

CODIFIED ORDINANCES OF NEGAUNEE

PART EIGHT - BUSINESS REGULATION AND TAXATION CODE

Chap. 804. Adult Bookstores, Adult Theaters and Cabarets.

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CHAPTER 804

Adult Bookstores, Adult Theaters and Cabarets

804.01 Definitions. 804.99 Penalty.
804.02 Ownership, operation, maintenance
and advertising restrictions

CROSS REFERENCES

Outdoor theaters - see M.C.L.A. §29.93
Municipal police regulations re theaters and shows - see M.C.L.A.
§§431.201, 431.202
Intoxicating liquors generally - see M.C.L.A. §§436.1 et seq.;
GEN. OFF. Ch. 604
Sale of alcoholic beverages on Sundays and municipal election
days - see M.C.L.A. §436.19e
Indecency and immorality - see M.C.L.A. §§750.335 et seq.
Prostitution - see M.C.L.A. §§750.448 et seq.

804.01 DEFINITIONS.

As used in this chapter, unless the context clearly indicates a different meaning:

- (a) "Adult bookstore" means an establishment wherein more than twenty percent of its stock in trade is comprised of books, magazines and other periodicals having, as their dominant theme, matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this chapter, or an establishment with a segment or section devoted to the sale or display of such material.
- (b) "Adult theater" means an enclosed building used for live performances or presenting material by means of motion pictures, video tapes or receivers, photographic slides or other similar means of projection or display, which performances or material is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this chapter, for observation by patrons therein.

- (c) "Cabaret" means any place wherein food or any type of alcoholic beverage is sold or given away on the premises, the operator of which place holds a yearly license to sell such beverages by the glass.
- (d) "Specified anatomical areas" means:
 - (1) Less than completely and opaquely covered human genitals or a human pubic region, buttock or female breast below a point immediately above the top of the areola; and
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (e) "Specified sexual activities" means:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy; and
 - (3) Fondling or other erotic touching of human genitals or a human pubic region, buttock or female breast.

804.02 OWNERSHIP, OPERATION, MAINTENANCE AND ADVERTISING RESTRICTIONS.

- (a) No person shall, within a Residential District, or within 1,000 feet of a school, day-care facility, church or other place of worship in any other zoning district in the City, own, operate or maintain, or permit to be owned, operated or maintained, an adult bookstore or adult theater, as defined in this chapter.
- (b) No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic beverages while displaying or allowing to be visible specified anatomical areas, as defined in this chapter, or allow any other person to do so.
- (c) No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activities, as defined in this chapter, or allow any other person to do so.
- (d) No person owning, operating, managing or employed by or within a cabaret shall have, own or possess within said cabaret any type of radio receiver equipment containing police radio frequency bands or capable of receiving police radio communications, or allow any other person to do so.
- (e) No person owning a cabaret, or his or her agent or employee, shall knowingly permit any exhibition or advertising, in connection with any establishment prohibited under this section, to be displayed in any manner which is visible from any public street or highway, which exhibition or advertising depicts, describes or relates to specified sexual activities or specified anatomical areas, as defined in this chapter.
- (f) Whoever violates any of the provisions of this section is guilty of a misdemeanor.

804.99 PENALTY.

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

CHAPTER 860
Peddlers and Solicitors

860.01	Uninvited peddling and soliciting prohibited.	860.99	Penalty.
860.02	Exemptions.		

CROSS REFERENCES

Hawkers and peddlers generally - see M.C.L.A. §§445.371 et seq.
Transient merchants generally - see M.C.L.A. §§445.371 et seq.
Peace disturbances by peddlers - see GEN. OFF. 672.01(f)(4)

860.01 UNINVITED PEDDLING AND SOLICITING PROHIBITED.

The practice of going in or upon private residences in the City, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise or services, who have not been requested or invited to do so by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise or services, and/or disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and is prohibited.

860.02 EXEMPTIONS.

The provisions of Section 860.01 shall not apply to the sale of, or soliciting of orders for the sale of, milk, dairy products, vegetables, poultry, eggs and other farm and garden produce as far as the sale of such commodities is authorized by law.

860.99 PENALTY.

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

CHAPTER 876
Trailer and Tourist Camps

876.01	Definitions.	876.11	Limitation on number of occupants.
876.02	Enforcement; Board of Investigators.	876.12	Management; duties of attendant and licensee; record keeping.
876.03	Parking or occupancy of trailers outside of camps.	876.13	Applicability of Building, Plumbing, Electrical and Mechanical Codes.
876.04	Permanent occupancy.	876.14	Revocation of licenses.
876.05	License required; application; issuance; consent of neighbors.	876.15	Hearing on granting, denying, renewing or revoking a license.
876.06	Zoning of trailer and tourist camps.	876.16	Judicial review.
876.07	Camp plan.	876.17	Conflict of laws.
876.08	Water supply.	876.99	Penalty.
876.09	Service building and accommodations.		
876.10	Liquid and solid waste disposal.		

CROSS REFERENCES

Occupancy of trailer homes - see CHTR. §5.16
Location of house trailers outside licensed parks - see M.C.L.A. §§125.741 et seq.
Uniform Mobile Homes Warranty Act - see M.C.L.A. §§125.991 et seq.
Mobile Home Park Act - see M.C.L.A. §§125.1001 et seq.
Mobile Home Commission Act - see M.C.L.A. §§125.1101 et seq.
Vehicle and trailer parking and storage - see GEN. OFF. Ch. 692

876.01 DEFINITIONS.

As used in this chapter, unless the context clearly indicates a different meaning:

(a) "Automobile trailer", "trailer coach" and "trailer" mean any vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business, profession, occupation or trade (or use as a selling or advertising device); and so designed that it is or may be mounted on wheels and used as a conveyance on highways or City streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

(b) "Cabin plot" means a section of ground not less than 800 square feet in area, upon which only one camp cottage or cabin is located.

(c) "Tourist camp" means any privately owned park, tourist park, tourist court, camp, court site, lot, parcel or tract of land upon which one or more camp cottages or cabins are located and maintained for the accommodation of transients by the day, week or month, whether a charge is made or not.

(d) "Trailer camp" means any park, trailer park, trailer court, court, camp site, lot, parcel or tract of land designated, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked. The term includes all buildings used or intended to be used as part of the equipment thereof whether a charge is made for the use of the trailer camp and its facilities or not. Trailer camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

(e) "Unit" means a section of ground in a trailer camp of not less than 800 square feet of unoccupied space in an area designated as the location for only one automobile and one trailer.

876.02 ENFORCEMENT; BOARD OF INVESTIGATORS.

(a) A Board of Investigators, consisting of a County Health officer, the Chief of the Fire Department, the Chief of Police and the City Manager, is hereby established, with the City Manager as Chairperson. The Chairperson shall, with the approval of the members of the Board, appoint a Secretary for the Board from among the employees of the City.

(b) The Board shall enforce all provisions of this chapter. For the purpose of securing such enforcement, any member of the Board, or his or her duly authorized representatives, shall have the right and are hereby empowered to enter upon any premises on which any automobile trailer or camp cottage or cabin is located, or is about to be located, and inspect the same and all accommodations connected therewith at any reasonable time. The Board is further empowered to issue orders granting, renewing and revoking such licenses as are provided for in this chapter.

876.03 PARKING OR OCCUPANCY OF TRAILERS OUTSIDE OF CAMPS.

(a) No person shall, within the limits of the City, park any trailer on any street, alley or highway, or other public way or public place, or on any tract of land owned by any person, occupied or unoccupied, except as provided in this chapter.

(b) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than seven days, subject to any other prohibition, regulation or limitation imposed by the Traffic Code for that street, alley or highway.

(c) No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside an approved trailer camp, except that the parking or storage of one trailer in an accessory private garage building, or in a rear yard of any district, or in a side yard of any district, provided the setbacks thereof can be maintained, is permitted, provided, however, that not less than ten feet clear and unimpeded space exists on all sides thereof and the users thereof have free access to all sanitary facilities, as approved by the Board of Investigators.

876.04 PERMANENT OCCUPANCY.

Automobile trailers shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time, provided that any such trailer properly connected with an approved water supply and sanitary sewer system and constructed and located in compliance with all requirements of the Building, Plumbing, Sanitary, Health, Zoning and Electrical Codes of the City, and not inhabited by a greater number of occupants than that for which it was designed, may be permitted on any premises under permits properly secured as provided for in said Building, Plumbing, Sanitary, Health, Zoning and Electrical Codes.

876.05 LICENSE REQUIRED; APPLICATION; ISSUANCE; CONSENT OF NEIGHBORS.

(a) No person shall establish, operate or maintain, or permit to be established, operated or maintained, upon any property owned or controlled by him or her, a trailer camp or tourist camp or combination of the two, within the limits of the City, without having first secured a license for each of them from the Board of Investigators, granted and existing in compliance with the terms of this chapter. Such license shall expire one year from the date of issuance, but may be renewed under the provisions of this chapter for additional periods of one year.

(b) The application for such license or the renewal thereof shall be filed with the Chairperson of the Board of Investigators and shall be accompanied by a fee of two dollars (\$2.00) for each calendar year or portion thereof for each unit and cabin plot in the existing or proposed camp, said payment not to exceed thirty dollars (\$30.00). The application for a license or renewal thereof shall be made on forms furnished by the Board of Investigators and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, a duly verified statement from that person, that the applicant is authorized by him or her to construct or maintain the trailer or tourist camp and to make the application, shall be required. The application shall also include such legal description of the premises, upon which the trailer or tourist camp is or will be located, as will readily identify and definitely locate the premises. The application shall be accompanied by four copies of the camp plan showing the following, either existing or proposed:

- (1) The extent and area used for camp purposes;
- (2) Roadways and driveways;
- (3) The location of sites or units for trailer coaches or cabins;
- (4) The location and number of sanitary and utility rooms to be used by occupants of units or cabins (in cases where cabins do not have all facilities in proper conformance with City Building, Plumbing and other Codes);
- (5) The method and plan of sewage disposal;
- (6) The method and plan of garbage removal;
- (7) The plan for water supply;
- (8) The plan for electrical lighting of units and cabins.

(c) Before such license may be issued, there must be attached to the application the written consent of sixty-five percent of the Negaunee residents of the area within 600 feet of the proposed court. The premises must be inspected and approved by each of the members of the Board of Investigators or his or her duly authorized representative, as complying with all the provisions of this chapter and all other applicable ordinances of the City.

876.06 ZONING OF TRAILER AND TOURIST CAMPS.

(a) No trailer or tourist camp shall be located within the limits of the City, unless approved water and sewer connections and fire protection facilities are available therefor.

(b) No occupied trailer, camp cottage, cabin cottage, cabin or other building shall be located within the City limits within the recognized setback line for the zoning district in which such trailer or cabin is located nor less than ten feet from any other building or vehicle or the boundary line of the tract on which it is located.

876.07 CAMP PLAN.

(a) Every trailer or tourist camp shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(b) Units and cabin plots shall be clearly designated and the camp so arranged that all units and cabin plots shall face or abut on a driveway of not less than twenty feet in width, giving easy access from all units to a public street. Such driveway shall be maintained in good condition, shall be well lighted at night and shall not be obstructed.

(c) The camp shall be so laid out that no unit or cabin shall be located farther than 200 feet from the toilets and service buildings provided for in this chapter, and walkways to such buildings shall be well lighted at night.

(d) Every trailer unit shall be furnished with electric service.

876.08 WATER SUPPLY.

(a) An adequate supply of pure water, furnished through a pipe distribution system, and connected directly with an approved water supply, with supply faucets located not more than 200 feet from any trailer or cabin, shall be furnished for drinking and domestic purposes.

(b) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room or water closet compartment.

876.09 SERVICE BUILDING AND ACCOMMODATIONS.

(a) Every trailer or tourist camp shall have erected thereon, at a distance not greater than 200 feet from any unit or cabin it is designed to serve, a suitable building for housing toilets, showers, and laundry facilities as required by this chapter, such building to be known as the service building.

(b) Separate toilet rooms shall be provided for each sex. Flush toilets provided with an adequate water supply shall be enclosed in separate compartments having a minimum width of three feet, six inches and shall be provided for each sex in the ratio of one toilet for each eight units or cabins or fraction thereof. Every male toilet room shall have one urinal for each sixteen units or cabins, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with running water in the ratio of one lavatory to every two or less water closets.

(c) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square, for each eight units of cabins or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve square feet.

(d) The above accommodations shall be based on the total camp capacity according to accepted plans.

(e) Floors of toilets, showers and the laundry shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

876.10 LIQUID AND SOLID WASTE DISPOSAL.

(a) All waste from showers, toilets, laundries, faucets and lavatories shall be discharged into a sewer system that extends from and is connected to an approved sewer system.

(b) All sanitary facilities that are not connected to an approved sewer system by means of rigid pipe connections shall be sealed, and their use is hereby declared unlawful.

(c) Each faucet site shall be equipped with facilities for drainage of waste and excess water into the sewer. In no case shall any wastewater be thrown or discharged upon the surface of the ground or disposed of by any other means than as hereby provided.

(d) Every unit shall be provided with a substantial flytight metal garbage depository from which the contents shall be removed by the City garbage collection service.

876.11 LIMITATION ON NUMBER OF OCCUPANTS.

No trailer or cabin may be inhabited by a greater number of occupants than that for which it was designed.

876.12 MANAGEMENT; DUTIES OF ATTENDANT AND LICENSEE; RECORD KEEPING.

(a) In every trailer or tourist camp there shall be an office building in which shall be located the office of the person in charge of said camp. A copy of the camp license and this chapter shall be posted therein and the camp register shall at all times be kept in said office.

(b) It is hereby made the duty of the attendant or person in charge of the camp, together with the licensee, to:

- (1) Keep at all times a register of all guests (which shall be open at all times to inspection by State and Federal officers and officers of the City) showing:
 - A. Names and addresses.
 - B. Dates of entrance and departure.
 - C. License numbers of all trailers and towing or other automobiles.
 - D. State where such license was issued.
 - E. Place of last location and length of stay.
- (2) Maintain the camp in a clean, orderly and sanitary condition at all times.
- (3) See that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violations of this chapter or any other violations of law which may come to his or her attention.
- (4) Report to the County Health Officer all cases of persons or animals infected or suspected of being infected with any communicable disease.
- (5) Prevent the running at large of dogs, cats or other animals or pets.
- (6) Maintain in convenient places, approved by the Fire Department, hand fire extinguishers in the ratio of one to eight units or cabins.
- (7) Prohibit the lighting of open fires on the premises.
- (8) Prohibit the use of any trailer or cabin by a greater number of persons than that which it is designed to accommodate.

**876.13 APPLICABILITY OF BUILDING, PLUMBING, ELECTRICAL
AND MECHANICAL CODES.**

All building, plumbing, electrical and mechanical work on or at any camp licensed under his chapter shall be in accordance with the County Building, Plumbing, Electrical and Mechanical Codes, with State law and with any other applicable code or law, unless said codes and laws are specifically made inapplicable under the terms of this chapter.

876.14 REVOCATION OF LICENSES.

The Board of Investigators is hereby authorized to revoke any license issued pursuant to the terms of this chapter if, after due investigation, it determines that the holder thereof has violated any of the provisions of this chapter or that any trailer, trailer camp or tourist camp is being maintained in an unsanitary or unsafe manner or is a nuisance.

**876.15 HEARING ON GRANTING, DENYING, RENEWING OR
REVOKING A LICENSE.**

Any person aggrieved by an order of the Board of Investigators granting, denying, renewing or revoking a license for a trailer camp or tourist camp, under this chapter, may file a written request for a hearing before the Board within ten days after issuance of such an order. The Board shall give notice of a public hearing upon this request to be held in not less than five days after service of the notice on the person requesting the hearing. The Board may also give notice of the hearing to other persons directly interested in the order in question. At such

hearing, the Board shall determine whether the granting, denying, renewing or revoking of the license was in accordance with the provisions of this chapter and shall issue written findings of fact, conclusions of law and an order to carry out its findings and conclusions. These findings of fact, conclusions of law and order shall be filed with the Secretary of the Board and served by the Board upon all parties appearing or represented at said hearing.

876.16 JUDICIAL REVIEW.

An order granting, denying, renewing or revoking any license under the provisions of this chapter may be appealed to a court of competent jurisdiction. Appeal from such orders must be taken within ten days after the order is issued. Upon any such appeal the findings in fact of the Board of Investigators, if supported by substantial evidence, shall be conclusive.

876.17 CONFLICT OF LAWS.

All codes or parts of codes inconsistent with or contrary hereto are hereby repealed, except that nothing in this chapter shall be interpreted as to conflict with State housing laws, State legislation regulating trailers, trailer camps or tourist camps or any of the requirements of any code of the City not made inapplicable by the express terms of this chapter.

876.99 PENALTY.

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