CODIFIED ORDINANCES OF NEGAUNEE

PART SIX - GENERAL OFFENSES CODE

CHAPTER 604
Alcoholic Beverages

604.01 Consumption or possession in unlicensed places prohibited.

604.99 Penalty.

CROSS REFERENCES

Intoxicating liquors generally - see M.C.L.A. §§436.1 et seq.
Sales on Sundays and municipal election days - see M.C.L.A. §436.19e
Cabarets - see B.R. & T. Ch. 804

604.01 CONSUMPTION OR POSSESSION IN UNLICENSED PLACES PROHIBITED.

No person shall consume alcoholic beverages or possess open containers of alcoholic beverages on or in any public place, provided that this section shall not be construed to prohibit the consumption of alcoholic beverages or the possession of open containers of alcoholic beverages within those public places licensed by the Michigan Liquor Control Commission to allow the consumption of alcoholic beverages on premises.

604.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 606
Animals

606.01	Definitions.	606.05	Appointment of Animal Control Officers.
606.02	Barking dogs prohibited.	606.06	Fees and charges.
606.03	Dog licenses required.	606.07	Animal Excrement.
606.04	Dogs and cats at large; impoundment.	606.99	Penalty.

CROSS REFERENCES

Animal pounds - see M.C.L.A. §§123.301 et seq., 750.70
Animal diseases generally - see M.C.L.A. §§287.2 et seq.
Animals generally - see M.C.L.A. §§287.2 et seq., 750.49 et seq.; 752.21 et seq.
Peace disturbances by animals - see GEN. OFF. 672.01(f)(5)

606.01 DEFINITIONS.

As used in this chapter:

(a) "Out of doors" means any place other than within the confines of a home, a residence or a building regularly and at the time of the offense occupied by people.

(b) "Owner" means every person having a right of property in a dog or cat, and every person who keeps or harbors a dog or cat or has it in his or her care, and every person who permits a dog or cat to remain on or about any premises occupied by such person.

606.02 BARKING DOGS PROHIBITED.

No owner of any dog within the City shall permit, cause or suffer such dog to remain out of doors when such dog is repeatedly, continuously or frequently barking, after such owner has received notice from any law enforcement officer that the barking of such dog is causing a disturbance, provided, however, that the owner may permit such dog to remain out of doors if the owner shall prevent such barking.

606.03 DOG LICENSES REQUIRED.

No person shall own, keep, possess, harbor or have the care or charge of any dog, male or female, or unsexed, of the age of six months or over, within the City, unless the dog shall wear a collar to which is attached the current license tag provided for by the laws of the State.

606.04 DOGS AND CATS AT LARGE; IMPOUNDMENT.

(a) No person owning, possessing or having charge of any dog or cat, whether licensed or unlicensed under the laws of the State, shall permit said dog or cat to stray from the premises of said owner or person having charge of said dog or cat or permit or allow said dog or cat to run at large at any time in the City, provided, however, that no dog or cat shall be deemed to be running at large if it is under the reasonable control of its owner or the person in charge of said animal.

(b) Any dog or cat running at large in the City is hereby declared to be a nuisance and subject to being impounded by the Animal Control Officer, his or her deputies or any member of the Police Department.

606.05 APPOINTMENT OF ANIMAL CONTROL OFFICERS.

The City Manager may appoint an Animal Control Officer for the City and sufficient Deputy Animal Control Officers who, along with the Police Department, will be needed to enforce this chapter, and such Animal Control Officer and Deputy Animal Control Officers shall be paid in a manner determined by the City Manager. The City shall also provide suitable shelter for the keeping of any dogs or cats impounded or make suitable arrangements for the care and feeding of said impounded animals.

606.06 FEES AND CHARGES.

Any dog or cat impounded under the terms of this chapter shall be held for a period of seven days if the animal has some form of positive identification and for a period of four days if the animal has no positive identification. The owner or person in charge of said dog or cat may recover possession of said animal from the Animal Control Officer or the person in charge of said animal while impounded by paying an impounding fee and a storage charge (for feeding and care of the animal) as established from time to time by resolution of Council. Dogs and cats not repossessed by their owner or the person in charge within the period allowed may be disposed of in a humane manner. Any money collected for the impounding, care and keeping of said animal shall be paid by the person collecting the same to the City Treasurer.

606.07 ANIMAL EXCREMENT

No person shall allow any animal under his/her ownership or control to leave its excrement upon any private or public property, unless that excrement is immediately and thoroughly removed from the property. Provided, however, a person may fail to remove the excrement from private property that that person owns or in which he/she has a lawful possessory interest.

606.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 668
Offenses Relating to Property

668.01 Defacing, injuring or destroying property.
668.99 Penalty.

CROSS REFERENCES

Real estate generally - see M.C.L.A. §§554.1 et seq.
Malicious destruction of property by minors - see M.C.L.A. §600.2913
Theft generally - see M.C.L.A. §§750.356 et seq.
Malicious destruction of property - see M.C.L.A. §§750.377a, 750.377b
Damaging sewerage works - see S.U. & P.S. 1040.06
Tampering with water meters - see S.U. & P.S. 1042.11
Tampering with electric meters - see S.U. & P.S. 1046.15

668.01 DEFACING, INJURING OR DESTROYING PROPERTY.

No person shall deface, injure or destroy, or aid in defacing, injuring or destroying, any public or private property, or cause to be posted to or stuck upon any public or private building, fence, tree, pole or other public or private property any handbill or placard without first obtaining the permission of the owner or occupant of such building, fence, tree, pole or other public or private property.

668.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 672
Peace Disturbances

672.01	Noise.	672.04	Police order to depart or disperse.
672.02	False alarms.	672.05	Responsibility for minors.
672.03	Disturbing lawful assemblages.	672.99	Penalty.

CROSS REFERENCES

Disorderly conduct generally - see M.C.L.A. §§750.167 et seq.
Gambling - see M.C.L.A. §§750.301 et seq.
Prostitution - see M.C.L.A. §§750.448 et seq.
Barking dogs - see GEN. OFF. 606.02

672.01 NOISE.

(a) In General. No person shall unreasonably make or continue, or cause to be made or continued, any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way shall be exempt from operation under this section.

(b) Radios, Musical Instruments and Similar Devices. No person shall operate or play, or permit the operation or playing of, any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to:

(1) Create a noise disturbance across a real property boundary or within a noise sensitive zone. If such a device is plainly audible on the property of another or within a building other than that within which the device is located, and if a complaint is made to the Chief of Police or his or her designee regarding annoyance or disturbance as a result of such device, this shall serve as prima-facie evidence of a violation.

(2) Create a noise disturbance or result in an unreasonable sound level from such device, when operated in or on a motor vehicle on a public right of way, public space or space open to the general public, or in a boat on public waters.

(c) Loudspeakers. No person shall use or operate for any noncommercial purpose any loudspeaker, public address system or similar device between 10:00 p.m. and 7:00 a.m. of the following day so that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone. No person shall use or operate for any commercial purpose any loudspeaker, public address system or similar device so that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone, or between 10:00 p.m. and 7:00 a.m. of the following day on a public right of way or public space.

(d) Construction. No person shall erect (including excavate), demolish, alter or repair any building, excavate any street or highway or operate any machine or equipment on public or private property, except between the hours of 7:00 a.m. and 10:00 p.m., or in case of urgent necessity in the interest of public health and safety and when approval has been obtained from the City Clerk.

(e) Stationary Nonemergency Signaling Devices. No person shall sound or permit the sounding, from any place, of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes. Such devices, when used in conjunction with places of religious worship, shall be exempt from this subsection.

(f) Miscellaneous Noises. Each of the following acts is hereby prohibited, but this enumeration shall not be deemed to be exclusive, namely:

(1) Horns and signal devices in vehicles. Between the hours of 11:00 p.m. and 7:00 a.m. of the following day, 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 brakes have been applied, or as brakes are being applied, and deceleration of the vehicle is intended; the creation by means of any such horn or signal device of any unreasonably loud or harsh sound, and the sounding of such a horn or device for an unnecessary and unreasonable period of time.

(2) Racing of motors. The racing of motors while the same are being tuned up, or the backfiring of engines in automobiles during tune-ups or warm-ups, creating any unreasonably loud or harsh sound between the hours of 11:00 p.m. and 7:00 a.m. of the following day.

(3) Shouting and whistling. Unnecessary or unreasonably loud shouting and whistling at any time or place in the City.

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

(5) Animal and bird noises. The keeping of any animal or bird which, because of frequent or long continued noise, shall disturb the comfort or repose of any person.

(6) Whistles or sirens. The blowing of any whistle or siren, except to give notice of the time to begin or stop work, or as a warning of fire or danger.

(7) Devices to attract attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention, without first having obtained a permit therefor from the City Clerk.

(8) 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 Clerk.

(9) Compression Brakes. It shall be unlawful for the driver of any vehicle to use or operate, or cause to be used, any engine braking device, compression brake or mechanical exhaust device to aid in the braking or deceleration of any vehicle, while operating said vehicle within the limits of the City of Negaunee, except in the case of an emergency.

(g) Exceptions. None of the prohibitions set forth in subsections (a) through (f) hereof shall apply to or be enforced against:

(1) Any authorized emergency vehicle when responding to an emergency call;

(2) The reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

672.02 FALSE ALARMS.

(a) No person shall start or spread any false alarm of fire, riot, explosion, civil disturbance or other breach of the peace.

(b) Whoever violates this section shall be guilty of a misdemeanor.

672.03 DISTURBING LAWFUL ASSEMBLAGES.

(a) No person shall disturb any lawful assemblage or gathering.

(b) Whoever violates this section shall be guilty of a misdemeanor.

672.04 POLICE ORDER TO DEPART OR DISPERSE.

(a) Whenever the presence of any person in any public place is causing any activity prohibited by this chapter or by any other provision of this General Offenses Code, any police officer may order that person to leave such public place.

(b) No person shall refuse to leave a public place after being ordered to do so by a police officer or otherwise resist such an order.

(c) Whoever violates this section shall be guilty of a misdemeanor.

672.05 RESPONSIBILITY FOR MINORS.

(a) No person shall assist, aid, abet, allow, permit or encourage any minor to violate any of the provisions of this chapter or any other provision of this General Offenses Code.

(b) No parent shall assist, aid, abet, allow, permit or encourage any minor over which he or she has care and custody to violate any of the provisions of this chapter or any other provision of this General Offenses code.

(c) Whoever violates this section shall be guilty of a misdemeanor.

672.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 674
Public Nuisances

674.01	Purposes.	674.07	Cost of abatement.
674.02	Definitions.	674.08	Attachment of lien.
674.03	Nuisance prohibited.	674.09	Collection by Court action.
674.04	Specific nuisances.	674.10	Disposition of funds collected.
674.05	Enforcement; notice of violation.	674.11	Violations.
674.06	Abatement; authority of City Manager and Council.	674.99	Penalty.

CROSS REFERENCES

Health and sanitation generally - see Mich. Const. Art. 4, §51; M.C.L.A. §§325.1 et seq., 327.1 et seq., 750.466 et seq.
State Housing Law - see M.C.L.A. §§125.401 et seq.
Nuisance abatement; damages and expenses - see M.C.L.A. §600.2940
Nuisances generally - see M.C.L.A. §§600.3801 et seq.
Peace disturbances - see GEN. OFF. Ch. 672
Vehicle and trailer parking or storage - see GEN. OFF. 692.04
Garbage and rubbish - see S.U. & P.S. Ch. 1060

674.01 PURPOSES.

Consistent with the letter and spirit of the provisions of M.S.A. 5.2073(j) and (k) and M.C.L.A. 117.3, as amended, which authorize and direct home rule cities to enact ordinances and to provide for the public peace and health, and for the safety of persons and property, the purposes of this chapter are to prevent, reduce or eliminate nuisances, nuisance factors or causes of nuisance within the City, thereby providing for the public peace and health and for the safety of persons and property within said City; to provide for the enforcement of this chapter; to provide a means by which such nuisances, nuisance factors or causes of nuisance may be abated; and to provide penalties for the violation of this chapter.

674.02 DEFINITIONS.

As used in this chapter:

(a) "Garbage" means rejected food waste, including waste accumulation of animal, fruit or vegetable matter used or intended for food or which attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

(b) "Junk" means and include, but is not limited to, parts of machinery, inoperable appliances, scrap metal or other cast off material of any kind, whether or not the same could be put to any reasonable use.

(c) "Miscellaneous debris" means those things or conditions existing on property in the City which create hazards to the public and to children from a health or fire standpoint, including conditions which by their unsightly appearance can result in depressing the values of other property in the immediate area.

(d) "Noxious and poisonous weeds" shall include Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy.

(e) "Nuisance" means a condition or situation which is likely to injure or endanger the public peace or the health or safety of persons and property, interfere with, obstruct or render dangerous any street, highway, navigable lake or stream, or in any way render the public insecure in life or property, including, but not limited to, whatever is prohibited by any provision of this chapter.

(f) "Person" means and includes one or more individuals of either sex, firms, partnerships, associations, unincorporated voluntary clubs and corporations.

(g) "Rubbish" means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that may be a detriment to the public health and safety.

674.03 NUISANCE PROHIBITED.

No person shall maintain or permit to be maintained any nuisance, nuisance factor or cause of nuisance upon any property in the City which is either owned, leased, rented, occupied or otherwise under the control of such person.

674.04 SPECIFIC NUISANCES.

The following uses, structures and activities are hereby specifically deemed to be nuisances, nuisance factors or causes of nuisance and are hereby prohibited:

(a) Junk, Garbage, Rubbish or Miscellaneous Debris. In any zoning district, the storage or accumulation of junk, garbage, rubbish or miscellaneous debris of any kind, without a landfill construction or operation permit, except for:

(1) The storage or accumulation of domestic garbage, rubbish, junk or miscellaneous debris in such a manner as not to create a health or safety hazard; and

(2) The maintenance for noncommercial purposes of a compost pile in such a manner as not to create a health or safety hazard.

(b) Damaged or Deteriorated Structures. In any zoning district, the existence of any structure or part of any structure which has any of the following defects or is in any one of the following conditions:

(1) Whenever any portion of such structure has been damaged by fire, wind, flood or other cause in such a manner that the structural strength or stability has been adversely affected to the extent that the structure or any part or parts thereof are likely to fall, to become detached, to become dislodged or to collapse and thereby result in injury or damage to persons or property;

(2) Whenever the structure or any part thereof, because of dilapidation, deterioration, decay or faulty construction, or because of the removal or movement of some portion of the ground necessary for the support of such structure or portion thereof, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of such structure is likely to fall or give way; and/or

(3) Whenever such structure becomes vacant, dilapidated and open at a door or window, leaving the interior of said structure exposed to the elements or accessible to entrance by trespassers.

(c) Noxious and Poisonous Weeds. In any residential zoning district, the growth and existence of noxious or poisonous weeds which have grown to a height of two inches or more above ground.

674.05 ENFORCEMENT; NOTICE OF VIOLATION.

(a) This chapter shall be enforced by the City Manager and by the Police Department of the City.

(b) Upon identifying a nuisance, nuisance factor or cause of nuisance upon any property in the City, the enforcement officers shall contact the owner or occupant of the property in writing by first-class mail or by personal service to require abatement of the nuisance. A reasonable period of time within which the nuisance must be abated shall be specified by the enforcement officer in the written notice. Additional time may be granted when, in the opinion of the enforcement officer, bona fide efforts to remove the nuisance are in progress.

(c) For the purposes of this section, the owner of any property upon which any nuisance, nuisance factor or cause of nuisance is found shall be deemed to be the person identified as any such owner on the tax roll of the City, and where there may be more than one such owner or more than one occupant, notice to any one owner or any one occupant shall be deemed to be notice to all such owners and occupants.

674.06 ABATEMENT; AUTHORITY OF CITY MANAGER AND COUNCIL.

The City Manager may take immediate reasonable measures to abate any nuisance, nuisance factor or cause of nuisance, without prior approval or order of Council, if, in the opinion of the City Manager, the public health or safety requires immediate action. The cost of such abatement measures shall be charged against the property and the owner thereof in accordance with the provisions of this chapter. In circumstances where the public health or safety does not require immediate action, the City Manager may take reasonable measures to abate any nuisance, nuisance factor or cause of nuisance after prior approval or order of Council.

674.07 COST OF ABATEMENT.

(a) Any expense incurred by the City for the purpose of abating a nuisance, nuisance factor or cause of nuisance, pursuant to the provisions of this chapter, shall be chargeable against the property upon which such nuisance, nuisance factor or cause of nuisance was located, and against the owner or owners thereof. An account of the labor, materials or services for which such expenses were incurred, and the name of the owner or owners of such property, shall be reported to the City Treasurer, who shall immediately charge and bill such costs to such owner or owners. Such bill shall be sent by first-class mail to any owner of the property shown on the tax rolls of the City.

(b) Said bill shall also notify the owner of such property of the date of a meeting of Council, not less than sixty days thereafter, when Council shall meet for the purpose of adopting a resolution placing a special assessment upon said property for such charges, unless such charges are paid prior to the date of such meeting. At such meeting, Council shall adopt a special assessment resolution covering each parcel of land for which such charges have not theretofore been paid in full. As many parcels may be included in a single resolution as may be necessary. The adoption of such a resolution shall be deemed the equivalent of the confirmation of a special assessment roll by Council, and the City Clerk shall endorse the date of confirmation upon each special assessment resolution. Each special assessment shall, upon such confirmation, be final and conclusive.

674.08 ATTACHMENT OF LIEN.

Each special assessment confirmed pursuant to the provisions of this chapter shall, from the date of such confirmation, constitute a lien upon the property so assessed, and until paid shall be a charge against the owner of the property. Such lien shall be of the same character and effect as a lien created for taxes, and shall include accrued interest and penalties.

674.09 COLLECTION BY COURT ACTION.

In addition to any other remedies and without impairing the lien therefor, any assessment levied pursuant to the provisions of this chapter, together with interest and penalties thereon, may be collected in an action commenced in the name of the City, against the person or persons assessed, in any court having jurisdiction in such matters. If, in any such action, it shall appear, by reason of any irregularities or informalities, that the assessment has not been properly made against the person assessed, or upon the premises sought to be charged, the Court may, nevertheless, on satisfactory proof that such expense has been reasonably incurred by the City, render judgment for the amount properly chargeable against such person or persons or upon such property.

The remedy provided in this section and in Sections 674.07 and 674.08 shall be in addition to the penalty provided in Section 674.99.

674.10 DISPOSITION OF FUNDS COLLECTED.

Except as otherwise provided by any ordinance, funds collected by the Court action or by special assessment levied pursuant to the provisions of this chapter shall be credited to such funds of the City as were debited to pay for the costs of the abatement for which such assessment was levied.

674.11 VIOLATIONS.

(a) No person shall fail to abate any nuisance, nuisance factor or cause of nuisance within the period of time provided for such abatement by the written notice described in Section 674.05(b) or within any extension of said deadline.

(b) Any violation of this chapter is hereby declared to be a public nuisance per se, and in addition to the penalties specified in Section 674.99 for such violation, the City may seek to enforce compliance with the provisions of this chapter by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation or civil or criminal law.

(c) A separate offense shall be deemed committed each day during or on which a violation of this chapter occurs or continues.

674.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 682
Safety, Sanitation and Health

682.01	Throwing objects.	682.05	Discarding of garbage.
682.02	Holding on to motor vehicles.	682.06	Open burning; incinerators.
682.03	Hitchhiking.	682.99	Penalty.
682.04	Expectorating, defecating or urinating in public places.		

CROSS REFERENCES

Health and sanitation generally - see Mich. Const. Art. 4, §51; M.C.L.A. §§325.1 et seq., 327.1 et seq., 750.466 et seq.
Health Officer - see CHTR. §6.12
Health and sanitation in home rule cities - see M.C.L.A. §§117.3, 117.4i
Municipal health departments - see M.C.L.A. §327.205
Public safety generally - see M.C.L.A. §§750.493 et seq.
Abatement of nuisances - see GEN. OFF. 674.06 et seq.
Garbage and rubbish - see S.U. & P.S. Ch. 1060

682.01 THROWING OBJECTS.

No person shall cast, throw or propel any object from, over or onto any public place in such a manner as to obstruct vehicle or pedestrian traffic or endanger lives or property.

682.02 HOLDING ON TO MOTOR VEHICLES.

No person shall grab or otherwise hang on to the exterior portion of any motor vehicle for the purpose of obstructing or hindering the free passage of said motor vehicle or for the purpose of being pulled along by said motor vehicle, provided that this section shall not be construed to prohibit the normal operation of a motorcycle, bicycle or other similar motor vehicle or the towing of one motor vehicle by another.

682.03 HITCHHIKING.

No person shall request, ask for or solicit, either orally or physically, a ride from the operator of any motor vehicle while said solicitor is located on a highway or street.

682.04 EXPECTORATING, DEFECATING OR URINATING IN PUBLIC PLACES.

No person shall expectorate, defecate or urinate on or in any public place, provided that this section shall not be construed to prohibit such activity in bathrooms or restrooms designated and maintained for that purpose.

682.05 DISCARDING OF GARBAGE.

No person shall throw away or discard any garbage in any public place, other than in a container designed and placed for the purpose.

682.06 OPEN BURNING; INCINERATORS.

(a) Burning Prohibited. No person shall cause or permit, except as herein provided, any burning in an open fire or in an incinerator, of garbage or other combustible refuse, waste material or yard clippings, including by way of description, but not by way of limitation, paper, leaves, tree trimmings, grass, weeds, oil, gasoline, solvents of any kind, plastic, vinyl, nylon or other similar artificial or man-made substances.

(b) Exceptions.

(1) The burning of trees, branches, bushes, shrubbery, plants and leaves, exclusive of any other combustible refuse or waste material, shall be permitted for the purpose of clearing a site for new construction, provided that such burning takes place on the site being cleared and is supervised at all times by a responsible person during the period of such burning, and provided, further, that a burning permit for such burning shall first be obtained from the Fire Chief or his or her designee, setting forth the location to be cleared and the nature of the intended new construction, which permit shall expire as noted on the permit upon its issuance.

(2) Fires of charcoal or non-ash producing fuels shall be permitted when used on private property or in public recreation areas relative to consumption of food.

(3) Open burning or incineration by employees of the City shall be permitted if the same is in the course of their employment by the City.

(4) Small recreational fires shall be permitted if they are approved by the Fire Chief.

(c) Conflict of Laws. This section is to be interpreted in conjunction with all other applicable laws. Whenever a provision of this section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by a provision of any other law or ordinance, then the provision of this section shall govern. Conversely, whenever a provision of any other law or ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed by this section, then the provisions of such other law or ordinance shall govern.

682.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

First Reading: August 24, 2011
Second Reading: September 8, 2011
Publications: Sept. 16, 2011 & Sept. 17, 2011
Effective: Sept. 19, 2011

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTER 682 SAFETY, SANITATION AND HEALTH

The City of Negaunee ORDAINS:

That Chapter 682 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

Chapter 682 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following sections:

§ 682.01A OBJECTS IN RIGHT-OF-WAYS

No person shall place any structures, objects or items for sale, storage, donation, or otherwise upon any City property including a street or alley right-of-way, parking lot or public place. Trash cans, trash bags, and items for curbside recycling may be placed for collection from 3:00 p.m. the day before collection day until 9:00 p.m. on the day of collection, pursuant to Ordinance 1060.04(c). Any containers, items or debris placed outside of these hours shall be considered a violation of this ordinance. Where a mailbox or marker light is required by the United States Postal Service, said mailbox or marker light shall not be considered in violation of this section. In the event of a violation of this section, the City may remove and dispose of any such structure, object or item without consideration for damaging the item nor determining its rightful owner.

The above Ordinance shall be published as required by law, and shall be effective on the 19th day of September, 2011.

Upon Roll Call,

Council Members voting aye: Maino, Dompierre, VanStraten, Menhennick, Wills, Schuhknecht and Mayor Haines.

Council Members voting nay: None

By: Michael Haines, Its Mayor

Attest:

By: Judith Iwanski, Its Clerk

CHAPTER 686
Snow and Ice Removal

686.01	Deposit in rights of way restricted.	686.04	Removal of unlawfully deposited snow, ice, etc., by City; costs.
686.02	Lawful deposits in rights of way.	686.05	Overnight parking during winter.
686.03	Minimum street width to be maintained.	686.99	Penalty.

CROSS REFERENCES

Removal of ice and snow from roads - see M.C.L.A. §247.662

State funds for winter street and highway maintenance by municipalities - see M.C.L.A. §247.663

Deposit of ice and snow onto or across roadways - see M.C.L.A. §257.677a

Parking generally - see TRAF. Ch. 430

686.01 DEPOSIT IN RIGHTS OF WAY RESTRICTED.

No person shall take or remove, or cause to be taken or removed, any snow, ice or other material from any property owned, occupied or controlled by him or her and pile or dump the same within the lines of any street right of way of the City, except as otherwise provided in this chapter.

686.02 LAWFUL DEPOSITS IN RIGHTS OF WAY.

Any person may take and remove snow or ice from a driveway on property owned, occupied or controlled by him or her and pile the same in a public street, but only along, parallel with and as a part of the bank of snow formed by the City in its snow plowing operations. Such snow or ice shall be piled on the bank immediately in front of and adjacent to the property so owned or occupied and in no event shall the snow or ice so placed extend more than two feet, six inches farther into the roadway than the existing bank. Further, snow shall not be piled, blown or otherwise placed upon any portion of the street or sidewalk right of way within twenty-five feet

of the lateral curb of any intersecting road, street or alley. Further, snow shall not be piled, blown or otherwise placed upon any portion of the street or sidewalk right of way within twenty feet of any driveway intended to be used by the general public for access to any commercial establishment. Further, and notwithstanding anything to the contrary contained in this section, the City shall have and retain the right to limit or prohibit the placement of snow or ice in any street right of way if such limitation or prohibition is deemed reasonably necessary for the health, safety and welfare of the general public.

686.03 MINIMUM STREET WIDTH TO BE MAINTAINED.

No person shall take or remove, or cause to be taken or removed, any snow, ice or other material from any public walk or from the banks of snow formed by the City in its snow plowing operations and pile, dump or blow the same within the street right of way in such manner as to reduce the width between the banks of snow formed by the City in its snow plowing operations by more than two feet, six inches on either side.

686.04 REMOVAL OF UNLAWFULLY DEPOSITED SNOW, ICE, ETC., BY CITY; COSTS.

Snow, ice or other material moved, piled or dumped in violation of this chapter may be removed or caused to be removed by the City, and the expense of such removal may be charged to the person found to be in violation of this chapter. Said charges may be collected as "costs" in connection with a civil infraction action and/or by civil process.

SEE AMENDMENTS

686.05 OVERNIGHT PARKING DURING WINTER. 686.05B & 686.05C

(a) Findings. The parking of motor vehicles or other vehicles on the streets and alleys of the City and on City-owned or leased parking lots, between 1:00 a.m. and 6:00 a.m. during the months of January, February, March, April, November and December of each year shall constitute a hindrance and a nuisance to the proper and necessary removal of snow from the streets, alleys and parking lots and to the elimination of traffic hazards caused by snow and ice.

(b) Prohibitions. No person shall park any motor vehicle or other vehicle on the streets, alleys or sidewalks which are regularly plowed in the City or on City-owned or leased parking lots, between the hours of 1:00 a.m. and 6:00 a.m. during the months of January, February, March, April, November and December of each year for a period of time any longer than thirty minutes, except physicians on emergency calls. During these times and where space permits, parking will be permitted adjacent to the City street beyond the curb line. No portion of any vehicle so parked shall fall within two feet of the curb line of the street. Any person parking any vehicle or other object on the City right of way adjacent to and within eight feet of the curb, plowed sidewalk or plowed alleyways, does so solely at his or her own risk, and the City will not be responsible for any damage to any vehicle or object so parked. If sidewalks are maintained and plowed by the Department of Public Works during the months of January, February, March, April, November and December, no vehicle shall be parked on an apron and block any portion of said sidewalk.

(c) Impounding and Ticketing. Any motor vehicle or other vehicle found parked or abandoned in violation of subsection (b) hereof may be impounded and towed away by any police officer of the City or by any employee of the City who at the time is engaged in removing snow or ice from the streets and alleys in the City, or any such police officer or employee may affix a tag to such vehicle parked or abandoned in violation of subsection (b) hereof, stating the date and time such vehicle was found parked or abandoned and informing the owner that he or she is required to respond to the same as provided in Section 440.06 of the Traffic Code.

(d) Impounding and Storage Costs. The owners of any vehicle parked or abandoned in violation of this section shall, in addition to paying the fine provided for such violation, pay all necessary costs of impounding and storing said vehicle, and same shall constitute a lien against said vehicle until paid.

686.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates Section 686.05 shall be subject to the penalty provided in Section 440.06 of the Traffic Code.

FIRST READING: August 24, 2011

SECOND READING: September 8, 2011

PUBLICATIONS: Sept. 16th & 17th, 2011

EFFECTIVE: September 19, 2011

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTER 686 SNOW AND ICE REMOVAL

The City of Negaunee ORDAINS:

That **Chapter 686 Snow and Ice Removal** of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Section 686.05(b) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

Section 686.05(b) of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

(b) Prohibitions. No person shall park nor leave unattended any motor vehicle or other vehicle on the streets, alleys or sidewalks which are regularly plowed in the City or on City-owned or leased parking lots, between the hours of 2:00 a.m. and 6:00 a.m. during the months of January, February, March, April, November and December of each year for a period of time any longer than thirty minutes, except physicians on emergency calls.

REPEALER

Section 686.05(c) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

Section 686.05(c) of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

(c) Impounding and Ticketing. Any motor vehicle or other vehicle found parked or abandoned in violation of subsection (b) hereof may be impounded and towed away by any police officer of the City or by any employee of the City who at the time is engaged in removing

snow or ice from the streets and alleys in the City, or any such police officer or employee may affix a tag to such vehicle parked or abandoned in violation of subsection (b) hereof, stating the date and time such vehicle was found parked or abandoned and informing the owner that he or she is required to respond to the same as provided in Section 440.06 of the City of Negaunee Traffic Code.

REPEALER

Section 686.99 of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of these Amendments are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendments.

AMENDMENT

Section 686.99 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to read as follows:

686.99 PENALTY.
Whoever violates Section 686.05 shall be subject to the penalty provided in Section 440.06 (e) of the City of Negaunee Traffic Code.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

The above Ordinance shall be published as required by law, and shall be effective on the 19th day of September, 2011.

Upon roll call,

Council members voting aye: Maino, Dompierre, VanStraten, Menhennick, Wills, Schuhknecht and Mayor Haines

Council members voting nay: None

By: Michael Haines, Its Mayor

Attest:

By: Judith K. Iwanski, Its Clerk

CHAPTER 692
Vehicle and Trailer Parking and Storage

692.01	Definitions.	692.04	Declaration of nuisance.
692.02	Purpose.	692.05	Enforcement.
692.03	Parking and storage restrictions.	692.99	Penalty.

CROSS REFERENCES

Occupancy of trailer homes - see CHTR. §5.16
Commercial and heavy vehicles - see TRAF. Ch. 420
Parking generally - see TRAF. Ch. 430
Parking Violations Bureau - see TRAF. Ch. 440
Parking overnight during winter - see GEN. OFF. 686.05
Parking trailer homes outside of camps - see B.R. & T. 876.03

692.01 DEFINITIONS.

As used in this chapter:

(a) "Agricultural vehicle" means a motor vehicle or conveyance designed and intended for agricultural use, including, but not limited to, garden tractors, farm tractors and other implements, either self-propelled or customarily towed, which are used in farming operations, but shall not include lawn mowers, roto-tillers or other similar small equipment customarily associated with home gardening activities.

(b) "Inoperable vehicle" means a vehicle as to which any of the following conditions obtains:

(1) It is being dismantled for the sale, salvage, repair or reclamation of parts thereof;

(2) It does not have all of its main component parts properly attached;

(3) Any other or additional conditions exist which cause the vehicle, if eligible for operation upon the public streets, to be incapable of being operated in a lawful manner upon the public streets.

(c) "Main component parts" means all such parts or equipment as are necessary for a vehicle to be lawfully driven or drawn upon the public streets pursuant to the Michigan Vehicle Code, being Act 300 of the Public Acts of 1949, as amended, including fenders, hood, wheels, radiator, motor, windows, doors, muffler, body and essential engine parts.

(d) "Motor vehicle" means every vehicle which is intended to move or transport persons or property and which is self-propelled by means of an internal combustion engine, including, but not be limited to, automobiles, trucks, vans, buses, truck-tractors, motorcycles, motorbikes, motor scooters, mopeds, bulldozers, front-end loaders and other types of construction equipment, logging skidders and snowmobiles.

(e) "Person" means an individual, firm, partnership, corporation or other entity of any kind.

(f) "Trailer" means every vehicle which is not self-propelled and is designed and intended for carrying persons or property and for being drawn by a motor vehicle.

(g) "Vehicle" means motor vehicles, trailers and agricultural vehicles.

692.02 PURPOSE.

The purpose of this chapter is to limit and restrict the outdoor storage, parking and unreasonable accumulation of junked, unused, partially dismantled or inoperable vehicles, new or used vehicle parts, trailers, or new or used parts thereof, upon public and private premises within the City, to avoid injury and hazards to children and others attracted to such vehicles and trailers or parts thereof, to prevent degradation of the environment caused by such vehicles and trailers or parts thereof and to minimize the reduction of property values and the ill effects upon adjoining residents and property owners resulting from the presence of such vehicles and trailers and parts thereof.

692.03 PARKING AND STORAGE RESTRICTIONS.

No person shall park or store, or permit to be parked or stored, upon any public or private premises in the City that are owned, leased, rented, occupied or possessed by such person, any vehicle, including a motor vehicle for sale, any new or used motor vehicle parts, any trailer, or any agricultural vehicle, unless one or more of the following conditions exist:

(a) Such parking or storage is located within a fully enclosed building; or

(b) With respect to such parking or storage, all of the following are true:

(1) Such parking or storage does not occur in the front yard area of any premises; and

(2) Such parking or storage as might occur in the side yard or rear yard of any premises shall conform to the setback requirements set forth in the Zoning Code for buildings or structures in the zoning district wherein located; and

(3) Any such parking or storage shall at all times be completely screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by solid ornamental fencing, terrain, trees or other natural barriers; and

(4) Such parking or storage is not otherwise prohibited by any other ordinance in effect within the City; or

(c) Such vehicle is, where subject to a license requirement, currently and validly licensed for operation upon the public streets, is not inoperable and has all of its main component parts properly attached; or

(d) Such vehicle or parts are located in a duly licensed and properly zoned junk yard, salvage yard or new or used car dealer's lot or storage yard, where such uses or operations are legally authorized under the Zoning Code and are conducted in conformance therewith; or

(e) Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop or body shop legally authorized under the Zoning Code and registered with the State, and is locked, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not a public nuisance; or

(f) Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not in any manner a dismantled vehicle, provided, however, that the premises shall not contain any such vehicle for longer than thirty days, in any one calendar year, calculated on a cumulative basis for the same or different vehicles, and notwithstanding the fact that no one such vehicle remains upon the premises for more than the aforesaid thirty-day period; or

(g) Such vehicle is a modified vehicle in a fully operational condition, such as a vehicle that is stock-modified, redesigned or reconstructed for a purpose other than that for which it was manufactured, provided that any such vehicle shall comply with both of the following restrictions:

(1) No such vehicle shall be parked or stored in the front yard area of any premises; and

(2) Any such vehicle parked or stored in a side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the zoning district wherein located; or

(h) Such vehicle is what is commonly referred to as a "classic car" or an "antique car" or a similar type of vehicle which is in the process of engine, mechanical or body restoration, provided that any such vehicle shall comply with both of the following restrictions:

(1) No such vehicle shall be parked or stored in the front yard area of any premises; and

(2) Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the zoning district wherein located; or

(i) Such vehicle:

(1) Is in operating condition; and

(2) Has all of its main component parts properly attached; and

(3) Is for sale by the owner or occupant of the premises; and

(4) Is posted with a "For Sale" sign.

This provision shall be limited to authorizing the outdoor storage of one such vehicle per lot or parcel at any one time and shall authorize the storage of such vehicle for not more than thirty days; or

(j) Such vehicle is an agricultural vehicle which is not inoperable and which is used or useable for agricultural purposes on the premises where located; or

(k) A special permit is first obtained therefor from Council for a period of not to exceed thirty days, to be granted only in special hardship cases beyond the control of the applicant where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than two additional thirty- day periods upon a showing of due diligence and continued satisfaction of the criteria established by this section.

692.04 DECLARATION OF NUISANCE.

Any outdoor storage or parking activities in violation of any of the provisions of this chapter are hereby declared to be a public nuisance which may be enjoined and/or which may subject the violator to the penalties and remedies described in this chapter.

692.05 ENFORCEMENT.

This chapter shall be enforced by the Police Department of the City or by such other person or persons as Council may, from time to time, designate.

692.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

FIRST READING: October 13, 2011

SECOND READING: November 10, 2011

PUBLICATIONS: November 17th & November 18th, 2011

EFFECTIVE: November 28, 2011

AMENDMENT TO CODIFIED ORDINANCES OF THE CITY OF NEGAUNEE, CHAPTER 692 VEHICLE AND TRAILER PARKING AND STORAGE

The City of Negaunee ORDAINS:

That Chapter 692 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

§ 692.03(l) and §692.03(m) of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

AMENDMENT

§ 692.03 of the Codified Ordinances of Negaunee, Michigan, shall be, and hereby is, amended to add the following section:

§692.03 (l). Parking is prohibited during the months of May, June, July, August, September and October between the edge of the pavement and the sidewalk (where sidewalks exist). During the months of November, December, January, February, March and April, anyone parking in the City right-of-way shall not interfere with snow removal operations, clear sight lines, pedestrian traffic or otherwise have a negative impact upon City operations or neighboring properties. Anyone parking in the City right-of-way does so solely at his or her own risk and the City shall not be responsible for any damage to any vehicle or any object so parked.

The above Ordinance shall be published as required by law, and shall be effective on the 28th day of November, 2011.

Upon roll call,

Council members voting aye: Council Members VanStraten, Menhennick, Wills, Schuhknecht, Maino and Mayor Haines

Council members voting nay: Council Member Dompierre

WHEREUPON, this Ordinance is declared passed and adopted on this 10th day of November, 2011.

_____ _____

By: Michael Haines, Its Mayor Attest: Judith K. Iwanski, City Clerk

CHAPTER 694
Weapons and Explosives

694.01 Discharging firearms.
694.99 Penalty.

CROSS REFERENCES

Weapons generally - see Mich. Const. Art. 1, §6; M.C.L.A. §§28.421 et seq., 750.222 et seq.
Firearms generally - see M.C.L.A. §§28.421 et seq., 750.222 et seq.
Storage and transportation of explosives - see M.C.L.A. §29.3a
Explosives generally - see M.C.L.A. §§29.41 et seq., 750.200 et seq., 750.327 et seq.
Arson - see M.C.L.A. §§750.71 et seq.
Construction or possession of explosive devices - see M.C.L.A. §750.211a
Throwing objects - see GEN. OFF. 682.01

694.01 DISCHARGING FIREARMS.

No person shall discharge any rifle, shotgun, pistol or other firearm, or any air gun or BB gun capable of projecting lead or any other object, except on ranges previously approved by the Chief of Police, provided that this section shall not be construed to prohibit any officer of the law, dog warden or animal enforcement officer from discharging a rifle, shotgun, pistol or other firearm, or an air gun or BB gun capable of projecting lead or any other object, in the performance of his or her duty, nor shall this section be construed to prohibit any citizen from discharging a rifle, shotgun, pistol or other firearm, or any air gun or BB gun capable of projecting lead or any other object, when lawfully defending a person or property.

694.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)