron and if such person shall neglect or refuse to do so then the Director shall cause the driveway apron to be paved, and the Director shall make a detailed report to the City Commission of the cost and expense of performing this work, which cost and expense shall be charged to such owner or occupant in the manner provided by the Charter and this code for special assessments. ('88 Code, Title IV, Ch. 41, § 4.3) (Am. Ord. 409-9-96, passed 9-16-96)

**§ 94.04 UNSAFE DRIVEWAYS AND CROSSWALKS; REPAIR.**

Whenever any driveway, crosswalk, or other paved area between the sidewalk and the curb is or

becomes so defective that it is not reasonably safe or fit for travel, and in the opinion of the Director of Public Services the same should be immediately repaired, the Director shall give the owner or occupant of the premises adjacent to such driveway, crosswalk, or other paved area, notice to repair the same within 30 days, and in default thereof the Director shall have the power to cause the same to be repaired, and the Director shall make a detailed report to the City Commission of the cost and expense of performing this work, which cost and expense shall be charged to such owner or occupant in the manner provided by the Charter and this code for special assessments.

('88 Code, Title IV, Ch. 41, § 4.4) (Am. Ord. 409-9-96, passed 9-16-96)

#### **§ 94.05 PLANS AND SPECIFICATIONS.**

No work for which a permit is required under this chapter shall be done by any person except in accordance with plans and specifications approved by the Director of Public Services, and all work shall be done under the Director's supervision.

('88 Code, Title IV, Ch. 41, § 4.5) (Am. Ord. 409-9-96, passed 9-16-96) Penalty, see § 94.99

#### **§ 94.06 STREET CUTS AND EXCAVATIONS; PERMIT REQUIRED.**

No person shall make any excavation or opening in or under any street or public place without first procuring a permit from the Director of Public Services.

('88 Code, Title IV, Ch. 41, § 4.6) (Am. Ord. 409-9-96, passed 9-16-96) Penalty, see § 94.99

#### **§ 94.07 STREET OPENINGS TO BE GUARDED.**

No person making an opening in a street, alley, or public place shall fail to guard the same fully during the period of construction, and no person causing any such opening to be used, nor the user thereof, shall fail to guard or barricade the same while in use so as to protect the safety of the public. No person using any street opening, or causing the same to be used, shall fail to close the opening in accordance with the directions of the Director of Public Services immediately after use.

('88 Code, Title IV, Ch. 41, § 4.7) (Am. Ord. 409-9-96, passed 9-16-96) Penalty, see § 94.99

#### **§ 94.08 STREETS; PAYMENT OF ADDITIONAL COSTS.**

Each applicant for a permit to open a street shall pay in addition to the permit fee herein required the estimated cost of restoring the surface of the street to its proper condition, which cost shall be determined by the City Commission.

('88 Code, Title IV, Ch. 41, § 4.8)

#### **§ 94.09 BOND REQUIRED.**

No permit shall be granted for the doing of any work under this chapter until a bond or policy of insurance has been filed with the Department of Public Services in the sum of \$1,000, unless a larger bond shall be required by the City Commission at the time any permit is granted by it upon appeal. All bonds or policies of insurance shall provide for the payment of all costs incurred by the City, or to hold the City harmless from every other damage of every other nature, whether to persons or property for which the City may be held liable by reason of, or which is occasioned by, the doing of a thing or the exercise of the privilege for which the permit upon which the bond or policy of insurance was based, was granted.

('88 Code, Title IV, Ch. 41, § 4.9) (Am. Ord. 409-9-96, passed 9-16-96)

#### **§ 94.10 REFUSAL OF PERMIT, RIGHT OF APPEAL.**

If the Department of Public Services shall refuse to issue any permit, the applicant may appeal to the City Commission, which shall grant a hearing thereon, and the decision of the City Commission shall be final.

('88 Code, Title IV, Ch. 41, § 4.10) (Am. Ord. 409-9-96, passed 9-16-96)

#### **§ 94.11 PERMITS; REVOCATION, SUSPENSION.**

All work done pursuant to any permit shall be inspected by the Director of Public Services, and the Director may suspend or revoke any permit so granted where either the workmanship or materials used does not conform to the plans and specifications approved or required upon issuance of the permit, or when the terms of any permit or of this chapter are violated. No person shall perform any work authorized by any

permit or cause any such work to be performed while that permit is suspended or revoked.  
(‘88 Code, Title IV, Ch. 41, § 4.11) (Am. Ord. 409-9-96, passed 9-16-96)

**§ 94.12 ADDITIONAL CONSTRUCTION REGULATIONS.**

The Department of Public Services may make such additional rules and regulations subject to the approval of the City Commission, pertaining to the making of openings or excavations in streets, in the building of any vault, stair, or area-way in or under the streets, as are necessary to secure the health and safety of the public and for the protection of property, and such rules and regulations shall constitute the standards upon which the permits required above shall be issued.  
(‘88 Code, Title IV, Ch. 41, § 4.12) (Am. Ord. 409-9-96, passed 9-16-96)

**§ 94.13 REMOVAL OF CONSTRUCTION MATERIALS.**

No person owning, building or repairing any house or other building shall permit any lumber, brick, plaster, mortar, earth, clay, sand, stone, or other material to remain on the sidewalk after sunset of the day upon which it was placed there, without permission, in writing, from the Chief of Police, subject to any safeguards he may prescribe.  
(‘88 Code, Title IV, Ch. 41, § 4.13) Penalty, see § 94.99

**§ 94.14 UTILITY POLES; DAMAGE TO.**

No person shall hack, cut, mutilate, disfigure or in any manner injure any telegraph, telephone, electric light, railway or fire alarm pole in any street, alley, park, lane or public place in the City.  
(‘88 Code, Title IV, Ch. 41, § 4.14) Penalty, see § 94.99

**§ 94.15 MOVING BUILDINGS; PERMIT REQUIRED.**

(A) No person shall remove, or cause to be removed, or aid or assist in removing any building, into, along, or across any street, alley or any public place, without first procuring a permit as required by the Building Code in Chapter 150.  
(‘88 Code, Title IV, Ch. 41, § 4.21)  
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(B) In granting a permit after a hearing appealing the refusal of a permit, the City Commission may impose such conditions therefor as it may deem desirable to protect the safety of persons and property during the moving of any building and the replacement of any utility wires, poles, and other street appurtenances as may be moved or taken down therefor.  
(‘88 Code, Title IV, Ch. 41, § 4.10)

**§ 94.16 SNOW AND ICE; REMOVAL REQUIRED.**

The occupant of any premises, or the owner of any unoccupied premises, is required to keep the sidewalks in front of, or adjacent to such premises cleared, so far as is practicable and reasonable, from snow and ice to facilitate pedestrian use. Whenever any snow or ice has fallen or accumulated it shall be cleared within 12 hours after it has fallen or accumulated.  
(‘88 Code, Title IV, Ch. 41, § 4.16) Penalty, see § 94.99

**§ 94.17 SUSPENSION OF OBJECTS OVER STREET; AWNINGS AND MARQUEES.**

No person shall suspend anything above any sidewalk or within any street area unless expressly authorized by this code, except an awning or marquee no part of which is less than seven feet above the sidewalk grade.  
(‘88 Code, Title IV, Ch. 41, § 4.17) Penalty, see § 94.99

**§ 94.18 DRIVING ON SIDEWALKS.**

No person shall go upon or drive, or cause to be driven, any vehicle or animal on any sidewalk, curbing, gutter, except at a driveway constructed for such purpose.  
(‘88 Code, Title IV, Ch. 41, § 4.18) Penalty, see § 94.99

**§ 94.19 SIGNS, BARRICADES; INJURY TO.**

No unauthorized person shall move, alter, deface, injure, or destroy any part or accessory of any street or alley or any sign or barricade erected or placed to protect, warn, or guide the public.  
(‘88 Code, Title IV, Ch. 41, § 4.19) Penalty, see § 94.99

**§ 94.20 OBSTRUCTIONS AND ENCUMBRANCES PROHIBITED.**

No person shall obstruct or encumber any public street, alley, or any public place by placing thereon any article or thing whatsoever.  
(’88 Code, Title IV, Ch. 41, § 4.22) Penalty, see § 94.99

**§ 94.21 DEPOSITING MATERIALS ON STREETS.**

No person shall drop, throw, deposit, or scatter any earth, ashes, shavings, sawdust, hay, dirt, manure, rubbish, garbage, filth or any other loose material or articles in any street, alley, or public place, nor shall any person permit such substances, things and articles to spill, drop or be blown about from any vehicle while hauling same in any street, alley or public place.  
(’88 Code, Title IV, Ch. 41, § 4.23) Penalty, see § 94.99

**§ 94.22 SIDEWALK CONSTRUCTION PERMIT.**

No person shall construct or repair any sidewalk except in accordance with the lines, grade, slope, and specifications established by the Director of Public Services and without first procuring a permit from the Department of Public Services upon the payment of such fees as are adopted by resolution of the City Commission, a schedule of which shall be kept on file in the office of the City Clerk.  
(’88 Code, Title IV, Ch. 42, § 4.41) (Am. Ord. 409-9-96, passed 9-16-96) Penalty, see § 94.99

**§ 94.23 UNSAFE SIDEWALKS.**

No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or be unsafe.  
(’88 Code, Title IV, Ch. 42, § 4.42) Penalty, see § 94.99

**§ 94.24 SIDEWALK REPAIR, PROCEDURE.**

(A) Whenever the Director of Public Services shall determine that a sidewalk is unsafe for use, or required to be constructed for the public safety, the Director shall give written notice thereof to the owner of the abutting premises by mail, addressed to the last known address of said owner, or if the owner or his or her address be unknown, by delivering the 2009 S-9

notice and leaving same with a person of suitable age and discretion at the premises, or if such person be not found, by posting the notice in some conspicuous place on the premises.

(B) The notice shall specify the construction of the sidewalk required and specifications therefor, or the condition to be repaired and the nature of the repairs to be made.

(C) In the event such owner fails to repair or construct the sidewalk within 30 days, the Director of Public Services shall report same to the City Commission with the request for authorization to repair or construct the same. The Director of Public Services may dispense with said notice and report, and request the City Commission for authority to repair or construct the sidewalk if, in the Director's opinion, the sidewalk condition is unsafe and dangerous and requires immediate repair to assure public safety and to prevent the possibility of City liability for personal injury or property damage. Upon receipt of any such report of the failure of such owner to repair the sidewalk within the time specified in such notice, or such request for authority for immediate construction or repair, the City Commission may determine to construct or repair by resolution and order the Director of Public Services to proceed with the required work.

(D) The cost of repairs or construction hereunder if made by the City shall be charged against the premises abutting the sidewalk and the owner thereof in accordance with the provisions of the Charter and this code relative to special assessments.  
(’88 Code, Title IV, Ch. 42, § 4.43) (Am. Ord. 409-9-96, passed 9-16-96)

**§ 94.25 CENTRAL BUSINESS DISTRICT SIDEWALK OCCUPANCY PERMITS.**

(A) *Permits authorized.* In the interest of promoting business by increasing activity and improving the general business climate in the Central Business District, that being the area generally bounded by State Street, Hemlock Street, Warren Avenue, and Linden Street, the City Manager may issue revocable permits to businesses within the district who apply for a permit to operate an outside establishment as an extension of, or compatible with, the existing business on a portion of a City sidewalk. This language shall not be construed as to require sidewalk occupancy permits for entities participating in periodic, district-wide events, such as those

sponsored by the Downtown Business Association. The outside activities are limited to activities carried on by the existing business. The permit may be issued under the following terms and conditions as set forth in this section.

(B) *Conditions.* Such permits shall be issued when the City Manager, or his or her designee, is able to determine that the requested occupancy permit will not:

- (1) Unreasonably interfere with the use of the street for pedestrian or vehicular travel.
- (2) Unreasonably interfere with the view of, access to, or use of property adjacent to the street.
- (3) Unreasonably interfere with street cleaning or snow removal activities.
- (4) Cause damage to the street, trees, benches, landscaping, or other objects lawfully located within the street right-of-way.
- (5) Cause a violation of any state or local laws.
- (6) Be principally used for off-premises advertising.
- (7) Be attached to or reduce the effectiveness of or access to any utility pole, sign, or other traffic control device.
- (8) Reduce pedestrian travel area of any sidewalk to less than six feet in width.
- (9) Hinder safe pedestrian use of sidewalks or safe ingress or egress to any building.

(C) *Sale of food and beverages.* To secure a sidewalk occupancy permit for the sale of food and/or beverages in an area located on a public sidewalk, the following conditions must be met:

- (1) Areas of the sidewalk used for the consumption of food and/or beverages may be enclosed by a structure approved by the City Manager or his or her designee. The purpose of this structure shall be to delineate the private use area from the public access area of the sidewalk.
  - (a) Such structures shall be required if the City Manager or his or her designee determines that private street furniture (tables, chairs, and other similar fixtures) associated with an eating establishment is frequently moved into the travel lane of the sidewalk or obstructs the sidewalk in any manner.

(b) Such structures may be required at any point after a sidewalk use permit is issued to an eating establishment.

(2) Sidewalk areas used for the sale and/or consumption of food and/or beverages shall be kept in a clean and orderly manner and shall at a minimum:

- (a) Be provided with adequate solid waste receptacles so as to allow for the convenient disposal of waste materials associated with the private use of the sidewalk space.
- (b) Tables, chairs, and other appurtenances of the food and/or beverage consumption area shall be placed in such a manner so as not to hinder safe pedestrian use of the sidewalk and shall not block the ingress or egress to any building.

(3) The sale, possession and consumption of alcohol and alcoholic beverages on the sidewalk is allowed only in those areas for which a permit under this section has been granted.

(D) *Public notice required.* Prior to considering granting a requested sidewalk occupancy permit, notice of the request shall be given to property owners and occupants adjacent to the business or entity seeking the permit a minimum of seven days prior to the permit being granted.

(E) *Insurance requirements.* Prior to the issuance of a sidewalk occupancy permit, the applicant must supply the City with a certificate of liability insurance in an amount to be determined by the City. The certificate of insurance must be in effect for at least the period that the permit will be issued. In addition, the applicant shall indemnify and hold harmless the City from all claims or damages incident to the creation and operation of an outside establishment.

(F) *Effective dates and hours of operation.*

- (1) All permits shall specify the dates and duration of the permitted sidewalk occupancy, and the permits shall be valid for only the specified period. Permits may not be granted for a period in excess of 12 months.
- (2) All permits shall specify the hours during which the permitted sidewalk occupancy may occur during any given day of the valid permit period.

(G) *Display.* Permits shall only be valid if displayed in a manner visible to the public.

(H) *Fees.* Prior to considering a request for a sidewalk occupancy permit, an application fee in an amount to be established by resolution of the City Commission shall be paid by the applicant.

(I) *Revocation.* All permits issued under this section are subject to immediate revocation by the City Manager or his or her designee for failure to comply with any or all provisions of this section.

(Ord. 362-7-94, passed 7-5-94; Am. Ord. 382-3-95, passed 4-17-95; Am. Ord. 418-3-97, passed 3-17-97; Am. Ord. 594-04-08, passed 4-21-08) Penalty, see § 94.99

#### **§ 94.99 PENALTY.**

Any person who violates any ordinance within Title IX, Chapter 94, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97.

(Ord. 427-10-97, passed 10-6-97)

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**CHAPTER 95: ADVERTISEMENTS**

Section

- 95.01 Handbills and posters; distributing
- 95.02 Posting prohibited
  
- 95.99 Penalty

**§ 95.99 PENALTY.**

Any person who violates any ordinance within Title IX, Chapter 95, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97.

(Ord. 427-10-97, passed 10-6-97)

**§ 95.01 HANDBILLS AND POSTERS; DISTRIBUTING.**

(A) It is unlawful for any person to scatter or distribute on or along any public street or place or cause to be placed on or in any motor vehicle on any public street or public parking lot in the City any commercial literature, advertising material, commercial handbill, card, sample or other matter for the purpose of advertising.

(B) Any person who advertises his goods, wares or merchandise by causing any advertising material to be scattered or distributed in any manner contrary to the provisions of this section shall be subject to the penalties provided in this code in the same manner as the person who actually distributes any advertising material.

('88 Code, Title IV, Ch. 41, § 4.20) Penalty, see § 95.99

**§ 95.02 POSTING PROHIBITED.**

No person shall tack, nail, paste or in any manner attach or affix to any telegraph, telephone, electric light, power or fire alarm pole any advertisement or any advertising matter, sign, notice or placard, in any street, alley, park, lane or public place in the City.

('88 Code, Title IV, Ch. 41, § 4.15) Penalty, see § 95.99



## CHAPTER 96: FIRE PREVENTION REGULATIONS

### Section

- 96.01 Definitions
- 96.02 Inspection of premises
- 96.03 Service of orders
- 96.04 Buildings; razing, repairing
- 96.05 Compliance with orders; time
- 96.06 Inspection; access to premises
- 96.07 Flammable liquids
- 96.08 Flammable decorations
- 96.09 Welding
- 96.10 Smoldering ashes
- 96.11 Undue hardship; modification of provisions
- 96.12 Fire escapes; aisles and exits
- 96.13 Open fires
- 96.14 Christmas tree sales lots
- 96.15 Fire drills
- 96.16 False alarms
- 96.17 Fire alarm system
- 96.18 Keys of signal boxes
- 96.19 Opening fire hydrants
- 96.20 Hydrants; obstruction prohibited
- 96.21 Smoking in bed
- 96.22 Throwing hot or burning substances
- 96.23 Smoking on public conveyances
- 96.24 Smoking in theaters
- 96.25 Adoption of the International Fire Code by reference
- 96.26 Amendments to Fire Code
- 96.27 Geographic limits of Fire Code
  
- 96.99 Penalty

#### ***Cross-reference:***

*Smoke detectors required in rental units, see §§ 151.35 et seq.*

### § 96.01 DEFINITIONS.

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

**BUILDING.** Includes tanks, reservoirs or other receptacles for storage.

**FIRE HAZARD.** Any building, or parts and accessories thereof, premises, place or material of any kind which, by reason of its nature, location, occupancy, condition or use may cause loss, damage, or injury to persons or property by reason of fire, explosion, or action of the elements.

**INSPECTOR.** The Chief of the Fire Department or any member of the Fire Department designated by the Chief to make inspections under this chapter.

**OWNER.** Includes the executor, administrator, trustee or board of trustees.  
(’88 Code, Title IX, Ch. 113, § 9.171)

### § 96.02 INSPECTION OF PREMISES.

(A) The Inspector shall inspect or cause to be inspected as often as may be deemed necessary, but in no event less than twice a year, all buildings and premises except the interiors of private dwellings for the purposes of ascertaining and causing to be corrected any condition likely to cause fire, or any violations of the provisions or intent of any provision of this code.

(B) Whenever any Inspector shall find in any building or upon any premises combustible or explosive matter or dangerous accumulations of rubbish or any inflammable materials, and which is so situated as to endanger life or property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, likely to interfere with the operation of the Fire Department or egress of occupants in case of fire, he shall order the same to be removed or remedied.

(C) Whenever any Inspector shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any cause, is likely to fire and which is so situated as to endanger other property or buildings or the occupants thereof and whenever such Inspector shall

find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such buildings or the occupants thereof, he shall order such dangerous conditions or materials to be removed or remedied.

('88 Code, Title IX, Ch. 113, § 9.172)

### **§ 96.03 SERVICE OF ORDERS.**

The service of such order to remove or remedy dangerous conditions may be made upon the owner or occupant of the premises to whom it is directed, either by delivering such order to the owner or occupant personally or by delivering such order and leaving it with any person of suitable age and discretion in charge of the premises, or in case no such person is found upon the premises, by affixing a copy there of in a conspicuous place on the door to the entrance to such premises.

('88 Code, Title IX, Ch. 113, § 9.173)

### **§ 96.04 BUILDINGS; RAZING, REPAIRING.**

Whenever any Inspector shall find a building or structure or any part of such building or structure which, by reason of age or dilapidated condition, or from any cause is likely to catch fire or which by reason of any structural defects is dangerous to persons or property, the Chief of the Fire Department shall order such buildings or structures destroyed or repaired in accordance with the building regulations in Chapter 150.

('88 Code, Title IX, Ch. 113, § 9.174)

### **§ 96.05 COMPLIANCE WITH ORDERS; TIME.**

Any Inspector upon giving an order for the removal or abatement of any hazardous conditions shall order the same to be removed or remedied in a stated time, not less than 24 hours nor longer than ten days unless an extension of time is granted by the Chief of the Fire Department. Whenever any orders are issued for the destruction or repair of any building or structure or any part thereof, the Chief of the Fire Department shall, in such order, specify the number of days in which compliance shall be made, except that the Chief of the Fire Department may, at his discretion, grant further time for compliance with such order if due to unusual circumstances, he deems

such extension of time necessary and not a violation of the spirit of this chapter.

('88 Code, Title IX, Ch. 113, § 9.175)

### **§ 96.06 INSPECTION; ACCESS TO PREMISES.**

The Inspector may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter, he may deem necessary. It shall be the duty of each owner and occupant to give free access to the Inspector of buildings and premises for the purpose of inspection. ('88 Code, Title IX, Ch. 113, § 9.176) Penalty, see § 96.99

### **§ 96.07 FLAMMABLE LIQUIDS.**

(A) The storage or handling of flammable liquids above or below ground shall be in accord with rules and regulations as prescribed and authorized in §§ 3 and 5 of Act 207, 1941, State of Michigan, as amended.

(B) The use of any facilities for the handling of gasoline or flammable liquids or the filling of any containers with such flammable liquids in any basement or sub-basement is prohibited.

(C) No person shall place or cause to be placed any gasoline or any flammable liquids in any sewer or drain leading to sewers, nor shall any person permit such liquids to flow or drain into such sewers.

(D) The use or storage of flammable liquids in any hotel, rooming house, lodging house, multiple dwelling, or place of assembly is prohibited except as is otherwise authorized by law.

('88 Code, Title IX, Ch. 113, § 9.177) Penalty, see § 96.99

### **§ 96.08 FLAMMABLE DECORATIONS.**

The use of crepe paper or other combustible or flammable decorations in any tavern, auditorium, church, dance hall or place of public assembly, unless such decorations are of a standard flame-proof variety, is prohibited, provided, however, that the Chief of the Fire Department may, at his discretion, permit such decorations which are so arranged or placed, or are

made of such material as to eliminate the usual hazards from fire. The use of any flammable decorative materials in contact with electric light bulbs is prohibited.

('88 Code, Title IX, Ch. 113, § 9.178) Penalty, see § 96.99

**§ 96.09 WELDING.**

No person shall engage in welding or cutting within 25 feet of any combustible materials, and where fire hazards exist, fire extinguisher shall be provided and maintained in an accessible location.

('88 Code, Title IX, Ch. 113, § 9.179) Penalty, see § 96.99

**§ 96.10 SMOLDERING ASHES.**

No person shall place or cause to be placed any ashes, clinkers, smoldering coal or embers or similar residue from any heating appliance in any other than metal or nonflammable containers, nor shall such ashes be piled against any combustible wall or partition or on any combustible floor, provided, however, that dead ashes may be placed in paper cartons or boxes when placed out of doors at the rear of the premises to await the pickup of such ashes and other debris. When such ashes are placed out of doors in containers as herein specified, such containers must be placed at least three feet away from any wooden wall, fence, building or combustible material.

('88 Code, Title IX, Ch. 113, § 9.180) Penalty, see § 96.99

**§ 96.11 UNDUE HARDSHIP; MODIFICATION OF PROVISIONS.**

(A) The Chief of the Fire Department shall have power to modify temporarily any of the provisions of this chapter upon the request of the owner or the occupant or the duly authorized agent of any premises when there are practical difficulties in the way of carrying out the strict letter of this chapter, provided, that the spirit of this chapter shall be observed, public safety secured and substantial justice done.

(B) The particulars of such modification when granted or allowed and the decision of the Fire Chief

shall be entered upon the inspection records of the Department.

('88 Code, Title IX, Ch. 113, § 9.181)

**§ 96.12 FIRE ESCAPES; AISLES AND EXITS.**

All regulations governing fire escapes, exits, lights and aisles in all places of public assembly shall be the regulations established by this code of ordinances and the Commissioner of the State Police and such other regulations as may be established by the said Commissioner as provided by Act 207 of the Michigan Public Laws of 1941, as amended.

('88 Code, Title IX, Ch. 113, § 9.182) Penalty, see § 96.99

**§ 96.13 OPEN FIRES.**

(A) *Scope.* The provisions set forth in this section are general regulations for the prevention of fire. The regulations are to be applied to all properties in the City.

(B) *Permits required.* A person shall not kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other authorization from the Department of Public Safety. All permits shall be requested by and issued to the owner of the land upon which the fire is to be kindled. No person shall burn leaves, weeds, grass, rubbish, brush, or debris in any place or in any quantity or in any manner so as to endanger surrounding property. No person shall kindle any fire in or upon any paved street or paved public way.

(C) *Location restricted.*

(1) A person shall not kindle or maintain any fire or authorize any fire to be kindled or maintained unless:

(a) The location is at least 25 feet away from any structure, and adequate precautions are taken to prevent the fire from spreading to any structure; and

(b) The fire is contained in a secure burner with a screen of no larger than 1/4" mesh located at least 25 feet from any structure.

(2) The Department of Public Safety may inspect and disapprove any proposed location or container as unsafe.

(D) *Bonfire material.* Bonfires shall be limited to ceremonial occasions of recognized community organizations. Fuel for open bonfires shall consist of seasoned dry wood and a small quantity of paper to ignite the fire. Bonfires shall not contain rubbish, garbage, trash, rubber, plastic, leather, petroleum based materials, flammable liquids, combustible liquids, or any other materials that produce noxious fumes or odors when burned. The quantity of wood to be burned may be limited or restricted by the Department of Public Safety based upon the fire safety requirements of the situation, including the size and duration of the fire. No bonfire shall be kindled, maintained or allowed to burn between the hours of 11:00 p.m. local time and 7:00 a.m. local time. It will be the responsibility of the person obtaining the permit to comply with this division.

(E) *Attending fires.* All open fires shall be attended constantly by a competent person until such fire is extinguished. Fire extinguishing equipment shall be readily available.

(F) *Prohibited burning.* The Department of Public Safety may prohibit all burning in the City which is deemed offensive, hazardous, or objectionable due to smoke, ash, or odor emissions. The Department of Public Safety may ban all burning in the City due to atmospheric conditions or local circumstances tending to increase the hazards associated with fires.

(G) *No burn area.* There shall be no burning of any type in the area one-half block west of State Street to one-half block east of Warren Avenue from Linden Street, north to the river, as depicted on the map attached to Ord. 341-9-93, passed 10-4-93.

(H) *Burning of brush and leaves.* The burning of leaves is prohibited. Brush, trees, and logs may be burned only with a permit and in a location as specified in division (C) of this section.

(I) *Barbecues permitted.* This section does not prohibit the use of open fires in stationary or portable enclosures designed and used for the purpose of food preparation nor does it require the obtaining of a permit for such fires.

(J) *Penalty.* Any person convicted under the provisions of this section shall be subject to a maximum penalty of 90 days in jail or an equal amount of time of community service, or any combination thereof not exceeding 90, plus \$100 fine, 2006 S-7

plus costs of prosecution, plus mandatory restitution to victims.

('88 Code, Title IX, Ch. 113, § 9.183) (Am. Ord. 341-9-93, passed 10-4-93; Am. Ord. 360-6-94, passed 6-20-94; Am. Ord. 562-01-06, passed 1-3-06)

#### § 96.14 CHRISTMAS TREE SALES LOTS.

No person shall engage in the selling of Christmas trees within the City without first obtaining a permit therefor. No such permit shall be issued except with the approval of the Fire Chief. All persons operating such sales lots shall conform to the orders of the Fire Chief with respect to storage of trees for sale, disposal of unsold trees, branches and other debris incidental to such sales. No tree or other article of a similarly inflammable nature shall be stored on any such sales lot within 15 feet of any structure having less than a one-hour fire resistance rating.

('88 Code, Title IX, Ch. 113, § 9.184) Penalty, see § 96.99

#### § 96.15 FIRE DRILLS.

It shall be the duty of the Chief of the Fire Department to require teachers of public, private, and parochial schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours.

('88 Code, Title IX, Ch. 113, § 9.185) Penalty, see § 96.99

#### § 96.16 FALSE ALARMS.

It shall be unlawful for any person wilfully or designedly to give, assist in giving, countenance or request or cause to be given any false alarm of fire in any manner, provided, however, that this section shall not apply to members of the Fire Department or any person in making tests or repairs under the direction of the Fire Chief.

('88 Code, Title IX, Ch. 113, § 9.186) Penalty, see § 96.99

#### § 96.17 FIRE ALARM SYSTEM.

It shall be unlawful for any person to tamper, meddle or in any way interfere with any station or signal box or anything pertaining, to the fire alarm

system or any auxiliary appliance or wilfully to break, injure, deface or remove, or to make any connection or communication with the poles, wires, boxes or other parts or fixtures of the fire alarm system so as to interrupt or to interfere with the proper working of the same or to mutilate or destroy any notices that may be legally posted relating to the same. It shall be unlawful for any person to damage, injure, molest, remove or otherwise interfere with any fire fighting apparatus, or equipment of the City. ('88 Code, Title IX, Ch. 113, § 9.187) Penalty, see § 96.99

**§ 96.18 KEYS OF SIGNAL BOXES.**

It shall be unlawful for any person to make or cause to be made, or to use or have in his possession any key, impression or duplicate of any [such key to any] signal box of the fire alarm telegraph system without the written permission of the Fire Chief. ('88 Code, Title IX, Ch. 113, § 9.188) Penalty, see § 96.99

**§ 96.19 OPENING FIRE HYDRANTS.**

No person shall:

(A) Open or cause to be opened any hydrant without first procuring a permit therefor from the City Manager or the person designated by him for the issuing of the permit.

(B) Use any wrench or tool in opening any hydrant other than a regulation Fire Department wrench. ('88 Code, Title IX, Ch. 113, § 9.190) Penalty, see § 96.99

**§ 96.20 HYDRANTS; OBSTRUCTION PROHIBITED.**

No person shall place any thing or any object within 15 feet of any fire hydrant nor otherwise obstruct the same. ('88 Code, Title IX, Ch. 113, § 9.191) Penalty, see § 96.99

**§ 96.21 SMOKING IN BED.**

(A) *Prohibition.* It shall be unlawful for any person to smoke in bed in the following places:

- (1) Hospitals;
- (2) Nursing homes;
- (3) Hotels;
- (4) Rooming houses and lodging houses;
- (5) Dormitories;
- (6) Other places of danger or designated by the Chief of the Fire Department. ('88 Code, Title IX, Ch. 113, § 9.192)

(B) *Notice.* In each sleeping room of all hotels, rooming and lodging houses and other places of public abode, a plainly written notice shall be posted in a conspicuous place as notice of the foregoing section. ('88 Code, Title IX, Ch. 113, § 9.193) Penalty, see § 96.99

**§ 96.22 THROWING HOT OR BURNING SUBSTANCES.**

It shall be unlawful for any person to throw hot or burning substances, or objects such as cigars, cigarettes, papers, matches, and ashes, from any window or door of any building, or from any moving vehicle. ('88 Code, Title IX, Ch. 113, § 9.194) Penalty, see § 96.99

**§ 96.23 SMOKING ON PUBLIC CONVEYANCES.**

It shall be unlawful for any person to smoke in any bus or public conveyance, except taxicabs or motor vehicles for hire. ('88 Code, Title IX, Ch. 113, § 9.195) (Am. Ord. 337-8-93, passed 8-16-93) Penalty, see § 96.99

**§ 96.24 SMOKING IN THEATERS.**

It shall be unlawful for any person to smoke or light a match while attending any performance in any theater, or motion picture house, or in any other auditorium used therefor in the City, or for any person maintaining or operating any theater or motion picture show to permit any person to smoke while attending a performance. ('88 Code, Title IX, Ch. 113, § 9.196) Penalty, see § 96.99

**§ 96.25 ADOPTION OF THE INTERNATIONAL FIRE CODE BY REFERENCE.**

That a certain document, three copies of which are on file in the office of the Big Rapids City Clerk, being marked and designated as the International Fire Code, 2012 edition, including Appendix Chapter A, as published by the International Code Council, is hereby adopted as the Fire Code of the City of Big Rapids in the State of Michigan, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided, providing for the issuance of permits and collection of fees therefor, and all of the provisions of the International Fire Code, 2012 edition, on file in the office of the Big Rapids City Clerk are hereby adopted, with the additions, insertions, deletions and changes described in § 96.26.  
(Ord. 667-08-13, passed 8-19-13)

Section 5806.2 The geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited are depicted in map marked EXHIBIT 5806.2 C.

Section 6104.2 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas are depicted in the map marked EXHIBIT 6104.2 D.  
(Ord. 667-08-13, passed 8-19-13)

**§ 96.99 PENALTY.**

Any person who violates any fire prevention regulation in Title IX, Chapter 96, for which no other penalty is set forth, shall be responsible for a municipal civil infraction and shall be penalized as provided in § 10.97. (See § 96.27(G)).  
(Ord. 341-9-93, passed 10-4-93; Am. Ord. 427-10-97, passed 10-6-97)

**§ 96.26 AMENDMENTS TO FIRE CODE.**

The following sections are hereby revised:

Section 101.1 Insert: The City of Big Rapids

Section 109.4 Insert: OFFENSE, Municipal Civil Infraction, DOLLAR AMOUNT \$500, NUMBER OF DAYS 0.

Section 111.4 Insert: \$25 \$500  
(Ord. 667-08-13, passed 8-19-13)

**§ 96.27 GEOGRAPHIC LIMITS OF FIRE CODE.**

That the geographic limits referred to in certain sections of the 2012 International Fire Code are hereby established as follows:

Section 5704.2.9.6.1 The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited are depicted in the map marked EXHIBIT 5704.2.9.6.1 A.

Section 5706.2.4.4 The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited are depicted in the map marked EXHIBIT 5706.2.4.4. B.

[Text continues on page 33]

**CHAPTER 97: FAIR HOUSING**

Section

97.01 Discrimination in sale, lease or rental prohibited

97.02 Discrimination in lending prohibited

97.03 Discrimination by real estate broker or salesperson prohibited

97.04 Discrimination in terms and privileges

97.05 Publication indicating certain preferences prohibited

97.06 False or substantially misleading statements prohibited

97.07 Threats, intimidation and the like prohibited

97.08 Exceptions

97.09 Permissible transactions

**§ 97.01 DISCRIMINATION IN SALE, LEASE OR RENTAL PROHIBITED.**

It shall be unlawful for an owner, lessee or sublessee of real property, or any agent or representative thereof, to refuse to sell, exchange, rent or lease any housing accommodation or living quarters of any sort within the City because of race, color, religion, national origin or ancestry. ('88 Code, Title IX, Ch. 114, § 9.221)

**§ 97.02 DISCRIMINATION IN LENDING PROHIBITED.**

It shall be unlawful for any person, firm or corporation to discriminate in the lending of money, guaranteeing of loans, accepting or mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodations or living quarters of any sort within the City because of race, color, religion, national origin or ancestry. ('88 Code, Title IX, Ch. 114, § 9.222)

**§ 97.03 DISCRIMINATION BY REAL ESTATE BROKER OR SALESPERSON PROHIBITED.**

It shall be unlawful for any real estate broker or salesperson to refuse to make available for inspection or to refuse to accept offers to purchase, offers to lease or any other proposed agreements with reference to the sale, exchange or lease of real property because of race, color, religion, national origin or ancestry. ('88 Code, Title IX, Ch. 114, § 9.223)

**§ 97.04 DISCRIMINATION IN TERMS AND PRIVILEGES.**

It shall be unlawful for an owner, lessee or sublessee of real property, or any other person concerned with transactions in real property to discriminate because of race, color, religion, national origin or ancestry with reference to the terms, conditions or privileges of the sale, rental or lease of any housing accommodations or living quarters of any sort within the City or in the furnishing of facilities or services in connection therewith. ('88 Code, Title IX, Ch. 114, § 9.224)

**§ 97.05 PUBLICATION INDICATING CERTAIN PREFERENCES PROHIBITED.**

It shall be unlawful for any person, firm or corporation to publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental or lease of real property within the City indicating exclusion of or preference for any person or group of persons based upon race, color, religion, national origin or ancestry. ('88 Code, Title IX, Ch. 114, § 9.225)

**§ 97.06 FALSE OR SUBSTANTIALLY MISLEADING STATEMENTS PROHIBITED.**

It shall be unlawful for any person, firm or

corporation to knowingly or intentionally present false or substantially misleading statements to authorities charged with enforcement of this chapter or to sign a complaint for violation of this chapter based upon false or substantially misleading information.

('88 Code, Title IX, Ch. 114, § 9.226)

**§ 97.07 THREATS, INTIMIDATION AND THE LIKE PROHIBITED.**

It shall be unlawful for any person, firm or corporation, by threats, intimidation, coercion, extortion or conspiracy to induce or attempt to induce any person owning an interest in real property in the City to violate the provisions of this chapter.

('88 Code, Title IX, Ch. 114, § 9.227)

**§ 97.08 EXCEPTIONS.**

(A) This chapter shall not be construed as barring any religion or denominational institution or organization, or any charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination, or from making selections for the purpose of promoting the religious principles for which it is established or maintained.

(B) The provisions of this chapter shall not apply to the owner of a dwelling house, apartment building or multiple housing facility of any sort in which the owner or members of his immediate family resides, who rents or leases five or less housing units in the dwelling house, apartment building or multiple housing facility.

('88 Code, Title IX, Ch. 114, § 9.228)

**§ 97.09 PERMISSIBLE TRANSACTIONS.**

Nothing in this chapter shall be construed as:

(A) Prohibiting any person, firm or corporation from imposing any and all conditions and requirements relative to any of the transactions described in this chapter, provided such conditions do not concern race, color, religion, national origin or ancestry, and provided such conditions are imposed uniformly, regardless of race, color, religion, national origin or ancestry.

(B) Prohibiting the owner, lessee or sublessee of real property or any person, firm or corporation concerned in real estate transaction from exercising absolute discretion in establishing the terms and conditions of the sale, exchange, lease or rental of real property or in any transaction involving real property, provided such terms and conditions do not concern race, color, religion, national origin or ancestry.

(C) Requiring an owner, lessee or sublessee of real property to offer the property to the public at large before selling or renting the same.

('88 Code, Title IX, Ch. 114, § 9.229)

## CHAPTER 98: TRAVEL TRAILERS

### Section

98.01	Definition
98.02	License required

### § 98.01 DEFINITION.

**TRAVEL TRAILERS.** Travel trailers, camp trailers or vehicles designed primarily for living or sleeping or used to carry units so designed with or without tents or tent trailers. The term shall not be deemed to include a vehicle designed and intended for more or less permanent location as a residence if the same conforms in all respects to the requirements of the provisions of this code relating to housing, zoning and building regulations.

('88 Code, Title VI, Ch. 61, § 6.51)

### § 98.02 LICENSE REQUIRED.

It shall be unlawful for any person to keep, occupy or maintain any travel trailer within the City except in a trailer coach park or travel trailer park licensed in accordance with Act 243, Public Acts of the State of Michigan, as amended.

('88 Code, Title VI, Ch. 61, § 6.52) Penalty, see § 10.99



**CHAPTER 99: ALARM SYSTEMS**

Section

- 99.01 Definitions
- 99.02 False alarm response charge; responsibility of the alarm user
- 99.03 Unknown alarm response charge; responsibility of the alarm user
- 99.04 Authority to pursue obligation

**§ 99.02 FALSE ALARM RESPONSE CHARGE; RESPONSIBILITY OF THE ALARM USER.**

There is hereby established a false alarm response charge in the amount of \$50 per incident, payable by the alarm user to the City for the first three false alarms in a calendar year. This charge shall be \$75 for the fourth and each subsequent false alarm during the calendar year.  
(Ord. 358-6-94, passed 6-15-94)

**§ 99.01 DEFINITIONS.**

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

**ALARM SYSTEM.** A device or devices designed or arranged to signal the existence of a hazard requiring the urgent response of police or fire personnel. These systems include intrusion alarms, fire pull box alarms, and other alarms which require an emergency response by police or fire personnel.

**ALARM USER.** Any person who owns, possesses, controls, or otherwise exercises dominion over property upon which an alarm system is placed.

**FALSE ALARM.** The activation of an alarm system requiring an urgent response by the police or fire department when there is no immediate threat to life, safety, or property in, on, or about the property from which the signal originated. A false alarm shall not include alarms caused by tornadoes, earthquakes, or lightning.

**UNKNOWN ALARM.** The activation, due to causes that cannot be determined, of an alarm system requiring an urgent response by the police or fire department where there is no immediate threat to life, safety, or property in, on, or about the property from which the signal originated. Alarms caused by weather or electrical interruption shall not be designated unknown alarms.  
(Ord. 358-6-94, passed 6-15-94)

**§ 99.03 UNKNOWN ALARM RESPONSE CHARGE; RESPONSIBILITY OF THE ALARM USER.**

There is hereby established an unknown alarm response charge payable by the alarm user to the City as follows:

(A) For the first, second, and third unknown alarm during a calendar year, no charge.

(B) For the fourth, fifth, and sixth unknown alarm during a calendar year, \$50.

(C) For each unknown alarm after the sixth during a calendar year, \$75.  
(Ord. 358-6-94, passed 6-15-94)

**§ 99.04 AUTHORITY TO PURSUE OBLIGATION.**

If an alarm user fails to pay an invoice received under this chapter within 30 days, the City may cause the cost as reflected by the invoice to be assessed against the property pursuant to the City Charter or may bring suit against the alarm user to recover such costs.  
(Ord. 358-6-94, passed 6-15-94)



## CHAPTER 100: PROPERTY DISPOSITION

### Section

- 100.01 Abandoned personal property
- 100.02 Evidence and contraband
- 100.03 Notice to owner
- 100.04 Finders
- 100.05 Custodian of property
- 100.06 Auction sales
- 100.07 Notice of sales
- 100.08 Donations of personal property
- 100.09 Weapons and the like
- 100.10 Limitation on claims

#### **§ 100.01 ABANDONED PERSONAL PROPERTY.**

Any personal property which comes into the possession of the City and remains unclaimed for a period of six months shall be considered abandoned, except for motor vehicles which shall be handled as required by statute.

(Ord. 398-11-95, passed 11-20-95)

#### **§ 100.02 EVIDENCE AND CONTRABAND.**

Personal property seized or otherwise acquired as evidence or contraband shall not be deemed abandoned until six months after any criminal or civil forfeiture case involving the property is finally resolved by entry of a judgment and exhaustion of appeals.

(Ord. 398-11-95, passed 11-20-95)

#### **§ 100.03 NOTICE TO OWNER.**

The six-month time frame shall not begin to run until the City sends a notice by first class mail to the last known address of the owner(s), if known, advising that the personal property can be returned upon furnishing suitable proof of ownership to the City.

(Ord. 398-11-95, passed 11-20-95)

#### **§ 100.04 FINDERS.**

Personal property turned over to the City by a finder shall be retained by the city for a minimum of 30 days, during which the owner can claim the property by furnishing suitable proof of ownership to the City. If the property remains unclaimed for the 30-day period, the City shall notify the finder by first class mail and upon the request of the finder, the property shall be returned to him or her. If the finder does not request the return of the property, six months after mailing of the notice, the property shall be considered abandoned.

(Ord. 398-11-95, passed 11-20-95)

#### **§ 100.05 CUSTODIAN OF PROPERTY.**

The Director of Public Safety or the Director's appointed officer shall be the custodian of all personal property (other than motor vehicles) coming into the possession of the City's Department of Public Safety. The Director shall provide for the storage of such personal property and for maintaining records of when and how the property was acquired, and the names and addresses of owners or finders. The Director shall make reasonable diligent effort to locate rightful owners and return the property. The Director shall turn over all personal property consisting of money or securities to the City Treasurer, who shall hold such property for six months after any required notice is sent out, and thereafter convert such property into liquid assets of the City, unless claimed by the lawful owner or finder as provided herein.

(Ord. 398-11-95, passed 11-20-95)

#### **§ 100.06 AUCTION SALES.**

The Director of Public Safety shall periodically arrange for auction sales of abandoned personal property, other than money and securities. The property shall be sold at a public auction at the best possible price. All proceeds shall be turned over to the City

Treasurer and shall become the property of the City within its general fund.  
(Ord. 398-11-95, passed 11-20-95)

**§ 100.07 NOTICE OF SALES.**

The Director of Public Safety or the Director's appointed officer shall establish the time and place of all auction sales, with notice thereof to be published at least twice, no less than ten and no more than 15 days prior to sale in a local newspaper of general circulation. The notice shall be posted at least 15 days prior to sale in City Hall. A bill of sale or other document sufficient to clarify title for the purchasers of property shall be provided upon receipt of payment at the auction sale.  
(Ord. 398-11-95, passed 11-20-95)

**§ 100.08 DONATIONS OF PERSONAL PROPERTY.**

The Department of Public Safety, through the action of its Director, is authorized to make charitable donations of abandoned personal property (other than money or securities) valued at less than \$100 per item.  
(Ord. 398-11-95, passed 11-20-95)

**§ 100.09 WEAPONS AND THE LIKE.**

The Director of Public Safety may destroy any dangerous weapons or other articles of personal property deemed too dangerous to store, and any perishable goods for which storage is deemed impractical. The Director also may destroy all weapons, alcoholic beverages, contraband, and any other personal property which would be illegal to sell at an auction, after the expiration of the six-month period specified above.  
(Ord. 398-11-95, passed 11-20-95)

**§ 100.10 LIMITATION ON CLAIMS.**

No claim by an owner or finder regarding personal property which has come into the possession of the City shall be valid if it is asserted after the properly conducted auction sale or disposal of the property according to the terms of this chapter.  
(Ord. 398-11-95, passed 11-20-95)  
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