

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMAL REGULATIONS

91. FIRE PREVENTION AND PROTECTION

92. GENERAL NUISANCES

CHAPTER 90: ANIMAL REGULATIONS

Section

90.01 Animals running at large

90.99 Penalty

§ 90.01 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for any person who is the owner of, in the possession of or has control of any dog, cat, domestic fowl, horse, cattle, swine or other animal to allow the animal to roam unrestrained upon any street, sidewalk, park or other public place in the village or upon the land or property of another person other than the owner, person in possession or person having control of the animal.

(B) It shall be unlawful for any person who is the owner, in the possession of or having control of any dog, cat, domestic fowl, horse, cattle, swine or other animal to abandon the animal within the village or to willfully or negligently allow any animal to suffer unnecessary torture or pain.

(C) It shall be unlawful for any person to keep a dog, cat, domestic fowl, horse, cattle, swine or other animal in any yard, structure or otherwise so as to create an unsanitary, malodorous or obnoxious condition.

(D) It shall be unlawful for any person to own, keep, harbor or have charge of any dog, cat, bird or other animal which, by loud, frequent or persistent barking, howling, yelping, calling, squalling or any other extended noise, shall disturb the quiet, comfort or repose of any person in the vicinity.
(Ord. 01-01, passed 4-11-2001; Ord. 12-02, passed 1-11-2012) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any violation of § 90.01 shall constitute a municipal civil infraction and shall be handled in accordance with Chapter 33 of this code.
(Ord. 01-01, passed 4-11-2001; Ord. 12-01, passed 1-11-2012; Ord. 12-02, passed 1-11-2012)

CHAPTER 91: FIRE PREVENTION AND PROTECTION

Section

General Regulations

91.01 Outside burning

Fireworks

91.10 Definitions

91.11 Regulations

91.12 Penalties; enforcement, cost recovery

91.99 Penalty

GENERAL REGULATIONS

§ 91.01 OUTSIDE BURNING.

(A) No person shall dispose of refuse or other waste material by outside burning or cause or permit outside burning of refuse or other waste material, except where permitted.

(B) No person shall conduct a salvage operation by outside burning.

(C) A person shall be permitted to maintain open fire as follows:

(1) *Fires for noncommercial cooking of food for human consumption.* Only a contained fire will be acceptable when used with a fire ring, a pit with stones or bricks surrounding it or a commercial self contained fire pit all of which should be no larger than 30 inches in diameter;

(2) Fires for training Fire Department personnel in the methods of firefighting upon notification, in writing, to the Village Council, with acknowledgment; and/or

(3) Fires for other essential purposes, for which approval has been granted by the Village Council or authorized by the Fire Department Fire Chief or Assistant Fire Chief.
(Ord. 2009-02, passed 12-5-2009; Ord. 12-05, passed 5-9-2012) Penalty, see § 91.99

FIREWORKS**§ 91.10 DEFINITIONS.**

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

CONSUMER FIREWORKS. Fireworks devices designated to produce visible effects by combustion, that are required to comply with United State Consumer Product Safety Commission requirement, and are listed in American Pyrotechnics Association Standard 87-1, 3.1.2, 3.1.3, or 3.5. Examples include firecrackers, sky lanterns, bottle rockets, roman candles, and certain aerial shells not exceeding 1.75 inches in diameter.

LOW-IMPACT FIREWORKS. Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1.1 to 3.1.1.8 and 3.5.

PERSON. Any person, group of persons, associations, partnership, corporation or other legal entity.
(Ord. 2012-07, passed 10-10-2012)

§ 91.11 REGULATIONS.

(A) A person shall not ignite, discharge or use consumer fireworks on public property, church property, school property, or another person's property without that organization's or person's written permission.

(B) A person shall not sell or offer to sell consumer fireworks to an individual less than 18 years of age.

(C) A person shall not use consumer or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of both.

(D) A person shall not sell or offer to sell consumer fireworks within the village without obtaining a certificate from the Michigan Department of Licensing and Regulatory Affairs.

(E) A person shall not sell or offer to sell low-impact fireworks within the village without first registering online with the Michigan Department of Licensing and Regulatory Affairs Low-Impact Fireworks Registry.

(F) A person shall not ignite, discharge or use consumer fireworks except on the day before, the day of or the day after the following national holidays:

- (1) New Years Day, January 1;
- (2) Martin Luther King birthday, third Monday in January;
- (3) Washington's birthday, third Monday in February;
- (4) Memorial Day, last Monday in May;
- (5) Independence Day, July 4;
- (6) Labor Day, first Monday in September;
- (7) Columbus Day, second Monday in October;
- (8) Veterans Day, November 11;
- (9) Thanksgiving Day, fourth Thursday in November;
- (10) Christmas Day, December 25.

(G) The village shall not regulate the ignition, discharge or use of consumer fireworks on the day preceding, the day of or the day after a national holiday except any time between the hours of 12:00 a.m. and 8:00 a.m. No person shall ignite, discharge or use consumer fireworks between the hours of 12:00 a.m. and 8:00 a.m.

(Ord. 2012-07, passed 10-10-2012; Ord. 13-06, passed 7-10-2013)

§ 91.12 PENALTIES; ENFORCEMENT, COST RECOVERY.

(A) A person who violates any provision of this subchapter shall be responsible for violation of a municipal civil infraction and subject to the following fines and costs:

- (1) For the first violations: \$100;
- (2) For any repeat violation, defined as a violation that occurs within six months of the first violation: \$250; and
- (3) For any second, repeat, or subsequent repeat offense: \$300.

(B) A violation of this subchapter shall also be deemed a public nuisance subject to abatement by the circuit court.

(C) The village may confiscate and dispose of any fireworks possessed or used in violation of any provision of this subchapter.

(Ord. 2012-07, passed 10-10-2012)

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation convicted of unauthorized outside burning, as per § 91.01, shall be subject to a fine of up to \$500, plus court costs, and/or up to 90 days in jail.

(Ord. 2009-02, passed 12-5-2009)

CHAPTER 92: GENERAL NUISANCES

Section

Wrecked, Non-Operating or Discarded Vehicles

- 92.01 Definitions
- 92.02 Leaving of wrecked, non-operating vehicles on street
- 92.03 Disposition of wrecked or discarded vehicles and/or other debris
- 92.04 State license plate

Weeds and Grass Control

- 92.15 Height limitation; nuisance
- 92.16 Nuisance prohibited; cutting of grass and weeds; removal
- 92.17 Village inspection; payment for removal

Blighting Factors

- 92.30 General provisions
- 92.31 Enforcement

Littering

- 92.45 Definition
- 92.46 Prohibitions

WRECKED, NON-OPERATING OR DISCARDED VEHICLES

§ 92.01 DEFINITIONS.

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

Gaines - General Regulations

DEBRIS. Discarded scrap metal, scrap material, wood, rags, glass, wire, paper and all other materials commonly known as junk, also the abandonment of automobiles, machinery, appliances or any parts thereof.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY. Any real property within the village which is not a street or highway.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained or private streets or alleys when same is open to the use of the public.

VEHICLE. A machine propelled by a power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and shall include without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons or trailers (house) and campers. (Ord. 118, passed 8-8-1979)

§ 92.02 LEAVING OF WRECKED, NON-OPERATING VEHICLES ON STREET.

No person shall leave any partially dismantled, non-operating, wrecked or junk vehicle or other debris on any street or highway within the village. (Ord. 118, passed 8-8-1979) Penalty, see § 10.99

§ 92.03 DISPOSITION OF WRECKED OR DISCARDED VEHICLES AND/OR OTHER DEBRIS.

(A) No person in charge or control of any property within the village, either as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on the property longer than 15 days; and no person shall leave any vehicle or debris on any property within the village for a longer period of time than 15 days; except that, this subchapter shall not apply with regard to a vehicle or other debris in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise; or a vehicle in an approved storage place of depository maintained in a lawful place and manner by the village.

(B) Nor shall this subchapter apply to any debris stored in an appropriate storage place, zoned and designated as a lawful depository for same. (Ord. 118, passed 8-8-1979) Penalty, see § 10.99

§ 92.04 STATE LICENSE PLATE.

Any vehicle which does not possess a current year's state license plate shall be presumed to be in violation of this subchapter and may be left or allowed to remain on property only in accordance with property zoned for same.

(Ord. 118, passed 8-8-1979)

WEED AND GRASS CONTROL

§ 92.15 HEIGHT LIMITATION; NUISANCE.

The accumulation or growth upon any property in the village of weeds, grass, ragweed, Canada thistle, burdock, crab grass, dodders, quack grass, wild growing bushes, milk weed, wild carrot, wild onion, oxeye daisies, charlock, perennial sowthistle, mustards, including black mustard and Indian foxtail, yellow rocket, winter grass, blindweed, hoary alyssum, poison ivy, poison sumac, or any other plant or noxious weed which is regarded by the Village Council or its designee as a common nuisance; brush and dead, dangerous, diseased, or insect-infested trees at a height great than six inches, when the growth or accumulation occurs in any part of the village, or when the growth or accumulation occurs on land along improved public streets, is hereby determined to be detrimental to the health, comfort, safety, and well-being of the inhabitants of the village and is hereby deemed to be a nuisance.

(Ord. 124, passed 5-13-1987; Ord. 92.15, passed 5-8-2018) Penalty, see § 10.99

§ 92.16 NUISANCE PROHIBITED; CUTTING OF GRASS AND WEEDS; REMOVAL.

(A) No person having ownership or other interest in or control of lands shall permit the occurrence on the lands of the condition set forth in this subchapter. It shall be the duty of any person to present the occurrence and to abate, destroy and/or remove or control the condition described in § 92.15, which has been defined as a nuisance.

(B) It shall be the duty of all owners of land on which noxious weeds are found growing to destroy the same before they reach seed-bearing stage and to prevent the weeds from perpetuating themselves or to prevent the weeds from becoming a detriment to public health.

(C) For the purposes of this section, the property which lies between the edge of the street right-of-way and the edge of the pavement, even though it may be owned by the village, is also the responsibility of the person, persons or entity responsible hereunder for the adjacent property abutting the street.

Gaines - General Regulations

(D) Each property owner shall cut, remove or destroy, by lawful means, all weeds and grass to a height of three inches, including fence lines, as often as may be necessary to comply with the provision of § 92.15; provided that, the cutting, removing or destroying of the weeds, grass and vegetation at least once a month in the months of May, June, July, August, September and October of each year, shall be deemed to be in compliance with the requirements of this subchapter. Any unoccupied farm land which has been used for crop raising in the past two years and remaining as found within the village limits shall be deemed in compliance with the requirements of this subchapter if a weed cutting shall occur once during the summer months of the year listed above and nothing in this subchapter shall apply to fields devoted to wheat, oats, barley or rye.

(Ord. 124, passed 5-13-1987; Ord. 153, passed 8-9-1995) Penalty, see § 10.99

§ 92.17 VILLAGE INSPECTION; PAYMENT FOR REMOVAL.

(A) If the provisions of §§ 92.15 and 92.16 are not complied with, the Village President, or his or her duly authorized representative or designee, or the Building Inspector, as many times as is necessary, shall notify the occupant or owner of unoccupied premises by first class mail at the last known address to comply with the provisions of the sections within the time to be specified in the notice. The notice shall require compliance with §§ 92.15 and 92.16 within ten days after service of the notice and, if the notice is not complied with within the time limit specified, the Village President may cause the weeds, grass and other vegetation to be removed or destroyed and the actual cost of the cutting, removal or destruction, plus an additional 15% for inspection and other costs in connection therewith, shall be added as a special assessment against the real estate and be charged on the tax rolls of the village. Per statute, the charge for weed and grass cutting shall be calculated at prevailing rates per village lot.

(B) If any company, association or person owning, controlling or operating a railroad shall refuse or neglect to dig up or destroy, cut and dispose of or take other certain means of exterminating noxious grass, brush and weeds that may, at any time, be growing upon the right of way other lands or the roads or appertaining thereto, they shall be fined for each offense \$500.

(Ord. 124, passed 5-13-1987) Penalty, see § 10.99

BLIGHTING FACTORS**§ 92.30 GENERAL PROVISIONS.**

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this subchapter, no person, business, firm, corporation or legal entity of any kind shall maintain or permit to be maintained any of these cause of blight or blighting factors upon any property in the village owned, leased, rented or occupied by the persons, businesses, firms, corporations or legal entities.

(A) It shall be a violation of this subchapter for any person, business, firm, corporation or legal entity of any kind to:

(1) Store upon any property junk automobiles outside of a completely enclosed building, unless the junk automobiles are kept in a fully enclosed structure. For the purpose of this subchapter, the term *JUNK AUTOMOBILE* shall include any motor vehicle which is inoperable for any reason for a period in excess of 15 days; and

(2) Store upon any property building materials outside a completely enclosed building, unless there is in force a valid building permit issued by this village for construction upon the materials are intended for use in connection with the construction. Building materials shall include, but shall 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 or any other materials used in the construction of any structure.

(B) It shall be a violation of this subchapter for any person, business, firm, corporation or legal entity of any kind to:

(1) Allow the accumulation of junk, trash, rubbish or refuse of any kind outside a completely enclosed building for a period of more than 30 days. The term *JUNK* shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other cast-off material of any kind, whether or not the same could be put to any reasonable use;

(2) Allow any structure to reach a state of disrepair or deterioration so as to become no longer habitable if a dwelling and/or useful for any other purpose for which it may have been intended if not a dwelling;

(3) Fail to secure any vacant building, dwelling or structure of any kind via locks, boards and the like to prevent entry by vandals, vagrants or children and the like;

(4) Fail to complete the building of any structure as required by validly issued village building permits;

(5) Allow the accumulation of household furniture, furnishings and personal clothing and effects located on any property outside a completely enclosed structure; and

(6) Permit any weeds, grass or plants other than trees, bushes and flowers or other ornamental plants to grow to a height exceeding 12 inches anywhere in the village. This provision shall not apply to agricultural plantings.

(Ord. 04-01, passed 10-13-2004) Penalty, see § 10.99

§ 92.31 ENFORCEMENT.

(A) The Building Inspector of the village and/or the Code Enforcement Officer of the village and/or the Chief of Police, and or their designees, are hereby designated as the enforcement officers for this subchapter and it shall be their duty to perform all of the acts necessary and appropriate for the enforcement of this subchapter.

(B) The owner and occupant of any property upon which any of the causes of blight or blighting factors are found shall be notified, in writing, to remove or eliminate the causes of blight or blighting factors from the property within ten days after service of the notice upon him or her.

(1) The notice may be served upon the occupant by personal service or by posting the notice securely upon the structure on the premises.

(2) The notice shall be served upon the record owners by mailing by first class mail addressed to the record owner at the address shown on the last assessment roll for ad valorem tax purposes.

(C) **RECORD OWNER** is defined to be the person, corporation or business entity whose name appears upon the last village tax assessment records. The last village assessment records means the last assessment roll for ad valorem tax purposes that has been reviewed by the Village Board of Review as supplemented by any subsequent changes in the names or addresses of the owner listed on that roll. If a record owner's name does not appear on the village tax assessment records, then the notice shall be given by first class mail addressed to the record owner at the address shown by the records of the County Register of Deeds.

(D) Failure to comply with the notice within the time allowed shall constitute a violation of this subchapter.

(Ord. 04-01, passed 10-13-2004)

LITTERING**§ 92.45 DEFINITION.**

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

LITTER. All rubbish, refuse, waste, material, garbage, offal, paper, glass, cans, bottles, trash, debris, ashes, dead animals, solid market and industrial wastes, junk, scrap metal, scrap lumber, discarded building materials, dismantled, partially dismantled or inoperable vehicle or vehicles, abandoned vehicles, parts, machinery or machinery parts or other foreign substances of every kind and description.

(Ord. 01-01, passed 4-11-2001)

§ 92.46 PROHIBITIONS.

(A) It shall be unlawful for any person to knowingly, without the consent of the public authority having supervision of the public property or the owner of private property, dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter on public or private property or water other than property designated and set aside for such purposes. The phrase ***PUBLIC OR PRIVATE PROPERTY OR WATER*** includes, but is not limited to, the right-of-way of a road or highway, a body of water or water course or the shore or beach thereof, including the ice above the water, a park, playground building, refuge or conservation or recreation area and residential or farm properties or timberlands. In addition to the general prohibition against the aforescribed acts of litter, the following situations and circumstances shall also be prohibited:

(1) Removing a vehicle wrecked or damaged in an accident on a highway, road or street and failing to remove all glass and other injurious substances dropped on the highway, road or street as a result of the accident;

(2) Knowingly cause any litter or any object to fall or be thrown into the path of or to hit a vehicle traveling upon a highway;

(3) Driving or moving any car, wagon, truck or other vehicle within the village unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public or private place; and/or

(4) Driving or moving within the village any vehicle or truck of which the wheels or tires carry onto or deposit upon any street, alley or public or private place litter, mud or dirt.

(B) In a proceeding for violation of this act involving littering from a motor vehicle, proof that the particular vehicle described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the registered owner of the vehicle at the time of the violation (unless the registered owner is the lessor of a vehicle under a written lease agreement) constitutes in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

(Ord. 01-01, passed 4-11-2001) Penalty, see § 10.99

