

- (9) The number of persons required to monitor the parade or motorcade;
- (10) The number and type of vehicles, if any;
- (11) The material and maximum size of any sign, banner placard or carrying device therefor;
- (12) The materials used in the construction of floats used in any parade shall be of fire retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief.
- (13) That permittee advise all participants in the parade or motorcade either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade or motorcade.
- (14) That the amplification of sound permitted to be emitted from sound trucks, or bull horns, be fixed and not variable;
- (15) That the parade or motorcade continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade or motorcade, except when reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of the permit, and;
- (16) Such other requirements as are found by the city to be reasonably necessary for the protection of persons or property.

(B) All conditions of the permit shall be complied with so far as reasonably practicable.  
(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

**§ 97.55 APPEAL PROCEDURE.**

In the event an application is not filed within the required time, as specified in § 97.52, the applicant may request a waiver of such requirement by the City Council at its next regular meeting or at a special meeting which may be called prior thereto by the City Council to consider such matter, and the City Council, if it finds unusual circumstances and in the exercise of its sound discretion, may waive such requirement.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

**§ 97.56 OFFICIALS TO BE NOTIFIED.**

Immediately upon the granting of a permit for a motorcade by the City Council and/or Michigan Department of Transportation, the City Clerk shall send a copy thereof to the following:

- (A) Police Chief.

(B) Director of Public Works.

(C) Fire Chief.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

**§ 97.57 REVOCATION OF PERMIT.**

Any permit for a parade or motorcade issued pursuant to this subchapter may be summarily revoked by the city at any time when by reason of disaster, public calamity, riot or other emergency, the city determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

***DESIGN STANDARDS FOR INFRASTRUCTURE DEVELOPMENT***

**§ 97.70 STREETS.**

(A) All streets and appurtenances thereto shall be constructed in accordance with this subchapter, the city standards and as otherwise approved by City Council.

(B) The minimum width of pavement exclusive of curb and gutter shall be as follows:

***Pavement Width Standards***

<b>Street Type</b>	<b>Pavement Width</b>
Major Street	44 feet
Industrial Service	32 feet
Multi-family	32 feet
Local Residential	26 feet
Industrial Cul-de-sac	63 feet (radius)
Residential Cul-de-sac	38 feet (radius)
Boulevard	As determined by Council

(C) *Grades.* Grades shall be not less than one-half percent nor more than six percent.

(D) *Geometrics.* Standards for vertical and horizontal street curves and sight distances are as follows:

(1) Centerline radius shall be not less than 475 feet for major street, 300 feet for interior residential collector streets, and 100 feet for local streets.

(2) Vertical curves shall be provided where the grade break exceeds one-half percent for major streets and one percent for local streets.

(3) The minimum length of vertical sight distance shall be 500 feet, measured from three and one-half feet eye height and height of object at one-half feet. Minimum horizontal distance shall be three and one-half feet. Minimum horizontal sight distance shall be 300 feet for major streets and 100 feet for local streets except where speed limits or other conditions may dictate greater lengths.

(4) Tangent length between reverse curves shall not be less than 100 feet.

(5) The centerline of pavement shall coincide with the centerline of the right-of-way, except for irregular right-of-way widths.

(E) *Intersections.* Streets shall be laid out so as to intersect as nearly as possible to 90 degrees. Curved local streets, when intersecting a major or collector street shall do so with a centerline tangent length of at least 50 feet, measured from the major street right of way line. Where a local street intersects a major street, the local street shall be widened as may be required to provide for turning movements. A widening may be required on major streets between approaches if the distance between intersecting local streets is less than 250 feet. A widening of the major street will be required on the opposite side if the conditions so indicate.

(F) *Curb and gutter.* Major and industrial streets shall have concrete curb and gutter. Local streets shall have a two foot wide bituminous wedge curb. Minimum curb radius shall be 25 feet for local intersections, and 35 feet at intersections involving major streets, subject to review and approval of the City Council.

(G) The maximum length for a residential cul-de-sac street shall be 500 feet. The maximum length for other cul-de-sac streets may exceed 500 feet subject to review and approval of the Council.

(H) Minimum cross section for local residential streets shall be six inches of aggregate base material with bituminous surface of at least two and one-half inches placed in two lifts. Subgrade shall be adequately drained. A suitable granular sub-base shall be provided. Bituminous materials shall meet the Michigan Department of Transportation requirements for 1100L for leveling courses and 1100T for surface courses. Major and industrial streets will be subject to higher strength requirements, as conditions may dictate, and as approved by Council.

(I) Width of street right-of-way shall conform to the following minimum requirements:

***Right-of-way Width Standards***

Street Type	Right of Way Width
Major Street	100 feet
Industrial Service	66 feet
All residential streets	66 feet
Industrial Cul-de-sac	75 feet (radius)

***Right-of-way Width Standards***

<b>Street Type</b>	<b>Right of Way Width</b>
Residential Cul-de-sac	60 feet (radius)
Boulevard	As determined by Council

**(J) *Location and arrangement.***

(1) Local residential streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(2) The proposed subdivision shall conform to the various elements of the city's Land Use Plan and shall be considered in relation to the existing and planned major streets, and such parts shall be platted and the locations and width indicated on such plan.

(3) The street layout shall provide for the continuation of streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided.

(4) Should any proposed subdivision border on or contain an existing or proposed major street, the Council may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection for residential properties and to afford separation and reduction of traffic hazards.

(5) Should a proposed subdivision border on or contain a railroad, the Council may require the location of streets approximately parallel to and on each side of such right of way at distances suitable for the development of an appropriate use of the intervening land, such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(6) Half streets are prohibited, except where absolutely essential to the reasonable development of the subdivision or site condominium project and where the Council finds that it is practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.

(7) Whenever the area to be subdivided is to utilize existing street frontage, such street shall be suitably improved.

(8) A subdivision or an extension of an existing subdivision shall be platted so as to provide sufficient access streets.

(9) On-street parking of vehicles will generally be prohibited on both sides of major street types and on at least one side or all local street types.  
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

**§ 97.71 SIDEWALKS.**

(A) Sidewalks are required when necessary to facilitate safe and convenient travel to and from a pedestrian generator such as an existing or proposed school, park, institution, work place, neighborhood commercial area, or developed residential neighborhood.

(B) Concrete sidewalks shall be not less than five feet in width and not less than four inches in thickness and not less than six inches in thickness in driveways. The location for sidewalks shall be in the right-of-way one foot from the right-of-way line.

(Ord. 215, passed 11-4-96) Penalty, see § 97.99

**§ 97.72 UTILITIES.**

(A) *Underground wiring.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable, to be placed underground entirely throughout a subdivided area, except for major thoroughfare rights-of-way. Conduit or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public. Overhead lines may be permitted only upon approval of Council at the time of final approval of the Preliminary Plat or final approval of the Final Development Plan where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, and character of the subdivision. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installation which traverse privately owned property shall be protected by easements granted by the proprietor.

(B) *Water supply.* A public water supply system, including water mains, fire hydrants and required water system appurtenances shall be provided by proprietor. The system shall be constructed to adequately serve all lots shown on the plat for domestic use and fire protection in accordance with the regulations in this subchapter and as otherwise approved by Council.

(1) Water mains shall be at least six inches in diameter. Larger sizes may be required in certain locations to provide adequate flows and pressure at fire flow or other peak demand.

(2) A 3/4 inch diameter service lead with curb box shall be installed to the property line. With the curb box installed at the right-of-way or as approved by the city's Public Works Department.

(3) The water main system shall be looped by connecting to at least two outside sources. If only one source is available, adequate provisions shall be made for future looping connections.

(4) Fire hydrants in residential subdivisions or site condominium developments not more than 500 feet apart and situated such that all portions of buildings are within 250 feet of any fire hydrant. The proprietor shall install hydrant signs on ground-installed sign posts three feet behind (opposite the street side) all fire hydrants.

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(5) Valves shall be placed at all intersections and such that no more than 20 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.

(6) Dead end water mains serving cul-de-sacs and other short street designs shall not exceed 500 feet in length. Where the length exceeds 500 feet, provisions for looping shall be provided as required herein.

(7) No connections to existing water main shall be made until pressure and bacteriological tests of the new main have been successfully completed and approved by the city.

(8) A note must be included on the plans stating that all work shall be in accordance with the city construction standards.

(C) *Storm drainage.* An adequate storm drainage system, including necessary retention facilities, storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be provided by the proprietor in accordance with the regulations in this subchapter and as otherwise approved by this Council.

(1) The design of the storm drainage system shall include the retention of runoff within the development. Sufficient capacity shall be provided in the storm sewer system for upstream drainage.

(2) The subdivider shall submit hydrologic and hydraulic calculations, along with a topography map, to support the storm drainage plan. A lot grading plan with proposed lot elevations including each lot corner, the building finish grade and top of our elevations shall also be submitted.

(3) All facilities for the conveyance for storm runoff shall be designed using a design frequency of at least ten years and the "rational method" of computing runoff. The initial time to the first catch basin or inlet incorporated in the formula for rainfall intensity shall be 15 minutes. The coefficient of runoff shall be as follows:

Paved Areas	0.9
Single	0.25 - 0.40
Multiple family residential	0.5 - 0.8
Cultivated and woods	0.1
Commercial/Industrial	0.6 - 0.9

(4) Minimum storm sewer velocity shall be two and one-half feet per second.

(5) Retention basin volume shall be designed using a design frequency of 100 years. Size shall allow for an outlet rate no greater than the theoretical undeveloped discharge rate, or for percolation if there is no suitable outlet.

(6) Maximum basin depth should not be greater than the depth to the historic high water table minus two feet; and two feet of freeboard shall be provided.

(7) Storm drainage retention areas can have a negative affect on existing and proposed development. To the extent possible, the retention area must be designed to minimize the impact on adjacent development. Retention areas shall be screened from neighboring development and adjacent thoroughfares with shrubbery and landscaping. Appropriate fencing of all retention areas shall be required.

(8) All storm drainage structures shall be four feet in diameter, or larger as may be necessary. Where appropriate, two foot diameter catch basins may be allowed opposite four foot structures.

(9) All four foot diameter structures shall be of the dry-well type.

(10) Flood computations shall be provided as may be required by the Michigan Department of Environmental Quality.

(11) Storm sewers shall be at least 12 inches in diameter.

(13) Catch basins shall be located as follows:

(a) At or within five feet of the end of radius.

(b) At all low points.

(c) No more than 150 feet of street drainage will be allowed to flow around a corner.

(d) A relief basin will be required at the highest end of a radius where drainage is required to cross an intersection longitudinally.

(e) At intermediate points so that surface drainage flow will not exceed 300 feet. No more that 500 feet of street drainage shall drain into one basin (from two directions).

(14) Manholes will be required at all junctions, deflections and grade changes, opposite catch basins for storm sewers 42 inches or smaller and as otherwise may be required by the city.

(15) All storm sewers shall be placed within road or street rights-of-way where possible. Basements shall be provided for off site storm drainage systems.

(16) If off site storm sewers are part of the development, work will commence at the outlet and work within the site shall not start until the off site storm system has been installed to within the site.

(17) Adequate soil erosion and sedimentation control measures shall be provided.

(18) A note shall be included on the plans stating that all work shall be in accordance with the city construction standards.

(D) *Street lighting.*

(1) Decorative street lighting poles are required at all intersections, curves, cul-de-sacs and dead-end streets in residential development projects.

(2) The street layout plan shall indicate proposed lighting pole locations.

(3) The proprietor shall be responsible for all costs for the installation of street lighting system.

(4) A street lighting plan shall be provided by the appropriate utility, subject to approval by the Council.

(5) The developer shall be responsible for the installation of the lighting, where appropriate.

(E) *Sanitary sewers.* The proprietor shall provide the subdivision with a complete public sanitary sewer system to provide basement service to all lots including all appurtenances, as requires by this chapter and as otherwise approved by the City Council.

(1) Where sanitary sewer depth is minimal or too shallow for providing gravity service to basements, basement grades shall be shown for existing and proposed houses or a note stating that no basements will be served, or a description of the method of serving basements, shall be included on the plans. (This includes a sanitary lift station which shall be provided by the proprietor.)

(2) Sanitary sewers shall be at least eight inches in diameter. Larger sizes may be required at certain locations.

(3) If sanitary sewers exist, all appropriate fees shall be paid prior to final plat approval.

(4) A six-inch diameter service lead shall be provided for each lot. Each lead shall be extended to the lot line or to the interior easement line, in case of easement is adjacent to the street right-of-way, and shall be installed in accordance with the construction standards.

(5) Six-inch diameter property line service lead risers shall be installed to within a depth of three feet of the elevation of the adjoining street.

(6) Maximum manhole spacing shall be 400 feet or as approved by the city's Public Works Department.

(7) The proprietor's engineer shall provide the Basis of Design as required by the Michigan Department of Environment Quality.

(8) Manholes shall be placed at the end of every run receiving two or more connections, at intersections, at deflections in the sewer, at grade changes and at terminus runs of the sewer. Dead-end sewers shall be designated as follows: "To facilitate future construction only; no house leads allowed until a terminus manhole is constructed."



(9) An easement shall be designated on the plan for each run of public sewer not in a public right of way. The minimum easement width shall generally be 20 feet.

(10) At utility crossings a minimum clearance of 18 inches, measured from the outside of the pipe to the outside of the pipe is required.

(11) When the sanitary sewer is parallel to a water main, a minimum horizontal clearance of ten feet, measured from the outside of the pipe to the outside of the pipe is required.

(12) Connection to an existing sanitary sewer will be permitted only after all required sewer tests have been successfully completed and approved by the city's Department of Public Works.

(13) A note must be included on the plans stating that all work shall be in accordance with the city construction standards.

(Ord. 215, passed 11-4-96) Penalty, see § 97.99

### § 97.73 BLOCKS.

Blocks in subdivisions shall conform to the following standards:

(A) *Sizes.*

(1) The maximum length for a block is 1,400 feet, except where, in the opinion of the Council, conditions may justify a greater distance.

(2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout. Generally, a block shall be so designed as to provide two tiers of lots.

(B) *Public walkways.*

(1) Location of public walkways or crosswalks may be required by the Council to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.

(2) Public walkways shall be at least 12 feet wide and shall be in the nature of an easement for this purpose.

(C) *Easements.*

(1) Location of utility line easements shall be provided along the rear of side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel.

(2) Recommendations on the proposed layout of telephone and electric company easements shall be sought from all the utility companies serving the area. The proprietor shall submit copies of the approved Preliminary Plat or the Final Development Plan to all the appropriate utilities.

(3) Easements three feet in width shall be provided where needed along side lot lines so as to provide for street light dropouts. Prior to the approval of the Final Plat for a subdivision or the Final Development Plan for a site condominium project a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the Final Plat or Development Plan indicating the following: "The side lot lines between lots...(indicate lot numbers).. are subject to street light dropout rights granted to the ...(utility). . company."  
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

#### § 97.74 LOTS.

Lots in subdivisions shall conform to the following standards:

(A) *Size and shape.*

(1) The lot size, width, depth and shape in a subdivision proposed for residential use shall be appropriate for the location and type of development contemplated.

(2) Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision or site condominium project is proposed.

(3) Building set-back lines shall conform to at least the minimum requirements of the Zoning Ordinance.

(4) Corner lots shall be platted at least 20 feet wider than the minimum width permitted by the Zoning Ordinance in order to permit conformity with set-back lines or side-lotted streets.

(5) Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three-to-one (3 to 1) shall normally be considered the maximum.

(B) *Arrangement.*

(1) Every lot shall front or abut on a public street.

(2) Side lot lines shall be as nearly as possible at right angles or radial to the street lines.

(3) Residential lots abutting major thoroughfares or collector streets, shall be platted or designed with reverse frontage lots, or with side lot lines parallel to these streets. Lots which back or side into such features as freeways, major streets, shopping centers and industrial properties shall incorporate in the lot depth or width for buffering purposes and additional 20 feet.

(4) Lots shall have a front-to-front relationship across all streets, where possible.  
(Ord. 215, passed 11-4-96) Penalty, see § 97.99

**§ 97.75 NATURAL FEATURES AND AMENITIES.**

(A) Existing features which would add value to residential development or to the city as a whole, such as trees, natural groves, historic spots, and similar irreplaceable assets, shall be preserved in the design of the development. The preservation of drainage and natural stream channels must be considered by the proprietor, and provision of adequate barriers, where appropriate, shall be required.

(B) The proprietor is encouraged to provide landscaping, trees, and shrubbery within the proposed subdivision. Trees and other shrubbery may be provided by the proprietor within public rights-of-way. A recommendation on any proposed public street landscaping program by the proprietor shall be formulated by the city's Department of Public Works for consideration by the Council.

(C) Where necessary to provide an adequate buffer from adjacent business or industrial land uses and adjacent major thoroughfares, tree planting, berming and similar natural screening/barrier requirements may be required.

(Ord. 215, passed 11-4-96) Penalty, see § 97.99

**§ 97.99 PENALTY.**

(A) Any person violating any of the provisions of §§ 97.10 through 97.15 shall be subject to a fine of not more than \$100 and not less than \$25. The court in its sound discretion may also order that restitution be made to the city for any expense it may have incurred in removing the debris, snow and/or ice. (Ord. 218, passed 2-3-97)

(B) A person who violates §§ 97.70 through 97.75 shall be subject to a fine of not less than \$100, or imprisonment for not more than 90 days, or to both such fine and imprisonment, in the discretion of the Court. (Ord. 215, passed 11-4-96)



## CHAPTER 98: TREES

### Section

#### *General Provisions*

- 98.01 Definitions

#### *Tree Planting and Care*

- 98.10 Street tree species to be planted  
98.11 Spacing; distance from curbs, sidewalks, street corners and fireplugs  
98.12 Planting in vicinity of utility lines or wires  
98.13 Public tree care  
98.14 Tree topping  
98.15 Pruning and corner clearance  
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98.17 Removal of stumps

#### *Administration and Enforcement*

- 98.30 City Tree Board; review of actions by City Council  
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### **GENERAL PROVISIONS**

#### **§ 98.01 DEFINITIONS.**

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

***STREET TREES.*** Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park. (Ord. 138, passed 2-11-80)

*TREES PLANTING AND CARE***§ 98.10 STREET TREE SPECIES TO BE PLANTED.**

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees, without written permission of the City Tree Board.

<i>Small Trees</i>	<i>Medium Trees</i>	<i>Large Trees</i>
Apricot	Ash, Green	Coffeetree
Coffeetree	Redbud	Kentucky
Crabapple	Hackberry	Maple, Sugar
Flowering	Honeylocust	Oak, Bur
Goldenraintree	Linden or Basswood	Sycamore
Hawthorne	Mulberry, Red	Cottonwood
Pear, Bradford	Oak, Red	
Redbud	Oak, English	
Soapberry	Pagodatree, Japanese	
Lilac, Jap. Tree	Pecan	
Peach Flowering	Birch, River	
Plum, Purpleleaf	Osageorange	
Serviceberry	Persimmon	
	Poplar, White	
	Sassafras	

(Ord. 138, passed 2-11-80)

**§ 98.11 SPACING; DISTANCE FROM CURBS, SIDEWALKS, STREET CORNERS AND FIREPLUGS.**

(A) The spacing of street trees will be in accordance with the three species size classes listed in § 98.10 of this chapter, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special planting designed or approved by a landscape architect.

(B) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 98.10, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

(C) No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street trees shall be planted closer than ten feet of any fireplugs.

(Ord. 138, passed 2-11-80) Penalty, see § 10.99

**§ 98.12 PLANTING IN VICINITY OF UTILITY LINES OR WIRES.**

No street trees other than those species listed as small trees in § 98.10 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 138, passed 2-11-80) Penalty, see § 10.99

**§ 98.13 PUBLIC TREE CARE.**

(A) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) The City Tree Board may remove or cause or order to be removed, any tree or part thereof, which in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees is in accordance with §§ 98.10 through 98.12 of this chapter.

(Ord. 138, passed 2-11-80)

**§ 98.14 TREE TOPPING.**

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the City Tree Board.

(Ord. 138, passed 2-11-80) Penalty, see § 10.99

**§ 98.15 PRUNING AND CORNER CLEARANCE.**

Every owner of any tree overhanging any street or right-of-way within the city shall prune the

branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

(Ord. 138, passed 2-11-80) Penalty, see § 10.99

#### **§ 98.16 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

(Ord. 138, passed 2-11-80)

#### **§ 98.17 REMOVAL OF STUMPS.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. 138, passed 2-11-80)

### ***ADMINISTRATION AND ENFORCEMENT***

#### **§ 98.30 CITY TREE BOARD; REVIEW OF ACTIONS BY CITY COUNCIL.**

(A) There is hereby created and established a City Tree Board which shall consist of five members, citizens and residents of this city, who shall be appointed by the Mayor with the approval of the City Council.

(B) The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(C) Members of the Board shall serve without compensation.



(D) It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the city. The Board when requested by the City Council shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(E) The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(F) The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

(Ord. 138, passed 2-11-80)

**§ 98.31 ARBORIST LICENSE AND BOND.**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 138, passed 2-11-80)

**§ 98.32 INTERFERENCE WITH CITY TREE BOARD.**

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter

(Ord. 138, passed 2-11-80) Penalty, see § 98.99



## CHAPTER 99: TRASH AND RUBBISH REMOVAL

### Section

- 99.01 Title
- 99.02 Interpretation
- 99.03 Severability
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- 99.06 Purpose
- 99.07 Collection
- 99.08 Cost for collection
- 99.09 Deposit of garbage, trash and rubbish
- 99.10 Storage of containers
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- 99.12 Compulsory removal and payment for service
- 99.13 Schedule of rates and fees to be published

### § 99.01 TITLE.

This chapter shall be titled "Trash and Rubbish Removal."  
(Ord. 250, passed 9-18-00)

### § 99.02 INTERPRETATION.

This chapter shall be constructed as Chapter 99, under Title IX, General Regulations of the City Code of Ordinances. This chapter shall control the removal of household trash and rubbish; the placement of containers; the contracting for services; penalties; payments; rates and fees for services; and, collection of delinquent payments as may, from time to time, be decided by majority vote of the City Council.

(Ord. 250, passed 9-18-00)

### § 99.03 SEVERABILITY.

If any provision or section of this chapter may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

(Ord. 250, passed 9-18-00)

**§ 99.04 REFERENCE TO OTHER SECTIONS.**

This chapter, sections of this chapter, or any of the individual rates or fees as properly established by the City Council from time to time take precedence over other sections of this code. The City Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent schedule of rates and fees.

(Ord. 250, passed 9-18-00)

**§ 99.05 GENERAL PROVISIONS.**

(A) As permitted under the City Charter, § 3.1 General Powers of the City Council, the City Council is hereby authorized to establish general regulations and various rates and fees for services; penalties; payments; rates and fees for services; and, collection of delinquent payments as may, from time to time, be decided by majority vote of the City Council.

(B) As permitted under the City Charter, §§ 12.1 and 12.3, the City Council is hereby authorized to establish regulations governing trash and rubbish removal within the city and to enter into contracts for services. The regulations and contracts may be amended individually or collectively by simple Council action brought by motion, supported and approved by majority vote of the City Council at any regularly scheduled meeting of the Council.

(Ord. 250, passed 9-18-00)

***Cross-reference:***

*Garbage regulations, see Ch. 50*

**§ 99.06 PURPOSE.**

The purpose and intention of this chapter is to provide for a system of collection and removal of trash and rubbish from residential properties within the city.

(Ord. 250, passed 9-18-00)

**§ 99.07 COLLECTION.**

For the purpose of systematically and, in a sanitary manner, collecting, removing and disposing of residential trash and rubbish, the City Manager, with the knowledge and approval of the City Council, is hereby authorized to hire such persons, firms, businesses, partnerships or corporations or in the alternative to enter into contracts with hire such persons, firms, businesses, partnerships or corporations for the purposes. In the event of contract, the agreement shall be in writing, signed by the parties as designated by the City Council and the original or copy thereof shall be kept by the City Clerk and available for public inspection.

(Ord. 250, passed 9-18-00)

***Cross-reference:***

*Collection of refuse, see § 50.21*

*Manner of collection and disposal; contracting, see § 50.37*

**§ 99.08 COST FOR COLLECTION.**

(A) The cost for the collection, removal and disposal of residential trash and rubbish shall be paid for the general fund from an account so designated and the costs shall be levied to all covered properties in a manner and amount so determined by the City Council from time to time by majority Council action.

(B) The cost for the collection, removal and disposal of residential trash and rubbish shall be paid from the fees charged for the same on the billing of water and sewer service. The City Council under City Charter § 3.1 and §§ 12.1 and 12.3 may establish rates to cover all the costs of collection and disposal, administrative costs born by the city in providing such costs, and the costs of collection of delinquent payments all as provided herein, by other chapters and sections of the City Code of Ordinances, and as provided by law.

(Ord. 250, passed 9-18-00)

*Cross-reference:*

*Garbage collection charges, see § 50.22*

**§ 99.09 DEPOSIT OF GARBAGE, TRASH AND RUBBISH.**

(A) From and after the passage and taking effect of this chapter, it shall be unlawful for any person to burn household garbage, trash or rubbish within the city limits. Wood and paper may be burned in an incinerator that has been approved by the Fire Department and it shall be unlawful for persons to place household garbage, trash or rubbish along any public way, street, sidewalk, alley or other public property unless the same shall be placed in an enclosed roll-away-waste-cart, container or other suitable vessel which shall be water tight, covered and suitable for handling by the persons, firms businesses, partnerships or corporations engaged by the city to collect, remove and dispose of residential household trash and rubbish.

(B) Each owner, occupant, tenant or leasee using or occupying any building, house, structure, or grounds within the corporate limits of the city where garbage, trash and rubbish accumulates, shall provide water-tight containers or use the containers provided by the city's contracted service should they be available.

(C) It shall be responsibility of each owner, occupant, tenant or leasee using or occupying any building, house, structure, or grounds within the corporate limits of the city where garbage, trash and rubbish is to be collected and removed by the city's contracted service to place the container along the street or roadway so that it can be accessed by the contracted service.

(D) The placement of containers shall at no time restrict the flow of traffic on streets, sidewalks or driveways within the corporation limits of the city.

(E) It shall be unlawful for any owner, occupant, tenant or leasee using or occupying any building, house, structure or grounds within the corporate limits of the city to utilize the trash containers or receptacles of any other owner, occupant, tenant or leasee for the disposal of their own trash or rubbish. (Ord. 250, passed 9-18-00)

***Cross-reference:***

*Accumulation of garbage, see § 50.03*

*Burning or burying rubbish; depositing refuse, see § 50.02*

*Preparation of garbage, see § 50.20*

**§ 99.10 STORAGE OF CONTAINERS.**

From and after the passage and taking effect of this chapter, it shall be unlawful for any person to leave their containers along any public way, street, alley, sidewalk or other public property. Containers used for the disposing of the trash and rubbish shall be kept on the property's side or rear yards, in garages, car ports homes, or other structures not in open view in front yards. It shall be unlawful for persons to leave their containers along public ways except for the day of trash removal and the evening before trash removal.

(Ord. 250, passed 9-18-00)

***Cross-reference:***

*Preparation of garbage, see § 50.20*

**§ 99.11 COLLECTION AND DISPOSAL.**

The city through its private contract hauler will pick up, transport, and dispose of all garbage, trash and rubbish, from all one-family and two-family dwelling units in the city. Additionally, three and four unit dwelling units may be served provided those owners request and agree to make payment for those properties. Such pickups shall be at least once each week. The day, holiday policy, inclement weather or other emergency provisions shall be determined in the contract with the private hauler engaged by the city.

(Ord. 250, passed 9-18-00)

***Cross-reference:***

*Collection of refuse, see § 50.21*

*Manner of collection and disposal; contracting, see § 50.37*

**§ 99.12 COMPULSORY REMOVAL AND PAYMENT FOR SERVICE.**

(A) From and after the passage and taking effect of this chapter, it shall be compulsory for every one-family and two-family dwelling unit in the city, except those as are owned and operated by the City Housing Commission, to participate in the city provided trash and rubbish removal service. Each dwelling unit shall be billed for this compulsory service at rates and fees as established from time to time by majority vote of the City Council.

(B) Non-payment of the full amount of rates and fees as established by the City Council shall carry its own offense and penalty in addition to the original rate or fee.

(C) Non-payment of the rate or fee within the prescribed time frame shall be assessed an additional delinquent payment fee. In all cases except where specifically covered by other ordinances, the delinquent fee shall result in the amount due, plus delinquencies and other charges, being placed as a lien against the offender's premises or property. The city may also seek remedy for non-payment or delinquent payments through legal action before the appropriate courts.

(D) Nothing in this section and chapter shall eliminate the authority of other sections of the City Code of Ordinances or Public Acts of the State of Michigan to make delinquent payments a lien against the property or premises on which the rates or fees are assessed.

(Ord. 250, passed 9-18-00)

***Cross-reference:***

*Collection charges, see § 50.22*

*Collection of refuse, see § 50.21*

*Nuisance; abatement by city, see § 50.36*

**§ 99.13 SCHEDULE OF RATES AND FEES TO BE PUBLISHED.**

Upon request, the city shall publish and make available to any resident person or resident business one copy of the adopted Schedule for Rates and Fees without charge. The Schedule shall be kept current and contain subsequent changes as properly adopted by the City Council.

(Ord. 250, passed 9-18-00)

***Cross-reference:***

*Collection charges, see § 50.22*





## CHAPTER 100: HAZARDOUS MATERIALS RELEASE

### Section

- 100.01 Title
- 100.02 Purpose
- 100.03 Definitions
- 100.04 Charge imposed upon responsible party
- 100.05 Costs determination
- 100.06 Billing procedure
- 100.07 Other remedies

### § 100.01 TITLE.

This chapter shall be known as the Hazardous Materials Release Chapter.  
(Ord. 255, passed 5-21-01)

### § 100.02 PURPOSE.

In order to protect the city and the A.B.B. Joint Fire Board for expenses resulting from the utilization of its Fire Board's resources in responding to a release involving hazardous materials; the city authorizes the imposition of charges to recover reasonable and actual costs incurred by the Fire Board in responding to calls for assistance in connection with a hazardous materials release.  
(Ord. 255, passed 5-21-01)

### § 100.03 DEFINITIONS.

The following terms or phrases shall be defined to mean:

**FIRE BOARD.** The joint fire administrative board established by the Townships of Arlington and Bangor and the City of Bangor for the purpose of operating and administering the Fire Department pursuant to the Urban Cooperation Act, Public Act 7 of the Public Acts of 1967 Extra Session, as amended.

**FIRE CHIEF.** The chief operational and administrative officer of the Fire Department, or in his/her absence, the senior fire officer in charge of the scene of a hazardous materials incident.

**FIRE DEPARTMENT.** The Fire Department created by the establishment of the joint Fire Board referred to as the A.B.B. Fire District and commonly referred to as the Fire District, the Fire Board, and the Bangor Community Fire Department. Such Fire Department was established in 1999 by the Townships of Arlington and Bangor and the City of Bangor under the provisions of the Urban Cooperation Act, Public Act 7 of the Public Acts of 1967 Extra Session, as amended.

**HAZARDOUS SUBSTANCE OR MATERIALS.** For the purpose of this chapter, hazardous substances and/or materials include but are not necessarily limited to, a chemical that is a combustible liquid, a flammable gas, an explosive, a flammable or organic peroxide, an oxidizer, a pyrophoric, an unstable reactive or water reactive substance, petroleum and/or petroleum by-products, a flammable solid, a poisonous or infectious material, a radioactive material, a corrosive, or any other material that may be defined as hazardous by the U.S. Department of Transportation or by the laws of the state.

**RELEASE.** A release shall be any spilling, leaking, pumping, pouring, emitting, emptying, discharging, ejecting, dumping, or disposing of a substance or material into the environment.

**RESPONSIBLE PARTY.** A responsible party is any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any legal entity that is responsible for a release of a hazardous material, either actual or threatened, or as an owner, tenant, occupant, or party in control of the property, onto which or from which hazardous material is released or the owner, possessor or party in control of the hazardous substance immediately prior to the release. (Ord. 255, passed 5-21-01)

#### § 100.04 CHARGE IMPOSED UPON RESPONSIBLE PARTY.

When the Fire Department responds to a call for assistance in connection with a hazardous materials release, actual costs incurred by it in responding to and mitigating such incident shall be imposed upon the responsible party, including, but not limited to:

(A) A fee at the prevailing rate for the Fire Department apparatus required, in the opinion of the officer in command, to respond and be present and/or to stand by at the scene of a hazardous materials incident. For each hour or fraction thereof that the apparatus is used or is required at the site by the officer in command, an additional hourly or fraction of an hourly sum shall be charged.

(B) All personnel related costs incurred by the Fire Department as a result of responding to and mitigating a hazardous materials incident. Such costs may include, but are not limited to, wages, salaries, fringe benefits, insurance, and other costs which may be a part of the Fire District's allowed usual and customary established for full time, part-time and paid-on-call firefighters and other personnel whether incurred at regular or overtime rates. Such personnel related charges shall commence at the time the Fire Department is dispatched to the hazardous materials incident and shall continue until all personnel have concluded hazardous material incident related responsibilities.

(C) Other expenses incurred by the Fire Department in responding to and mitigating a hazardous materials incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, water purchased from municipal water systems, charges for emergency response teams of other governmental agencies, meals, refreshments for personnel working the scene of a hazardous materials incident and all like and similar incidental costs arising from the response and mitigation.

(D) Any and all charges to the Fire Department imposed by any local, state or federal entities related to the hazardous materials incident.

(E) The cost of repair or replacement of any apparatus, equipment, protective clothing, or materials damaged, destroyed, consumed as a result of the response and mitigation activities.

(F) Costs incurred in accounting for all hazardous material incident related expenditures to include billing and collections costs to include actual attorney fees incurred and all related costs associated with collection of the expenditures including court costs, witness fees, and expert fees incurred in support thereof.

(Ord. 255, passed 5-21-01)

#### **§ 100.05 COSTS DETERMINATION.**

The foregoing described costs shall be determined in accordance with a policy established by the Fire Board. Where applicable, the costs shall be the actual expense to the Fire Department. With respect to apparatus use charges, the Fire Board shall establish a use charge for each separate piece of apparatus. The use charges shall from time to time be established by further resolution of the Fire Board. In the event of a hazardous material release, the most current prevailing apparatus charge schedule shall be applied.

(Ord. 255, passed 5-21-01)

#### **§ 100.06 BILLING PROCEDURE.**

Following conclusion of a hazardous materials incident, if special Hazmat actions were required or a spill of greater than 55 gallons occurred, then the Fire Chief shall submit a detailed listing of all known expenses to the Fire Board Treasurer. The Fire Board Treasurer shall prepare an invoice to the responsible party for payment. The Treasurer's invoice shall demand full payment within 30 days of billing. Any additional expense that becomes known to the Fire Chief following the transmittal of the bill to the responsible party, shall be billed in the same manner on a subsequent bill to the responsible party. Any amounts due that remain unpaid 30 days after the date of billing shall have imposed a late charge thereon at the maximum rate permitted by law until said account shall be paid in full.

(Ord. 255, passed 5-21-01)

**§ 100.07 OTHER REMEDIES.**

In addition to the foregoing, the Fire Board and/or the Townships of Arlington and Bangor and the City of Bangor may individually or jointly pursue any other remedy or may institute an appropriate action or proceeding in a court of competent jurisdiction to collect the charges imposed under this chapter. The charges imposed under this chapter does not limit the liability of the responsible party or parties under any other local ordinance, or state or federal law, rule, regulation that may include, but not be limited to, the cleanup of contaminated sites resulting from any hazardous materials release. (Ord. 255, passed 5-21-01)

## CHAPTER 101: EMERGENCY RESPONSE AND COST RECOVERY

### Section

- 101.01 Purpose
- 101.02 Definitions
- 101.03 Presumptions
- 101.04 Charges imposed upon responsible party
- 101.05 Costs determination
- 101.06 Billing procedure
- 101.07 Other remedies
- 101.08 Cost recovery schedule

### § 101.01 PURPOSE.

In order to protect the city from extraordinary expenses resulting from the utilization of city resources in response to certain public safety or fire emergency incidents and demands for services; the city authorizes the imposition of charges to recover reasonable and actual costs incurred by the city in responding to such incidents.

(Ord. 260, passed 6-17-02)

### § 101.02 DEFINITIONS.

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

**ASSESSABLE COSTS.** Those costs for services incurred by the city in connection with a response to a public safety incident, emergency assistance, excessive requests for emergency assistance, false alarms, or requested service. Included, but not necessarily limited, are costs of the actual labor and material costs of the city (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, cost of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the city or by a third party on behalf of the city; service charges and interest; attorney's fees, litigation costs, charges, fines or penalties to the city imposed by any court or state or federal governmental entities.

**BOMB THREATS.** The verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state or local law.

**CHARGE AGAINST PERSON.** The costs of an emergency response shall be a charge against the person liable for the costs under this chapter. The charge constitutes a debt of that person and is collectible by the city for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

**COST RECOVERY SCHEDULE.** The city council shall from time to time adopt resolutions that set forth a schedule of the costs incurred in making an emergency response. It shall be presumed that the costs listed in this schedule are the true costs incurred by the city and represent the "costs of an emergency response or requested service." This schedule shall be available to the public from either the City Clerk or the Police Department.

**EMERGENCY ASSISTANCE.** Any request for emergency medical, public safety, police, fire, and civil defense services defined herein.

**EXCESSIVE REQUESTS FOR EMERGENCY ASSISTANCE.** Any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than three times in the preceding 30 days.

**EXTRA SERVICES, SPECIAL SERVICES.** Services provided by the Police Department or individual officers of the department that are specifically identified in the cost recovery schedule. These are automatically adopted as part of Ordinance 257 titled "Municipal Civil Infraction Actions and Citations." (See Chapter 12 of this Code)

**FALSE ALARMS.** Any automated or manual devices designed to request or summon emergency assistance which device is activated intentionally or otherwise, in absence of an actual need for emergency assistance. The most senior person responding to a false alarm shall make the determination that there was no actual need for emergency assistance. Provided, however, a false alarm shall not be deemed to have occurred if (1) caused by an act of God, i.e. lightning storm, (2) it originates from a motor vehicle alarm system or (3) has not occurred more frequently than three times in a calendar year.

**HAZARDOUS MATERIALS RELEASE.** A release shall be any spilling, leaking, pumping, pouring, emitting, emptying, discharging, ejecting, dumping, or disposing of a substance or material into the environment.

**HAZARDOUS SUBSTANCES OR MATERIALS.** For the purpose of this chapter, hazardous substances and/or materials include but are not necessarily limited to, a chemical that is a combustible liquid, a flammable gas, an explosive, a flammable or organic peroxide, an oxidizer, a pyrophoric, an unstable reactive or water reactive substance, petroleum and/or petroleum by-products, a flammable solid, a poisonous or infectious material, a radioactive material, a corrosive, or any other material that may be defined as hazardous by the U.S. Department of Transportation or by the laws of the state.

**ILLEGAL FIRE.** A fire set or determined to be set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "noburning" ban, order, or ordinance. An illegal fire does not include an unintentional fire or a fire caused by an act of God, i.e. lightning storm.

**MOTOR VEHICLE.** Any self propelled or towed vehicle designed or used on the public streets, roads, and highways and for the purpose hereof all trailers or appurtenances attached to any motor vehicle.

**POLICE CHIEF.** The chief operational and administrative officer of the Police Department, or in his or her absence, the senior police officer in charge at the time of response.

**POLICE DEPARTMENT.** The Police Department created by the Charter and the City Council.

**PUBLIC SAFETY OR EMERGENCY INCIDENT.** Including (1) excessive requests for emergency assistance, (2) a false alarm, (3) a hazardous material incident, emergency or release, (4) an illegal fire, (5) bomb threats, (6) threats to oneself or others, or (7) utility line failure.

**PUBLIC WORKS DEPARTMENT.** The department created by the Charter and the City Council.

**PUBLIC WORKS DIRECTOR.** The head of the Public Works Department.

**RESPONSIBLE PARTY.** A responsible party is any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity, or any legal entity that is responsible for a release of a hazardous material, either actual or threatened, or as an owner, tenant, occupant, or party in control of the property, onto which or from which hazardous material is released or the owner, possessor or party in control of the hazardous substance immediately prior to the said release.

**RESPONSIBLE PARTY, EXTRA SERVICES.** Any persons, individual, business or other entity that requests, requires or is provided extra services or special services specifically identified in the Cost Recovery Schedule.

**RESPONSIBLE PARTY, UNDER THE INFLUENCE.** Any person is liable for the costs of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response.

**THREATS TO ONESELF OR OTHERS.** Verbal or written threat of physical harm to oneself or another or another's property which if carried out would be a violation of federal, state or local law.

**UTILITY LINE FAILURE.** The disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport natural gas or communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses) if the owner or party responsible for the maintenance of such utility line does not respond within one hour to a request to correct or repair such failure.

(Ord. 260, passed 6-17-02)

### § 101.03 PRESUMPTIONS.

(A) For the purpose of this chapter, the city shall pursue cost recovery fees for emergency response, extra services, or special services requested, provided or otherwise demanded of an individual, business, or other entity rather than the city and its population as a whole. A list of such services are defined herein and in § 101.08.

(B) For the purpose of this chapter, a person is under the influence of an intoxicating liquor or a controlled substance, or the combination of an intoxicating liquor and a controlled substance, when his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an intoxicating liquor if a chemical analysis of his or her blood, urine or breath indicates that the amount of alcohol in his or her blood was in excess of the state's legally established limits for impaired or driving.

(Ord. 260, passed 6-17-02)

### § 101.04 CHARGES IMPOSED UPON RESPONSIBLE PARTY.

When the city responds to a call for emergency assistance in connection with a situation as described in § 101.02, **ASSESSABLE COSTS**, actual costs incurred by it in responding to and mitigating such incident shall be imposed upon the responsible party, including, but not limited to:

(A) A fee at the prevailing rate for the equipment, materials, supplies, apparatus, and other items required, in the opinion of the officer in command, to respond and be present and/or to stand by at the scene of the emergency response. For each hour or fraction thereof that the equipment, materials, supplies, apparatus, and other items is used or is required at the site by the officer in command, an additional hourly or fraction of an hourly sum shall be charged.

(B) All personnel related costs incurred by the Police Department or the Public Works Department as a result of responding to and mitigating an emergency response or demands for services. Such costs may include, but are not limited to, wages, salaries, fringe benefits, insurance, and other costs which may be a part of the city's allowed usual and customary established for full time and part-time personnel



whether incurred at regular or overtime rates. Such personnel related charges shall commence at the time city personnel is dispatched to the emergency incident and shall continue until all personnel have concluded their related responsibilities.

(C) Other expenses incurred by the city in responding to and mitigating an emergency incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, charges for emergency response teams of other governmental agencies, meals, refreshments for personnel working the scene of an emergency incident and all like and similar incidental costs arising from said emergency response and mitigation.

(D) Any and all charges to the city imposed by any local, state or federal entities related to the emergency response incident or service provided.

(E) The cost of repair or replacement of any apparatus, equipment, protective clothing, or materials damaged, destroyed, consumed as a result of the response and mitigation activities.

(F) Costs incurred in accounting for all hazardous material incident related expenditures to include billing and collections costs to include actual attorney fees incurred and all related costs associated with collection of said expenditures including court costs, witness fees, and expert fees incurred in support thereof.

(Ord. 260, passed 6-17-02)

#### **§ 101.05 COSTS DETERMINATION.**

The foregoing described costs shall be determined in accordance with a resolution established by the City Council. Where applicable, the costs shall be the actual expense to the Police and Public Works Department. With respect to apparatus use charges, the City Council shall establish a use charge for each separate piece of apparatus. Said use charges shall from time to time be established by further resolution of the City Council. In the event of an emergency response, the most current prevailing apparatus charge schedule shall be applied.

(Ord. 260, passed 6-17-02)

#### **§ 101.06 BILLING PROCEDURE.**

Following conclusion of an emergency response incident meeting the requirements of this chapter, the Police Chief or the Chief's agent or the Public Works Director or the Public Works Director's agent shall submit a detailed listing of all known expenses to the City Treasurer. The Treasurer shall prepare an invoice to the responsible party for payment. The Treasurer's invoice shall demand full payment within 30 days of billing. Any additional expense that becomes known following the transmittal of the

bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. Any amounts due that remain unpaid 30 days after the date of billing shall have imposed a late charge thereon at the maximum rate permitted by law until said account shall be paid in full.

(Ord. 260, passed 6-17-02)

#### § 101.07 OTHER REMEDIES.

Any failure by the responsible person for the costs of an emergency response, to pay the bill within 30 days of service shall be considered in default. In case of default, the city may commence civil suit to recover the costs plus any additional costs or expenses allowed by law. In addition to the foregoing, the city may pursue any other remedy or may institute an appropriate action or proceeding in a court of competent jurisdiction to collect the charges imposed under this chapter together with costs and attorney fees.

(Ord. 260, passed 6-17-02)

#### § 101.08 COST RECOVERY SCHEDULE.

<i>Service</i>	<i>Fee</i>
OUIL/DUIL	\$300
Blood/Urine Draws	\$150
Vehicle Inspections	\$50
Gun Permits /Gun Inspections	\$5
Police Reports (1-6 pages)	\$6
Police Reports (7 plus pages)	\$8
False Alarms (after 3rd false alarm) (City)	\$50
Video Tapes	\$50
Personal Background Checks	\$35
Personnel Rate (at time)	Actual Regular or Overtime Rate
Vehicle and Apparatus (at time)	Actual Rate allowed by MDOT

*Service (Cont'd)*

*Fee (Cont'd)*

Administrative Overhead

10% of Personnel Rate

Benefits, Health and Employment  
Costs

35% of Personnel Rate

(Ord. 260, passed 6-17-02)



## CHAPTER 102: TRAPPING OF ANIMALS AND REPTILES ON CITY PROPERTY

### Section

- 102.01 Unlawful to trap without a permit
- 102.02 Exclusions
- 102.03 Issuance of permit
- 102.04 Permitted areas
- 102.05 Permit fee
- 102.06 Prohibited activities with trapping

102.99 Penalty

### *Cross-reference:*

*Additional animal regulations, see Ch. 90*

### **§ 102.01 UNLAWFUL TO TRAP WITHOUT A PERMIT.**

It shall be unlawful for any person(s) to trap any animals and reptiles on any city-owned property without a permit authorized by the City Council and issued by the City of Bangor.

(Ord. 279, passed 1-8-07) Penalty, see § 102.99

### **§ 102.02 EXCLUSIONS.**

(A) This chapter shall not pertain to 'live' traps persons place on property they own within the City of Bangor. A permit shall not be needed for the placement of said 'live' traps by persons on property they own in the City of Bangor. Nothing in this chapter shall be interpreted as meaning persons may or may not need to obtain permits from other governmental or regulating agencies before they place 'live' traps on property they own in the City of Bangor.

(B) Nothing in this chapter shall be interpreted to mean that a person granted a permit to trap on city-owned properties may or may not also need to obtain permits from other state or county agencies.

(C) Nothing in this chapter shall be interpreted as relieving any person granted a permit to trap on city-owned property or allowed to 'live' trap on property they own in the city from any and all liability which may result from their actions.

(Ord. 279, passed 1-8-07)

**§ 102.03 ISSUANCE OF PERMIT.**

(A) The Clerk or the City Manager shall present to the City Council requests from individuals to trap on any city-owned property within the corporate limits of the City. The request shall include at least the following information:

- (1) The name(s) of the person(s) requesting a permit.
- (2) The address(es) of the person(s) requesting the permit.
- (3) The telephone number(s) of the person(s) requesting the permit.
- (4) A map showing the boundaries of the area the person(s) is requesting to trap.
- (5) A beginning and ending date the person(s) are requesting permission to trap.
- (6) A copy of a valid state issued license to the person(s) for trapping said animals.
- (7) The time of day the person is requesting permission to trap.

(8) References from other private or public property owners addressing the responsibility and character of the person(s) requesting permission to trap.

(9) Other information as may be deemed necessary or pertinent.

(10) The number of traps, location of traps and the color code of traps shall be indicated.

(11) A copy of a valid pictured driver's license or other forms of pictured identification of the person(s) requesting permission to trap.

(12) Names of each person(s) involved in the trapping process whether helping paddle a boat, set traps, carry gear, and the like are to be listed and expected to request and be issued a permit.

(B) The City Council is authorized to make the sole decision on each request to trap.

(C) The City Council reserves the right to grant any or no requests to trap any animal or reptile. Permission granted to trap one species does not mean a person(s) may be granted a permit to trap another species.

(D) The City Council reserves the right to consider background checks on the individual(s) requesting permission to trap.

(E) The City Council reserves the right to immediately revoke any issued permit for any violation of the regulations either established by the State of Michigan or the City of Bangor committed by the permit holder or his or her agents, partners, drivers, boat operators, and the like. Violation of any city ordinance or regulations may constitute a violation for which a permit may be revoked. If a permit is revoked for such violation, no permit fees shall be refunded.

(Ord. 279, passed 1-8-07)

**§ 102.04 PERMITTED AREAS.**

The City Council may consider authorizing the Clerk to issue permits to trap animals only on the following city-owned properties:

(A) City-owned lands on which the wastewater treatment lagoons are situated.

(B) City-owned lands along Maple Creek from the wastewater treatment lagoons to M-43.

(C) City-owned lands along the Boyer Drain or other County Drains within the corporate limits of the city.

(D) City lands along the Black River west of Hamilton Street.

(E) City millpond land between the Second Street and N. Center Street. These include all millpond lands, excluding the river channel and up to the 12-foot high water mark.

(F) City millpond lands extending east of N. Center Street to the city limits. These include all millpond lands, excluding the river channel and up to the 12-foot high water mark.

(G) Other city-owned properties not mentioned above including but not limited to water system well sites, vacant parcels the city may own from time to time, other 'park' parcels and city-owned rights-of-way.

(H) The city reserves the right to add or detract from this list of lands as the City Council may increase or decrease its holdings.

(Ord. 279, passed 1-8-07)

**§ 102.05 PERMIT FEE.**

(A) The initial fee established at the time of the adoption of Ord. 279 is as follows: An individual permit for the established season or for up to 30 calendar days - \$ 50.00

(B) Ordinance 252 authorizes the City Council to establish rates and fees from time to time, as it deems necessary and appropriate.

(C) The fee may be waived if the trapping of animals is deemed to eliminate a damaging or threatening nuisance to city assets, such as the wastewater lagoons.  
(Ord. 279, passed 1-8-07)

#### **§ 102.06 PROHIBITED ACTIVITIES WITH TRAPPING.**

Persons granted permission to trap shall conform with all pertinent trapping laws established by the State of Michigan and all City of Bangor codes and ordinances. Additionally:

(A) Permit holders may only use canoes, kayaks, row-boats or john-boats powered by human power with oars or poles. No personal powered watercraft commonly known as jet skis or other such craft may be used. No trolling motors may power craft.

(B) Permit holders do not have permission to park in other than designated places.

(C) Permit holders shall not engage in trapping activities before 5:00 a.m. or after 10:00 p.m.

(D) Permit holders are not authorized by the granting of said permit to access any private property.

(E) The issuance of a permit by the City of Bangor shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private or legal action regarding damage or nuisance caused by the permit holder.

(F) The issuance of a permit shall not be a defense to any civil claims.  
(Ord. 279, passed 1-8-07) Penalty, see § 102.99

#### **§ 102.99 PENALTY.**

(A) Violations of any portion of this chapter are a municipal civil infraction outlined in Title 1, Chapter 12 of the Code of Ordinances for the City of Bangor. Once established by this chapter, the penalties are subject to Chapter 12 of Title 1 and may be amended from time to time by the City Council, as it deems necessary and appropriate.

(B) Violations of this chapter shall warrant increasing penalties as herein established:

(1) First offense: \$50 payable to the City of Bangor.

(2) Second offense: \$90 fine payable to the City of Bangor.

(3) Third offense: \$ 120 fine payable to the City of Bangor.



(4) Fourth and repeating offenses: A fine not to exceed \$500 or imprisonment not more than 90 days, or both fine and imprisonment.

(C) A separate offense shall be deemed committed upon each day during which a violation occurs. (Ord. 279, passed 1-8-07)

