

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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Cross-reference:

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GENERAL PROVISIONS

§ 90.01 UNLAWFUL TO KEEP FEROCIOUS ANIMALS.

It shall be unlawful to keep or maintain an animal or animals of a ferocious nature (*ferae naturae*) within the city limits.

(Ord. 79, passed 7-26-71) Penalty, see § 10.99

§ 90.02 PERMIT REQUIRED TO KEEP CERTAIN ANIMALS; APPLICATION FOR PERMIT.

(A) It shall be unlawful to keep or maintain any of the following animals within the city limits prior to obtaining a permit from the City Council authorizing the keeping and maintenance of the same: swine,

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poultry, horses, ponies, cattle, sheep, goats, rabbits or any other animal not kept or maintained within the dwelling of the owner.

(B) Any person desiring to obtain a permit shall make his application to the Council particularly stating the following:

- (1) The number and type of animals to be maintained.
- (2) That proper sanitation facilities are available.
- (3) That such animals are located at least 50 feet from the owners nearest property line.

(C) This section shall not apply to the keeping of dogs or cats.
(Ord. 79, passed 7-26-71) Penalty, see § 10.99

§ 90.03 ISSUANCE OF PERMIT; CONTENTS.

If it shall appear to the City Council that it will not be detrimental to the health, safety and welfare of the inhabitants of the city, the Council shall grant a permit to the person applying therefor. Such permit shall state the type, number and specific place such animals are to be kept. Further, no permit shall be issued unless it shall be shown that proper sanitation facilities exist. To be proper such facilities must be sufficient to dispose of waste and excrement generated by the animal or animals in such manner that other residents of the city are not offended by the odor normally associated with such waste and excrement, and further that such waste is disposed of in such a manner that the health, safety and welfare of other city residents is not endangered thereby. Further no permit shall be issued unless it shall be shown that the animal or animals shall be located on the owner's property at such place at least 50 feet from the owners nearest property line and that surrounding and abutting land owners and city residents are not offended by the odor and noise commonly associated with the type of animals or animal being kept and maintained.

(Ord. 79, passed 7-26-71)

§ 90.04 USE OF HORSES.

(A) It shall be unlawful for any person to allow horses to use or be used upon any public property including sidewalks and parks. This section shall not be construed to limit the riding of horses on public roads and roadways.

(B) It shall be unlawful for any person to allow horses to use or be used upon private property within the city limits other than that owned by the owner of the animal or a member of his household, in such a manner as to create a nuisance.

(Ord. 79, passed 7-26-71) Penalty, see § 10.99

DOGS**§ 90.15 DEFINITIONS.**

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

NOT UNDER REASONABLE CONTROL. A dog shall be deemed to be not under reasonable control when such dog, not being upon the premises of its owner, is not with or under the control of its owner, his agent or some member of the owner's family, or when such dog commits damage to the person or property of anyone other than its owner, except when in the defense of its owner, his family or property.

OWN. To have a right of property in a dog; to keep or harbor a dog or to have a dog in one's care or possession; and to permit a dog to remain in or about any premises of a person for a period of five days or more.

OWNING AND RAISING OF DOGS. It shall be deemed to be illegal to own or harbor more than three dogs at any one address. In the event of puppies being born, the owner will be given up to three months to give away any puppies being born at a residence, which would bring the total of dogs to above the three allowed. At no time are puppies to be put outside so barking and yelping would disturb the neighbors.

REASONABLE CONTROL. A dog shall be deemed to be under reasonable control when such dog is on the premises of its owner and is with and under the control of its owner, his agent or some member of the owner's family.

(Ord. 142, passed 7-14-80; Am. Ord. 230, passed 4-8-97)

§ 90.16 LICENSING AND INOCULATION REQUIRED.

(A) It shall be unlawful for any person to own any dog over the age of six months, within the city, that does not at all times wear a collar with a license tag attached thereto as provided for by the laws of the State of Michigan. Application for such license shall be accompanied by proof (of inoculation) of the dog for rabies within the year preceding the date of application.

(B) A certificate of inoculation in such form shall be presented on demand at any time to the dog officer or any official of the Health Department or Police Department.

(C) It shall be unlawful for any person except the owner or the authorized agent of such owner to remove any licenses or inoculation tag from a dog.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.17 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any dog in the city to allow such dog to stray beyond the premises of such owner unless under reasonable control, or for the owner of any female dog to permit said female to go beyond the premises of such owner when she is in heat unless such dog is held properly in leash. Further, it shall be unlawful for the owner of any dog not to have such dog under reasonable control at all times.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.18 BARKING DOGS.

It shall be unlawful for any person to own a dog in the city which by loud and frequent barking, howling, yelping, growling or other noise, causes serious annoyance to any of the people of the city.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.19 DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

(A) It shall be unlawful for any person in the city to own a fierce or vicious dog, or a dog that has been bitten by any animal known to have been afflicted with rabies. A person who shall have in his possession a dog which has contacted rabies or has been subject to the same or which is suspected of having rabies, or which has bitten any person, shall upon demand of the Dog Officer, Health Officer or any Police Officer of the city, produce and surrender such dog to such officer to be held for observation as hereinafter provided. It shall be the duty of any person owning a dog which has been attacked or bitten by another dog or animal showing symptoms of rabies, or which has bitten any person or any other dog suspected of having rabies, to immediately notify the Dog Officer or Police Department and the Health Department, that such person has such a dog in his possession.

(B) Whenever a dog is reported to have bitten any person, it shall thereupon be the duty of the Dog Officer to seize such animal and confine the same for a period of at least ten days, for the purpose of ascertaining whether such dog is afflicted with rabies. The Dog Officer may notify in writing, the person owning or possessing any dog, for the purpose of ascertaining whether such dog is afflicted with rabies, and it shall thereupon be the duty of such owner, to accomplish the confinement of such dog within 12 hours after receiving such notice from the Dog Officer, for said period of ten days, for the purpose of ascertaining whether such dog is afflicted with rabies. If the dog is afflicted with rabies it shall be destroyed under the direction of the Dog Officer. If the dog is not afflicted, it may be returned to its owner hereinafter provided. In the event any such animal is confined under the provisions of this section, the owner thereof shall be liable for any fees and costs which accrued because of the detention of the dog.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.20 CRUELTY TO DOGS PROHIBITED.

No person owning or harboring any dog, or any other person shall treat a dog in a cruel or inhumane manner, or wilfully or negligently cause or permit any dog to suffer unnecessary torture or pain.

(Ord. 142, passed 7-14-80) Penalty, see § 10.99

§ 90.21 COMMON LAW LIABILITY.

Nothing in this subchapter's content shall be construed as limiting the common law liability of the owner of a dog for damages committed by the dog.

(Ord. 142, passed 7-14-80)

§ 90.22 RECORDS OF VIOLATIONS.

In all prosecutions for violation of this subchapter the records of the County Treasurer's Office showing the owner and the license number to whom any license was issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership of any dog.

(Ord. 142, passed 7-14-80)

§ 90.23 RAISING OF DOGS FOR SALE - KENNEL.

It shall be deemed to be illegal to raise dogs for sale in any residential district within the city. This activity would be considered a business and must be in a business district or acquire a Special Use Permit. No kennels or selling of dogs is permitted in a residential district.

(Ord. 230, passed 4-8-97) Penalty, see § 10.99

CHAPTER 91: CEMETERIES AND PARKS

Section

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- 91.01 Closing hours
- 91.02 Alcoholic beverages prohibited
- 91.03 Prohibitions on certain uses

Arlington Hill Cemetery

- 91.15 Rules and regulations established
- 91.16 Definitions
- 91.17 Sale, transfer or assignment of burial units
- 91.18 Interments and disinterments
- 91.19 Perpetual care; exceptions
- 91.20 Perpetual care funds
- 91.21 Markers, stones and monuments
- 91.22 Plantings on burial units
- 91.23 Modifications and amendments

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GENERAL PROVISIONS

§ 91.01 CLOSING HOURS.

Unless otherwise posted or provided, the public parks and cemeteries of the city shall be opened to the public only between sunrise in the morning and dusk in the evening. Planned activities under direct supervision of city personnel or those sanctioned by the City Council may be exempt from closing hours. No person, except those in charge of parks and cemeteries, shall enter or be therein while such parks and cemeteries are closed to the public.

(Ord. 208, passed 6-19-95; Am. Ord. 281, passed 4-5-10) Penalty, see § 10.99

§ 91.02 ALCOHOLIC BEVERAGES PROHIBITED.

No alcoholic beverages or illegal substances shall be allowed in any city park including Lions Park (including all millpond areas), Charles Park, Veterans Memorial Park (W. Monroe St.), Monroe Park (E. Monroe St.), Mora Park, Lincoln Street Overlook (Lincoln Street), Kiwanis Park, Kids Place, walking and fishing trails along the Black River and Maple Creek, and other parks as they may be established and incorporated in the city park system without written permission.
(Ord. 124, passed 10-10-77; Am. Ord. 281, passed 4-5-10) Penalty, see § 10.99

§ 91.03 PROHIBITIONS ON CERTAIN USES.

The use of bicycles and powered vehicles shall be prohibited on the skate park platform and ramps at Lions Park. Gasoline, electric, solar, kinetic or other fuel powered vehicles shall be prohibited from all trails, boardwalks and pathways at all city parks and properties except where allowed by ADA (Americans with Disabilities Act).
(Ord. 281, passed 4-5-10)

ARLINGTON HILL CEMETERY**§ 91.15 RULES AND REGULATIONS ESTABLISHED.**

For the mutual protection of every plot purchaser, this subchapter hereby establishes the rules and regulations for the city owned and operated cemetery known as Arlington Hill Cemetery, and all owners and visitors within the cemetery, and all plots sold shall be subject to such rules and regulations, amendments or alterations as shall be adopted by the City Council or by the Cemetery Committee from time to time.
(Ord. 58, passed 2-8-65)

§ 91.16 DEFINITIONS.

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

BURIAL UNIT. A lot or any portion thereof.

CEMETERY. The Arlington Hill Cemetery, owned and operated by the city, and where appropriate to the context, the word shall include the officials in charge of the cemetery.

CEMETERY COMMITTEE. Each year the City Manager shall appoint three members of the City Council to act as the Cemetery Committee. It shall be their duty to supervise the expenditures of the cemetery fund and see that the terms of this subchapter are properly executed.

INTERMENT. The permanent disposition of the remains of a deceased person by cremation and interment or burial.

MONUMENT. A tombstone, marker or headstone of granite or other approved stone, which shall extend above the surface of the ground.

OWNER. Any person or persons owning or possessing the privilege, license or right of interment in any burial space.
(Ord. 58, passed 2-8-65)

§ 91.17 SALE, TRANSFER OR ASSIGNMENT OF BURIAL UNITS.

(A) All burial units shall be sold through the office of the City Clerk and according to the map of the cemetery and at prices fixed by the City Council. Full payment for the burial unit and perpetual care for same must be made before a burial permit will be issued. The City Clerk shall maintain a record of all burial units sold and a record of all burials on same. All revenues derived from the sale of burial units or other sources whatever in connection therewith shall be used to maintain and improve the cemetery.

(B) No transfer or assignment of a burial unit shall be valid without first submitting to the City Clerk a conveyance by the owner of burial privileges, his heirs or administrators. A new conveyance will then be issued by the City Clerk. For this service a fee of \$1.50 shall be charged.

(C) All conveyances shall be limited to the right of interment only, of the grantee and his spouse and their children and such other person as may be requested by the grantee, but not in excess of the burial spaces conveyed in the conveyance. In the event of the death of the grantee and in the absence of any specific disposition thereof in the owner's last will and testament, the right of burial in any remaining spaces shall descend in regular line of succession to the heirs at law of the owner.
(Ord. 58, passed 2-8-65)

§ 91.18 INTERMENTS AND DISINTERMENTS.

(A) *Notice.* The sexton shall have the right to insist upon at least 24 hours notice prior to any interment and 48 hours notice prior to any disinterment.

(B) *Holidays.* No interment or disinterment service shall be permitted on any of the following holidays: New Year's Day, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day or when any of the above mentioned falls or is legally observed on a Saturday or Monday.

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(C) *Application for interment.* Written application for interment and opening of burial space must be made at the City Clerk's office, and no interment will be permitted until all charges have been paid.

(D) *Location of interment space.* When instructions regarding the location of interment space in a plot cannot be obtained, or are indefinite, or for any reason the interment space cannot be open where specified, the Sexton may, in his discretion, open it in such location in the plot as he deems best and proper, so as not to delay the funeral; and the cemetery shall not be liable in damages for any error so made.

(E) *Interment of cremated remains.* Cremated remains shall be interred in an urn or receptacle made of material of standard specifications.

(F) *Burial boxes.* Burial boxes four feet in length or over shall be classed as adult size.

(G) *Concrete box.* Every earth interment shall be made enclosed in a concrete box or box of acceptable metal.

(Ord. 58, passed 2-8-65) Penalty, see § 10.99

§ 91.19 PERPETUAL CARE; EXCEPTIONS.

(A) The term **PERPETUAL CARE** used in reference to burial units shall be held to mean the cutting of grass upon said burial units at reasonable intervals, the raking and cleaning of the burials units at reasonable intervals, the pruning of shrubs and trees, meaning and intending the general preservation of the burial units, ground, walks, roadways, boundaries and structures, other than the structures hereinafter exempted or excepted: to the end that said grounds shall remain and be reasonably cared for as cemetery grounds.

(B) The term **PERPETUAL CARE** shall in no way be construed as meaning the maintenance, repair or replacement of any grave stones or monumental structures or memorials placed or erected on burial units, nor the planting or cost of flowers or ornamental plants, nor the sprinkling of said burial units with water, nor the maintenance or doing of any special or unusual work in the cemetery, nor does it mean the reconstruction of any marble, granite or concrete work on any burial unit in the cemetery or other buildings or structures, made necessary by injuries caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, riots, insurrections, or by the order of any military or civil authority, whether the damage be direct or collateral, other than herein provided for.

(Ord. 58, passed 2-8-65)

§ 91.20 PERPETUAL CARE FUNDS.

All funds paid for perpetual care shall be placed by the City Clerk to the credit of a fund known as the Perpetual Care Fund, to be administered by the City Council, and to be held in trust and invested by the City Council as provided by law, and the interest thereon shall be used for the care and maintenance of the burial units entitled to perpetual care.
(Ord. 58, passed 2-8-65)

§ 91.21 MARKERS, STONES AND MONUMENTS.

(A) All mausoleums, monuments, headstones, memorials and mementos to be erected or placed in the cemetery shall be of recognized durable construction. All foundations for the setting and placing of the foregoing shall be erected by the city upon such type and size as shall be specified by the Cemetery Committee, the cost and expense thereof to be borne by the owner of the burial unit and paid in advance in accord with the prices established by the City Council.

(B) All memorials or headstones in Section K shall be placed on the west end of the plot facing east. All memorials or headstones in Sections J and M shall be placed on the east end of the plot facing west.
(Ord. 58, passed 2-8-65)

§ 91.22 PLANTINGS ON BURIAL UNITS.

(A) All trees planted on or removed from any burial unit shall be done under the supervision of the sexton. All plantings other than annual or perennial flowers must be approved by the Cemetery Committee as to the selection of varieties and arrangement.

(B) No fence, railing, coping, wall, hedge or enclosure of any kind or nature shall be placed or erected around or on any burial unit.

(C) All excavating, grading or removal of rubbish shall be under the supervision of the sexton, and no burial unit or drive may be graded or altered from the general plan of the cemetery without first obtaining the consent of the Cemetery Committee.

(D) If any monument, effigy or other structure placed upon any burial unit shall be determined to be improper or offensive by the Cemetery Committee, it shall be the duty and right of the City Council to order same removed if not done so by the owner after proper notification.
(Ord. 58, passed 2-8-65) Penalty, see § 10.99

§ 91.23 MODIFICATIONS AND AMENDMENTS.

(A) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City Council, therefor, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations when, in its judgment, the same appears advisable, and such temporary exceptions, suspension or modification shall in no way be construed as affecting the general application of such rule.

(B) The City Council may, and hereby expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter and/or sentence in these rules and regulations.
(Ord. 58, passed 2-8-65)

§ 91.99 PENALTIES.

(A) Violations of any portion of §§ 91.01 through 91.03 are civil infractions against the city and subject to penalties as established herein and subject to the process as established in §§ 12.01 through 12.07 of this code.

(B) Violations of §§ 91.01 through 91.03 shall warrant increasing penalties as herein established:

- (1) First offense: \$45 fine payable to the city;
- (2) Second offense: \$100 fine payable to the city;
- (3) Third offense: \$155 fine payable to the city; and

(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 incident of which a violation occurs.

(D) (1) Bicycles, in-line skates and gasoline, electric, solar, kinetic or other fuel powered vehicles are subject to impoundment. In the event of a violation of any of the provisions of §§ 91.01 through 91.03 or any of the provisions of law for the operation of prohibited equipment defined in § 91.03 by any person under the age of 17 years, any police officer of the city or the Sheriff of Van Buren County, if the violation shall have occurred in his or her presence, shall immediately upon such violation take into his or her possession the equipment defined in § 91.03 and impound the items. Such impoundment shall be in addition to the penalties imposed by division (B) above. The operator shall be given a receipt showing the items impounded and shall impound the items for the following periods:

(2) Violations of §§ 91.01 through 91.03 shall warrant increasing penalties as herein established:

(a) First offense: ten days;

(b) Second offense: 20 days;

(c) Third offense: 30 days; and

(d) Fourth and repeating offenses: 60 days.

(Ord. 281, passed 4-5-10)

CHAPTER 92: FAIR HOUSING

Section

- 92.01 Statement of fact and policy
- 92.02 Discrimination prohibited
- 92.03 Exemption

§ 92.01 STATEMENT OF FACT AND POLICY.

It is hereby found that the population of the city consists of people of many races, colors, religions, ancestries and national origins, and that discrimination in housing violates the public policy of the city and that such discrimination in housing is injurious to the public health, safety and general welfare of the city and its inhabitants.

(Ord. 130, passed 9-11-78)

§ 92.02 DISCRIMINATION PROHIBITED.

No owner of real property, lessee, sublessee, real estate broker or salesman, lender, financial institution, builder, advertiser, or agent of any of the foregoing, shall discriminate against any other person because of the religion, race, color, or national origin of such other person or because of the religion, race, color or national origin of the friends or associates of such other person, in regard to the sale, rental of, or dealings concerning real property located in the city.

(Ord. 130, passed 9-11-78) Penalty, see § 10.99

§ 92.03 EXEMPTION.

(A) The provisions of this chapter shall not apply to the rental of a room or rooms to three or less persons in a single dwelling unit, the remainder of which dwelling unit is occupied by the owner or member of his immediate family, or a lessee of the entire dwelling unit or members of his immediate family.

(B) Nothing in this chapter shall require an owner to offer property to the public at large before selling or renting it, nor shall the chapter be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than race or color or national origin.

(Ord. 130, passed 9-11-78)

CHAPTER 93: FIRE PREVENTION

Section

- 93.01 Fire prevention code adopted; amendments
- 93.02 Establishment of limits
- 93.03 Open burning of rubbish or paper goods
- 93.04 Location restrictions
- 93.05 Key box emergency access system

Fireworks and Explosive Devices

- 93.20 Preamble
- 93.21 Definitions
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- 93.99 Penalty

§ 93.01 FIRE PREVENTION CODE ADOPTED; AMENDMENTS.

(A) The BOCA National Fire Prevention Code, 1999 Edition, and subsequent editions as they are published by the Building Officials Code Administrators International, Inc. be and are hereby adopted as the Fire Prevention Code for the city for the control of buildings, structures and premises as herein provided; and each and all subsequent regulations, provisions, penalties, conditions and terms of the BOCA National Fire Prevention Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with additions, deletions, and changes, if any, prescribed in divisions (B) or (C) of this section or other sections of this chapter.

(B) The BOCA National Fire Prevention Code is amended and changed in the following respect:

(1) Section F101.1 Insert: City of Bangor.

(2) Table F-107.2.3 Insert: All permits, permit fees, inspection fees shall be bought and paid for according to the jurisdiction in charge of these permits, permit fees and inspection fees.

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(C) Other provisions included in this chapter are included under § 93.05, General Provisions. (Ord. 200, passed 4-19-93; Am. Ord. 220, passed 3-3-97; Am. Ord. 254, passed 1-2-01)

§ 93.02 ESTABLISHMENT OF LIMITS.

The limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code/1996 in which the storage of explosive materials is prohibited are hereby established as follows: All limits established by the jurisdiction in charge of explosive storage limits. (Ord. 200, passed 4-19-93; Am. Ord. 220, passed 3-3-97)

§ 93.03 OPEN BURNING OF RUBBISH OR PAPER GOODS.

(A) It shall be unlawful to light or maintain any fire in any section of the city within 15 feet to any building or structure or flammable material other than that to be burned as to cause a fire hazard.

(B) The term *FIRE*, as used in this section, shall not be construed to mean or include a fire in a furnace, stove, boiler, home grill or home barbecue pit, fireplace, or incinerators properly licensed by county, state or federal statute, provided any approved fire may be extinguished by fire or city personnel at the discretion of the fire or city personnel. The term *FIRE*, as used in this section, shall not apply to approved camp fire and recreational fires which are contained and monitored.

(C) It shall be unlawful to burn grass, weeds, open land, rubbish, wood, lumber, paper goods, cardboard, brush or leaves anywhere in the city. However, wood, lumber, brush, paper, paper goods and cardboard may be burned under the following conditions:

(1) Prior approval of the Fire Chief for the ABB Fire District whom shall approve the site or area of the proposed burn, the method of the proposed burn; the type of incinerator including size, height, and cover; the location of the incinerator; the materials proposed to be burned, the time and any other criteria or conditions which the Fire Chief shall deem appropriate.

(2) The Fire Chief and/or the ABB Fire District are authorized to establish any rules, time limits, fees, penalties, application and approval process or other conditions in implementing § 93.03(C)(1) as deemed necessary and appropriate for the prevention of fires within the city and within rules and regulations of the BOCA National Fire Prevention Code as adopted and amended by the city.

(3) No fire of any sort shall be approved by the Fire Chief of the ABB Fire District if it is built or allowed to be burned within one foot of any paved or improved street or alleyway in the city.

(4) No fire shall be built or allowed to be burned in any park land owned by the city except those for the cooking of foods for picnics, reunions, outings and other such occasions. Such fires shall be in acceptable grills burning wood, charcoal or other usual and customary materials as the fire source. Such fires shall be in acceptable grills burning wood, charcoal or other usual and customary materials as the fire source. Such fires shall not need prior approval from the Fire Chief.

(5) Contractor fires for debris or heat require prior approval from the Fire Chief for the ABB Fire District.

(6) The ABB Fire District may approve and conduct fire training fires in the city.

(D) No burning of grass, weeds, open land, or leaves shall be allowed under any condition in any B-1 or B-2 zoned sections of the city unless they are burned in proper incinerators licensed under county, state or federal statute. However, fires defined under division (B) of this section are allowed. (Ord. 128, passed 9-11-78; Am. Ord. 254, passed 1-2-01) Penalty, see § 93.99

§ 93.04 LOCATION RESTRICTIONS.

No person, firm, or corporation shall set an open fire, or permit the setting of such fire, at any time in the following areas of the city:

(A) Blocks 1, 2, and 3 of Cross' Addition to the city; and

(B) Lots 10 to 27, inclusive, Lots 33 to 40, inclusive, Lots 44 to 60, inclusive, all in the assessor's plat of the city. (Ord. 36, passed 2-1-57) Penalty, see § 93.99

§ 93.05 KEY BOX EMERGENCY ACCESS SYSTEM.

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

AUTOMATIC DIALER. A device that automatically dials and relays a prerecorded message to a central station or the Fire Department.

AUTOMATIC FIRE SUPPRESSION SYSTEM. A system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the National Fire Protection Association (NFPA) standards, which utilize water, foam, carbon dioxide, or other gas to automatically react to suppress fire.

CENTRAL STATION. An office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.

FIRE OFFICIAL. Refers to the Fire Chief or his or her designee.

KNOX BOX LOCK or KEY BOX. A high security key vault, which shall refer to a UL type box, standards, size, and style approved by the Fire Official.

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RESPONSIBLE PARTY. The property owner of a building subject to this section.

STANDPIPE SYSTEM. A wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires.

(B) *Mandatory key boxes for fire suppression and standpipe systems.* Each building protected by an automatic fire suppression and/or standpipe system and not manned during a 24 hour, seven-day a week operation, shall be equipped with a key box. The key box shall be a Knox Box type and size approved by the Fire Official.

(C) *Mandatory key boxes for fire alarm system.* Each building protected by an automatic fire alarm system (automatic dialer, central station, external audible/visual alarm) and not manned during a 24-hour, seven-day a week operation, shall be equipped with a key lock box. The key lock box shall be a Knox Box type and size approved by the Fire Official.

(D) *Non-applicability to certain dwellings.* This section shall not apply to owner occupied one- and two-family dwellings.

(E) *Key lock boxes.*

(1) The responsible party is required at all times to keep a key(s) in the lock box that will allow access to the structure. The key box shall contain, but not be limited to, the following items as designated by the Fire Official;

- (a) Labeled keys to locked points of egress, whether in interior or exterior of such buildings;
- (b) Labeled keys to the locked mechanical rooms;
- (c) Labeled keys to locked elevator rooms and controls;
- (d) Labeled keys to any fence or secured areas;
- (e) Labeled keys to areas of the building where fire alarm panels and fire protection systems are located;
- (f) Labeled keys to any other areas that may be required by the Fire Official;
- (g) A card containing the emergency contact people and phone numbers for such buildings;
- (h) Floor plans of the rooms within the building showing locations of shut offs;
- (i) Hazardous materials information; and
- (j) An inventory of the keys is to be placed inside all lock boxes.

(2) The responsible party shall notify the Bangor Community Fire Department when any or all of the locks or keys have been changed and shall keep the immediate area of the key lock box free and clear of any and all obstructions.

(F) *Registration and installation of key lock boxes.* The responsible party shall apply for a registration for a lock box on forms provided by and obtained from the Fire Official of the Bangor Community Fire Department. A registration is required prior to the installation of a key lock box in order to verify the proper mounting location and installation of said key lock box. The key lock box shall be installed on the front exterior of the building near the main entry door at a location approved by the Fire Official. No key lock box shall be installed, voluntarily or otherwise, without first obtaining the approval of the Fire Official of the Bangor Community Fire Department. The responsible party shall be responsible for the cost to purchase, install, and maintain the key lock box.

(G) *Compliance.* All existing buildings shall comply with this section one year from its effective date. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply immediately upon passage of this section. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be borne by the responsible party.
(Ord. 283, passed 6-1-15)

FIREWORKS AND EXPLOSIVE DEVICES

§ 93.20 PREAMBLE.

The Michigan Fireworks Safety Act, Act 256 of 2011, effective January 1, 2012, legalized the sale of consumer fireworks in Michigan, and delegated to local communities limited control over the use and discharge of the fireworks. The city recognized that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of neighborhoods and commercial districts. The city endeavors to reconcile the rights that this Act confers upon sellers and consumers, with the rights of the citizens and families to reside in a safe, harmonious community. The following subchapter is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place and manner of use, discharge and ignition of fireworks deemed to be within the purview of local regulation, and within the interest of the public health, safety and welfare.
(Ord. 282, passed 10-15-12)

§ 93.21 DEFINITIONS.

The terms used in this subchapter, whether capitalized or not, will have the following meaning:

ACT. The Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time adopted.

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APA STANDARD 87-1. Means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Belhesda, Maryland.

ARTICLES PYROTECHNIC. The pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use and meet the weight limits for consumer fireworks, but are not labeled as such, and are classified as UN0431 or UN0432 under 49 C.F.R.172.01.

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

DISPLAY FIREWORKS. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low impact fireworks, articles pyrotechnic, display fireworks and special effects.

FIREWORK or FIREWORKS. Any composition or device, except for a starting pistol, a flare gun, or a flare, of non-toxic or non-explosive emissions, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. **FIREWORKS** consist of consumer fireworks, low impact fireworks, articles pyrotechnic, display fireworks and special effects.

LOW IMPACT FIREWORKS. Ground sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.18, and 3.5, except as provided below.

MINOR. An individual who is less than 18 years of age.

NATIONAL HOLIDAY. As used in this chapter shall mean:

- (1) New Year's Day, January 1;
- (2) Birthday of Martin Luther King Jr. the third Monday in January;
- (3) George Washington's Birthday, the third Monday in February;
- (4) Memorial Day, the last Monday in May;
- (5) Independence Day, July 4;
- (6) Labor Day, the first Monday in September;
- (7) Columbus Day, the second Monday in October;

- (8) Veteran's Day, November 11;
- (9) Thanksgiving Day, the fourth Thursday in November;
- (10) Christmas Day, December 25; and

(11) Any holidays as may be from time to time added, removed or changed under 5 USC Section 6103, or any replacement or amended legislation.

NOVELTIES. The term defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap;

(2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in division (1) are used, that are constructed so that the hand can not come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion;

(3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter;

(4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and quantity contained in each box are printed on the box;

(5) Toy smoke devices; and

(6) Handheld sparklers.

PERSON. Any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any legal entity or commercial organization. An **INDIVIDUAL** shall include a **MINOR** as defined in this section.

Except as otherwise provided, other terms used in this section shall have the meaning ascribed to them in the Act, or, if not defined in the Act, under the APA standards.
(Ord. 282, passed 10-15-12)

§ 93.22 PROHIBITED FIREWORKS.

(A) *Consumer fireworks.* A person shall not use, ignite, or discharge consumer fireworks within the geographical boundaries of the city, except on the day of, the day preceding or the day after a national holiday, provided that on such days a person shall not discharge consumer fireworks in violation of the Act, this subchapter, or any other ordinance.

(B) *Low impact.* Low impact fireworks may not be discharged during the hours of 10:30 p.m. and 11:00 a.m. and may not otherwise be discharged in violation of this division of the Act, or any other ordinance.

(C) *Illegal fireworks.* Any use, possession or discharge of any fireworks that are prohibited and/or not approved by the State of Michigan or the State Fire Marshal, or that which contains a prohibited chemical, component, compound or composition under the APA 87-1 Standard, or any federal or state law or regulation is prohibited at all times and places, regardless of how it is labeled.
(Ord. 282, passed 10-15-12)

§ 93.23 MINORS.

(A) A minor shall not use, discharge or ignite any consumer fireworks at any time, nor on any day, including national holidays, and the day before and day after a national holiday.

(B) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under supervision of a parent or guardian, and the use, discharge and ignition is within permitted hours and does not violate the provisions of this subchapter and the Act.
(Ord. 282, passed 10-15-12)

§ 93.24 PUBLIC PROPERTY.

(A) No person shall at any time or on any day, use, discharge or ignite any fireworks, including consumer fireworks, low impact fireworks or novelties in public parks.

(B) No fireworks, including consumer fireworks, low impact fireworks or novelty fireworks shall be discharged, used or ignited on any public property, including public streets, schools, sidewalks, easements and rights-of-way.
(Ord. 282, passed 10-15-12)

§ 93.25 GENERAL RESTRICTIONS.

Holidays (day preceding holiday, day of holiday and day after holiday).

(A) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or any combustible or flammable item or compound, or in any enclosed structure, garage, tent, or shed, or under any canopy or overhanging cover, of any nature.

(B) Any use of fireworks that disrupts the peace of the public, which may include deposits of litter or debris caused by fireworks, is prohibited, notwithstanding anything to the contrary in the Act.

(C) No person shall, either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks. Any violation of this division is subject to any penalty imposed under the Act, except that damage to public property under control of the city or damage to any private property not protected under the Act is a misdemeanor, if a higher offense is not available under state law.

(D) No consumer fireworks may be ignited, launched, or discharged within 30 feet of any house, structure, building, vehicle, or landscaping. Landscaping may include, without limitation, any tree, bush, flower, vegetable garden, or gazebo.

(E) No person shall at any time discharge or ignite any low impact fireworks within 15 feet of another person's property without the owner's permission. Any violation is a municipal civil infraction.

(F) No individual shall use, ignite or discharge consumer fireworks or low impact fireworks while under the influence of alcohol, a controlled substance and/or a synthetic marijuana or other illegal substance. Alcoholic liquor means that term as defined in § 1d of the Michigan Vehicle Code, 1949 PA 300, M.C.L.A. 257.1d, or any subsequent provision amending or replacing that provision. Controlled substance means that term as defined in § 8b of the Michigan Vehicle Code, 1949 PA 300, M.C.L.A. 257.8b, or any subsequent provision amending or replacing that definition. Synthetic marijuana or other illegal substances are as determined under the Public Act 180-183 of 2012, and the Public Health Code, 1978 PA 368, M.C.L.A. 333.2451. A violation of this provision shall be a misdemeanor, and shall result in the seizure, removal and storage of the fireworks, at the expense of the responsible person. (Ord. 282, passed 10-15-12)

§ 93.26 APPLICABILITY OF GENERAL ORDINANCE.

(A) Nothing in this subchapter or in the Act shall preclude the enforcement of ordinances or laws of general applicability at any time or on any day regardless of whether the conduct or offense is secondary or incidental to the use, discharge or ignition of fireworks.

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(B) Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to obtain the approvals that are necessary under the applicable provisions of the city code. Failure to secure applicable zoning approvals is subject to penalty as provided in the article and/or city code.

(C) Any fireworks that are possessed, sold, distributed or displayed in violation of the Act or the city code are subject to seizure and removal by the Police Department or Fire Department, at the expense of the responsible person, in addition to other penalties as provided in this subchapter or by other ordinance.

(D) Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety or welfare, as deemed by a police officer or the Fire Marshal, or his or her designee, shall be prohibited, and the fireworks may be immediately seized. (Ord. 282, passed 10-15-12)

§ 93.27 SEIZURE AND COST RECOVERY.

(A) All fireworks used, discharged, ignited and possessed in violation of the Act and this subchapter are subject to seizure. Any costs incurred by the city to seize and store the fireworks shall be paid by the responsible person.

(B) Any costs the city incurs to respond and remediate any damage to private or public property or injury to another person shall be paid by any person responsible for the damage or injury. The city may pursue any legal remedies to collect such costs. (Ord. 282, passed 10-15-12)

§ 93.28 DISPLAY FIREWORKS AND PERMIT FEES.

(A) No display fireworks shall be ignited, used or displayed at any time unless approved in advance by the City Council upon application made to the City Clerk on a form provided by the Michigan Department of Licensing and Regulation. At the minimum, the applicant must be adequately insured and bonded.

(B) A security plan, safety, or compliance plan must be approved by the city Fire Chief before submitting to the City Council.

(C) A permit fee of \$100 due at the time application is submitted to the City Clerk. (Ord. 282, passed 10-15-12)

§ 93.99 PENALTY.

Violations of any portion of this chapter are subject to Title I, Chapter 10 and Chapter 11 of the Code of Ordinances for the city, or as established specifically herein below:

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

First Offense: Verbal or written warning.

Second Offense: \$35 fine payable to the city.

Third Offense: \$90 fine payable to the city.

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

(B) A separate offense shall be deemed committed upon each day during which a violation occurs.

(C) Both division (A) and (B) above are city penalties. The Fire Chief of the ABB Fire District may add additional penalties.

(D) The responsible party identified in § 93.05 shall be subject to a fine of \$30 for each day of non-compliance with § 93.05 and said total fines shall not exceed \$300.

(E) (1) Except as otherwise provided, a violation of §§ 93.20 through 93.28 is a misdemeanor and a person responsible may be ordered to pay a fine up to \$500 and/or subject to up to 90 days in jail, plus costs.

(2) Except as otherwise provided, for any violation of §§ 93.20 through 93.28 that is a municipal civil infraction, a person responsible may be ordered to pay a civil fine of \$200 for each violation.

(3) Any penalty for a violation of §§ 93.20 through 93.28 shall be subject to the penalty imposed under § 10.99.

(Ord. 254, passed 1-2-01; Am. Ord. 282, passed 10-15-12; Am. Ord. 283, passed 6-1-15)

Cross-reference:

Authority of City Council to provide punishment for violations, see Charter § 8.5.

Statutory reference:

Violation of ordinances, maximum penalty authorized, see M.C.L.A. § 117.4i(k).

CHAPTER 94: NOISE

Section

- 94.01 Definitions
- 94.02 Unnecessary noise prohibited
- 94.03 Bells and chimes
- 94.04 Noise from radios, televisions and similar devices
- 94.05 Animal noises
- 94.06 Noises from mufflers, trucks and exhausts
- 94.07 Noise from construction projects and power tools
- 94.08 Sound amplifiers
- 94.09 Warning signals
- 94.10 Emergency work
- 94.11 Standards for determination of violation

§ 94.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All technical terms, unless the context otherwise requires, shall be defined in accordance with the *American National Standards Institute Publication S.1.1-1960*, as revised in 1971, published by the American Standards Institute, 1430 Broadway, New York, N.Y. 10018.

COMMERCIAL DISTRICT.

- (1) (a) An area where offices, clinics and the facilities needed to serve them are located;
- (b) An area with local shopping and service establishment;
- (c) A tourist oriented area where hotels, motels, and gasoline stations are located;
- (d) A business strip along a main street containing offices, retail businesses, and commercial enterprises;
- (e) Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

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(2) **COMMERCIAL DISTRICT** shall include but not be limited to any parcel of land zoned commercial under the zoning ordinance of the city.

COMMERCIAL PURPOSE. The use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for or soliciting the patronage of customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

CONSTRUCTION ACTIVITIES. Any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures, roads or appurtenances thereto, including land clearing, grading, excavating and filling.

CONTINUOUS NOISE. A steady, fluctuating, or impulsive noise which exists, essentially without interruption, for a period of ten minutes or more, with an accumulation of an hour or more over a period of eight hours.

DEVICE. Any mechanism which is intended to produce or which actually produces sound when operated or handled.

DYNAMIC BRAKING DEVICE. A device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of breaking without the use of wheel brakes.

EMERGENCY WORK. Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger or potential danger.

FLUCTUATING NOISE. The sound pressure level of a fluctuating noise which varies more than 6 dB(A) during the period of observation when measured with the slow meter characteristic of a sound level meter.

INDUSTRIAL DISTRICT. An area in which enterprises and activities which involve the manufacturing, processing or fabrication of any commodity are located. **INDUSTRIAL DISTRICT** shall include but not be limited to any parcel of land zoned as an industrial district under the zoning ordinance of the city.

MOTOR VEHICLE. Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts, and any other vehicle which is self-propelled.

RESIDENTIAL DISTRICT. An area of single or multiple family dwellings and shall include areas where multiple unit dwellings, high rise apartments and high density residential districts are located. **RESIDENTIAL DISTRICT** shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

SOUND LEVEL METER. An instrument or apparatus including a microphone, an amplifier, an output meter, and weighting networks for the measurement of sound pressure. The output meter reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in the *American National Standards Institute Publication S 1.4-1971*.

(Ord. 160, passed 9-26-83)

§ 94.02 UNNECESSARY NOISE PROHIBITED.

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any unnecessary noise within the city.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.03 BELLS AND CHIMES.

It shall be unlawful for any person to use, operate, cause or permit to be sounded any bell or chime or any device for the production or reproduction of the sounds of bells or chimes, from any church, clock or school, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.04 NOISE FROM RADIOS, TELEVISIONS AND SIMILAR DEVICES.

(A) It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement that would disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

(B) The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line, or 25 feet in the case of a vehicle on public rights-of-way, shall be prima facie evidence of a violation of this section.

(C) This section shall not apply to any person who is participating in a school band or in a parade for which a permit has been issued by the city.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.05 ANIMAL NOISES.

No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal or bird otherwise permitted to be kept, which by frequent or

habitual howling, barking, meowing, squawking, or other noise unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any person.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.06 NOISES FROM MUFFLERS, TRUCKS AND EXHAUST.

(A) *Mufflers.* No person shall discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, air compressor equipment, motorboat, motor vehicle, or other power device, which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

(B) *Trucks.* No person shall load any garbage, trash on compactor truck, or any other truck, whereby the loading, unloading or handling of boxes, crates, equipment or other objects is conducted within a residential district nor within 300 feet of any hotel or motel between the hours of 10:00 p.m. and 7:00 a.m.

(C) *Maximum permissible sound pressure levels.*

(1) The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in the table below. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least four feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting network.

<i>District</i>	<i>Sound Pressure Level Limit - dB(A)</i>	
	<i>7:00 a.m. - 10:00 p.m.</i>	<i>10:00 p.m. - 7:00 a.m.</i>
Residential	55	50
Commercial	60	55
Industrial	80	75

(2) When a noise source can be identified and its noise measured in more than one district, the sound pressure level limits of the most restrictive district shall apply.

(3) The sound pressure level limits, and provisions hereof, applicable to commercial districts shall also apply to any parcel of land zoned agricultural district under the zoning ordinance of the city.

(4) The provisions of this section shall not apply to motor vehicles operating on public rights-of-way; any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school; the loading of any trucks; domestic power equipment and commercial power equipment.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.07 NOISE FROM CONSTRUCTION PROJECTS AND POWER TOOLS.

(A) Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

(B) No person shall operate or permit to be operated on private property or on the public way within any residential or commercial district(s) any power equipment rated five horsepower or less and used for home or building repair or grounds maintenance between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day or operate or permit to be operated between the hours of 7:00 a.m. and 10:00 p.m. any such power equipment which emits a noise sound pressure level in excess of 80 decibels in the "A" weighting network dB(A). Such power equipment shall include, but not be limited to, lawn mowers, garden tools, snow removal equipment, electric or chain saws or any other power equipment used for home or building repair or grounds maintenance. Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.

(C) No person shall operate on any property within a residential or commercial district or on any public way within a residential or commercial district, any power equipment rated more than five horsepower, excluding construction equipment used for construction activities, such as but not limited to, chain saws, pavement breakers, log chippers, riding tractors, powered hand tools, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day or within residential, commercial or industrial noise districts between the hours of 7:00 a.m. and 10:00 p.m. which emits a noise level in excess of 88 decibels, in the "A" weighting network dB(A). Noise sound pressure levels shall be measured at a distance of 25 feet from the noise source.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.08 SOUND AMPLIFIERS.

The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

(A) The sound amplifying equipment shall be operated only between the hours of 7:30 a.m. and 6:00 p.m. of each day.

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(B) The maximum sound emanating from sound amplifying equipment shall not exceed the sound pressure levels established in § 94.06 as measured at least 25 feet from the noise source.

(C) In any event, the intensity of sound shall be so controlled that it will not be unreasonably loud, raucous, annoying, disturbing or a nuisance to any person or persons.

(D) The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.09 WARNING SIGNALS.

No person shall sound any horn or signalling device on any truck, automobile, motorcycle, or other vehicle on any street or highway within this municipality, except as a danger warning, and then only for a reasonable period of time.

(Ord. 160, passed 9-26-83) Penalty, see § 10.99

§ 94.10 EMERGENCY WORK.

Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this chapter.

(Ord. 160, passed 9-26-83)

§ 94.11 STANDARDS FOR DETERMINATION OF VIOLATION.

It shall be unlawful for any person to wilfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (A) The volume of the noise;
- (B) The intensity of the noise;
- (C) Whether the nature of the noise is usual or unusual;
- (D) Whether the origin of the noise is natural or unnatural;
- (E) The volume and intensity of the background noise, if any;

- (F) The proximity of the noise to residential sleeping facilities;
 - (G) The nature and zoning of the area within which the noise emanates;
 - (H) The density of the inhabitation of the area within which the noise emanates;
 - (I) The time of the day or night the noise occurs;
 - (J) The duration of the noise;
 - (K) Whether the noise is recurrent, intermittent, or constant; and
 - (L) Whether the noise is produced by a commercial or noncommercial activity.
- (Ord. 160, passed 9-26-83)

CHAPTER 95: NUISANCES

Section

Weeds and Other Natural Growth

- 95.01 Duty to cut down weeds
- 95.02 Notice to cut down weeds
- 95.03 Weed and grass tax on general assessment roll

Outdoor Furnaces

- 95.15 Purpose
- 95.16 Definition
- 95.17 Existing outdoor furnaces
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- 95.19 Enforcement
- 95.20 Violation, declaration of nuisance

- 95.99 Penalty

WEEDS AND OTHER NATURAL GROWTH

§ 95.01 DUTY TO CUT DOWN WEEDS.

It shall be the duty of every landowner owning land within the city, to cut down, or cause to be cut down and destroyed, all noxious weeds and grasses, growing thereon before the first day of June in each year. For the purpose of this chapter, **NOXIOUS WEEDS** shall include Canada thistle, dodders, mustard, wild carrots, bindweed, sow thistle, ragweed, poison ivy, poison oak, poison sumac and such other plants as in the opinion of the City Council, are regarded as a common nuisance. (Ord. 137, passed 2-25-80; Am. Ord. 163, passed 9-9-85) Penalty, see § 10.99

§ 95.02 NOTICE TO CUT DOWN WEEDS.

Prior to the fifteenth of May in each year, the City Clerk shall post three printed notices, in each of three conspicuous places within the city limits, and publish same once each week for two consecutive

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weeks in a newspaper published and circulated within the city, giving notice of the necessity for complying with this chapter. The notice shall be substantially as follows:

“TO ANY OWNER OF LAND SITUATED WITHIN THE CITY OF BANGOR,
VAN BUREN COUNTY, MICHIGAN.

Notice is hereby given that all noxious weeds and grasses growing on any land within the limits of the City of Bangor must be cut down, removed or destroyed on or before the first day of June, 19 __ to prevent such weeds and grasses from going to seed or becoming a traffic or fire hazard.

Failure to comply with this notice on or before the above mentioned date shall make any land owner so failing liable for the costs of cutting or destroying said noxious weeds and grasses by said City, said cost to be billed against land owner, and, if not paid by March first of the following year, such costs together with interest at 9 percent, shall be levied against the property and collected in the same manner as city taxes. All such charges for weed cutting and destruction shall be and remain a lien against the land upon which the weeds were cut and destroyed until paid.”

(Ord. 137, passed 2-25-80; Am. Ord. 163, passed 9-9-85)

§ 95.03 WEED AND GRASS TAX ON GENERAL ASSESSMENT ROLL.

It shall be the duty of the City Treasurer to certify to the City Assessor prior to March 10 of each year the amount due for grass and weed cutting together with interest at 9% against each delinquent parcel of land in the city, and the City Assessor shall cause these amounts to be assessed against each such parcel of land as a weed and grass tax on the general assessment roll for that year.

(Ord. 137, passed 2-25-80; Am. Ord. 163, passed 9-9-85)

Cross-reference:

Taxation, see §§ 32.15 through 32.18

OUTDOOR FURNACES

§ 95.15 PURPOSE.

It is the purpose of this subchapter to ban the construction and operation of outdoor furnaces within the limits of the City of Bangor for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. It is generally recognized that these units are designed for long burn times between loading and typically have chimney heights less than ten feet. It is generally recognized that the designed

restricted airflow, low operating temperatures, lack of emission controls, and large fuel loads frequently result in excessive smoke. Under some conditions, smoke can cause both acute and chronic health problems to other residents if they are exposed to the smoke.

(Ord. 277, passed 4-16-07)

§ 95.16 DEFINITION.

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

FREE-STANDING OUTDOOR FURNACE shall mean, but is not limited to, any device, appliance, equipment, apparatus, or structure, which shall include but is not limited to those devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves. A device shall be defined as a ***FREE-STANDING OUTDOOR FURNACE*** if it:

(1) Is designed, intended and/or used to provide hot water heat and/or hot water to any associated structure;

(2) Operates by burning wood or any other solid fuel including but not limited to coal, paper pellets, and agricultural products; and

(3) Is not located within the structure to be heated.

(Ord. 277, passed 4-16-07)

§ 95.17 EXISTING OUTDOOR FURNACES.

(A) All existing outdoor furnaces must be registered within 30 days of the enactment of this subchapter.

(B) If an existing outdoor furnace is not operated for 12 consecutive months, it may not be used again and must be dismantled or otherwise be removed from the property.

(C) No new or replacement of existing outdoor furnace shall be installed or put into use.

(Ord. 277, passed 4-16-07)

§ 95.18 BANNED INSTALLATION AND OPERATION IN CITY.

(A) It shall be unlawful to install or operate a free-standing wood burning furnace, and to cause or permit the installation or operation of a free-standing wood burning furnace, within the City of Bangor.

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(B) Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.

(C) This subchapter shall not be a defense to any civil claims.

(D) This section shall not apply to any free-standing wood burning furnace that was installed, connected, and operating as of the effective date of this section. However, this section shall not be deemed as specific authorization for the use of any pre-existing free-standing wood burning furnace and 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 use of a free-standing wood burning furnace.

(Ord. 277, passed 4-16-07)

§ 95.19 ENFORCEMENT.

Before commencing prosecution under this subchapter, the enforcement officer (City Manager, Building Official or Code Enforcement Officer, or other such person authorized to enforce ordinances and codes on behalf of the city), shall give notice to the person charged with violating this subchapter. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a municipal civil infraction citation.

(Ord. 277, passed 4-16-07)

§ 95.20 VIOLATION, DECLARATION OF NUISANCE.

Any free-standing wood burning furnace installed or operated in violation of this section is hereby declared to be a nuisance *per se*.

(Ord. 277, passed 4-16-07)

§ 95.99 PENALTY.

(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or imprisonment for not more than 90 days, or both fine and imprisonment. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(B) Failure to comply with the requirements of §§ 95.15 *et seq.* shall constitute a municipal civil infraction, which shall be processed in accordance with M.C.L.A. § 600.8701. The assessment and

collection of fines and costs shall be in accordance with M.C.L.A. §§ 600.8701 *et seq.* Each day's continued violation shall constitute a separate and distinct offense.

(1) Any person violating §§ 95.15 *et seq.* shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$75 plus costs, for the first violation.

(2) Any repeat offense shall be subject to increased fines as follows:

(a) First repeated offense shall be no less than \$150 plus costs.

(b) A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250 plus costs.

(Ord. 277, passed 4-16-07)

Statutory reference:

Violation of ordinances, maximum penalty authorized, see M.C.L.A. § 117.4i(k)

Cross-reference:

Authority of Council to provide punishment for violations, see Charter Section 8.5



CHAPTER 96: OUTDOOR STORAGE OF VEHICLES AND EQUIPMENT

Section

- 96.01 Definitions
- 96.02 Parking or storing certain items on lands within the city
- 96.03 Impoundment procedures; notice of violation

§ 96.01 DEFINITIONS.

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

INOPERABLE MACHINERY AND EQUIPMENT. Such machinery or equipment which by reason of dismantling, disrepair, or any other cause, is incapable of functioning as it was intended to function, and being dismantled or partially dismantled when some part or parts which are ordinarily a component of such machinery or equipment has or have been removed or is missing.

INOPERABLE MOTOR VEHICLE. A vehicle, which, by reason of dismantling, disrepair, or any other cause, is incapable of being propelled under its own power, and any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled or partially dismantled.

(Ord. 67, passed 6-23-69)

§ 96.02 PARKING OR STORING CERTAIN ITEMS ON LANDS WITHIN THE CITY.

No person, firm or corporation shall park or store on any lands within the city, any dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment or any part thereof, except as the same may be permitted under the pertinent provisions of other ordinances of the city, unless said dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment, or parts thereof, shall be kept in a wholly enclosed garage or structure. Provided, that any person in whose name such motor vehicle, machinery, or equipment is registered, may store the same on any lands belonging to the owner or rented by him, for a period of not to exceed 48 hours. Provided, further, that this chapter shall not be construed as to permit the parking or placing of such motor vehicle, machinery, or equipment on any street area in the city.

(Ord. 67, passed 6-23-69) Penalty, see § 10.99

§ 96.03 IMPOUNDMENT PROCEDURES; NOTICE OF VIOLATION.

(A) In addition to the penalty provided in § 10.99, the city, through its Police Department is hereby authorized to remove or cause to be removed, any such inoperable, dismantled or partially dismantled vehicle, machinery, or equipment, from the premises where found, and impound the same and sell the same in the same manner and upon like notice as provided by statutes of the State of Michigan for disposal of repossessed collateral upon default under security agreement. Proceeds of such sale shall be applied first to the reasonable expenses of the city for giving of notice, taking, holding, preparing for sale and selling of such vehicle, machinery or equipment, and the balance if any, paid to the owner thereof. Any deficit arising from such sale shall be paid by the owner of the premises from which such vehicle, machinery or equipment is removed, within 30 days of notice of such deficit served upon such owner by first class mail. Should such owner fail or neglect to pay such deficit, the Chief of the Department of Police shall notify the City Assessor who shall assess the amount of such deficit upon the land of such owner of such premises, to be collected and paid to the City Treasurer in the same manner as city taxes, and paid by such Treasurer upon collection thereof to the general fund of the city.

(B) At least ten days prior to arrest for violation hereof or taking and impounding of property held in violation hereof, the Chief of Police shall notify or cause to be notified of any alleged violation hereof, the occupant, if any, of the premises where such property kept in violation of this chapter shall be found, the owner of the land upon which said property shall be found as appears upon the last tax roll of the city, and the owner of the property kept in violation hereof if the identity of such owner can be determined upon reasonable inquiry of such occupant and owner of such lands. Such notice shall be given by first class mail addressed to such occupant at the address of the land where such property is kept, to the owner of such land at the address shown upon the tax rolls of the city, and to the owner of such property at such address if any as may be determined upon such inquiry, and shall send to each occupant or owner with such notice a copy of this chapter.

(Ord. 67, passed 6-23-69)

CHAPTER 97: STREETS AND SIDEWALKS

Section

General Provisions

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- 97.02 Use of skateboards, roller skates and similar devices

Removal of Debris, Snow and Ice From Sidewalks

- 97.10 Title
- 97.11 Responsibility for sidewalks adjacent to buildings in the central business district
- 97.12 Removal from private property and placement within right-of-way
- 97.13 Notification of violation
- 97.14 Removal by city; assessment of cost and delinquent assessment
- 97.15 No additional duty of enforcement
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Driveway, Sidewalk and Curb Requirements

- 97.30 Purposes
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- 97.32 Permit required for construction or repair
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- 97.50 Definitions
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GENERAL PROVISIONS**§ 97.01 OBSTRUCTIONS PROHIBITED.**

(A) It shall not be lawful for any person to erect, place or construct, or cause to be erected, placed or constructed, any wooden or board sign, or awning across or over any sidewalk or any part thereof, supported by any post, placed in or on any sidewalk or outside the same, in any street or alley, within the city.

(B) It shall not be lawful for any persons to obstruct the full, clear and free passage of the entire width of the sidewalk or any street, with anything whatsoever. Merchants and others may occupy the sidewalks immediately in front of their respective places of business to the extent of three feet, for the purpose of displaying their goods, wares and merchandise.

(C) It shall not be lawful for any person to hang, or cause to be hung, any awning within six and one half feet to the sidewalk, and no goods or articles shall be permitted to hang from such awning and reaching within said distance of the sidewalk.

(D) It shall not be lawful for any person to move or cause to be moved or aid or assist in moving, any building into, along or across any sidewalk, street or alley of the city, without first obtaining permission from the City Council, and then only under the direction or supervision of the Street Commissioner.

(E) It shall not be lawful for any person to erect or place, or cause to be erected or placed, any encumbrances, encroachments or obstructions upon any street or alley of the city, which shall in any manner obstruct or prevent the full and free passage of the entire space of such street or alley; and it shall not be lawful for any person to make any excavation in, or remove any sod, earth, stone, sand or gravel, or otherwise injure or disturb any street, alley, or sidewalk, or aid, or procure the same to be done without first obtaining the consent of the City Council and then under the direction and supervision of the Street Commissioner.

(Ord. 8, passed 3-31-41) Penalty, see § 10.99

§ 97.02 USE OF SKATEBOARDS, ROLLER SKATES AND SIMILAR DEVICES.

(A) *Title.* This section shall be known and may be cited as the "Skateboard Ordinance."

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***CENTRAL BUSINESS DISTRICT.*** Includes sidewalks adjacent to State Trunkline M-43, commonly known as Monroe Street, in the city, from Center Street, also known as C.R. 681 to Alexander Street, located in the city, also Railroad/Second Street from M-43 North to Main Street, and Railroad Street South to Charles Street.

(2) ***ROLLER SKATES, IN-LINE SKATES, SKATE BOARDS, COASTERS and SCOOTERS.*** Recreational devices with wheels that are propelled by body energy.

(C) *Prohibited acts.*

(1) It shall be unlawful to ride or use or operate in any fashion, roller skates, in-line skates, skateboards, coasters, scooters and any other similar device within the Central Business District of the city.

(2) It shall be unlawful to ride or use or operate in any fashion, roller skates, in-line skates, skateboards, coasters, scooters and any other similar device on or in any state or county highway or municipally owned parking lot, as well as other areas posted strictly prohibiting the use thereof, except when properly entered into and/or registered to participate in an event authorized by the city. (Ord. 207, passed 6-19-95; Am. Ord. 210, passed 11-6-95) Penalty, see § 10.99

REMOVAL OF DEBRIS, SNOW AND ICE FROM SIDEWALKS

§ 97.10 TITLE.

This subchapter shall be known and may be cited as the "Removal of Debris, Snow and Ice From Sidewalks Ordinance."

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.11 RESPONSIBILITY FOR SIDEWALKS ADJACENT TO BUILDINGS IN THE CENTRAL BUSINESS DISTRICT.

It shall be a violation of this subchapter, and shall constitute a public nuisance for any person, firm or corporation that owns a business within the Central Business District to permit or suffer to remain on the public sidewalk adjacent to its place of business or service, any debris, snow and/or ice which

is hazardous to pedestrians and as so designated by Exhibit "A", attached to Ordinance No. 218, passed February 3, 1997.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97) Penalty, see § 97.99

§ 97.12 REMOVAL FROM PRIVATE PROPERTY AND PLACEMENT WITHIN RIGHT-OF-WAY.

It shall be a violation of this subchapter for any person, firm or corporation in removing snow or ice from private property, to deposit the same on any sidewalk or on the roadway portion of any street. Snow may be deposited at the curb line or gutter pan where available. In other areas the snow or ice that is removed from the sidewalk may be deposited at the curb lawn edge adjacent to the roadway surface, and in any other area specifically designated by the Department of Public Works. All debris required to be removed under this subchapter including, but not limited to paper, foodstuffs, and metals are to be placed in waste receptacles and removed entirely from the sidewalk areas.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97) Penalty, see § 97.99

§ 97.13 NOTIFICATION OF VIOLATION.

Whenever a police or code enforcement officer, or other individual authorized by the City Manager to enforce this subchapter determines there is a violation thereof, the enforcing individual shall notify the person, firm or corporation in writing of the violation.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.14 REMOVAL BY CITY; ASSESSMENT OF COST AND DELINQUENT ASSESSMENT.

(A) In case any person shall neglect or refuse to remove debris, snow and/or ice within 48 hours after having been notified to do so in accordance with § 97.13, hereinbefore set forth, the City Manager may, if the presence of debris, snow and/or ice shall be a hazard to pedestrians or motor vehicles, cause the same to be removed. The expenses of such removal may be recovered, by appropriate civil remedies, from the person, firm or corporation who neglected or refused to remove the debris, snow and/or ice, or the expenses of such removal may be billed against the land owner, and, if not paid by March 1st of the following year, such cost together with interest at 9% shall be levied against the property and collected in the same manner as city taxes. All such charges for the removal of the debris, snow and/or ice shall be and remain a lien against the land until paid.

(B) It shall be the duty of the City Treasurer to certify to the City Assessor prior to March 10 of each year the amount due for debris, snow and/or ice removal, together with interest at 9% against each delinquent parcel of land in the city, and the City Assessor shall cause these amounts to be assessed against each such parcel of land as debris, snow and/or ice tax on the general assessment roll for that year.

(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.15 NO ADDITIONAL DUTY OF ENFORCEMENT.

Nothing in this subchapter shall create any additional duty of the city, it's Police department, it's Police or Code Enforcement Officers, or other individuals authorized to enforce this subchapter, to remove debris, snow and/or ice, or to inspect public sidewalks for debris, snow and/or ice.
(Ord. 209, passed 11-20-95; Am. Ord. 218, passed 2-3-97)

§ 97.16 CIVIL LIABILITY.

If any owner or occupant of any lot or premises adjacent to public sidewalks shall fail or neglect to remove any ice or snow from any sidewalk in front of or adjacent to such lot and premises in accordance with the requirements of this subchapter, he/she shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect and the city may sue the abutting property owner to recoup the claim it may have had to pay on account of said failure or neglect.
(Ord. 218, passed 2-3-97)

DRIVEWAY, SIDEWALK AND CURB REQUIREMENTS**§ 97.30 PURPOSES.**

For the purpose of protecting the public health, safety and general welfare, for the enhancement of the visual environment of the city and for the improvement of residential uses in the city, the parking, storage or leaving unattended of any motor vehicle, truck, off-road or all terrain vehicle, trailer, portable living quarters or similar property in any front yard in any area not approved as an improved driveway in the city, is hereby declared to be a nuisance and is prohibited.
(Ord. 194, passed 8-26-91)

§ 97.31 DEFINITIONS.

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

APPROACH. That portion of a driveway which lies wholly within a public right-of-way between the curb line and sidewalk over which vehicles may be driven in entering or leaving a private drive.

CROSSWALK. A specially paved or marked path for pedestrians crossing a street or road.

CURB CUTS. Specifically designed relief areas in the street curb to allow for vehicle traffic.

FRONT YARD. That area measured by the full width of the front lot line to a depth measured from such lot line to the first supporting member of the structure. On corner lots the front yard shall be the area measured by the lot lines of each street to a depth measured from such lot line to the first supporting member of the structure including the main projections of the usual steps, entrance ways, unenclosed balconies or open roofless porches. The "front yard" of any vacant lot shall not be less in depth than either adjacent property, containing a structure.

IMPROVED DRIVEWAY. A private road of ingress or egress uniformly surrounded with concrete, asphalt or brick, or uniformly surfaced with macadam, gravel or cinder not less than six inches thick in compacted depth.

SIDEWALK. That portion of a street between the curb or lateral lines and the right-of-way lines which is intended for the use of pedestrians.

SIDEWALK DRIVEWAY CROSSINGS. Those areas of the sidewalk constructed within the limits of the driveway to support vehicle traffic.
(Ord. 194, passed 8-26-91)

§ 97.32 PERMIT REQUIRED FOR CONSTRUCTION OR REPAIR.

Curb cuts, driveways, and sidewalk driveway crossings to provide access to private property shall require a written permit from the city, prior to any construction, repair or replacement. Each property shall have a designated driveway, approved by the city. Improved driveways shall meet the minimum standards described herein.

(Ord. 194, passed 8-26-91) Penalty, see § 10.99

§ 97.33 CONSTRUCTION AND SPECIFICATIONS.

(A) All curbs and gutters built, constructed and repaired in the right-of-way of the city shall be built, constructed and repaired in accordance with specifications prepared by the city.

(B) Curb cuts, driveways and sidewalk driveway crossings to provide access to private property shall comply with the following:

(1) No single curb cut shall be less than ten feet.

(2) No curb cut for residential driveway shall exceed 20 feet and the maximum width of driveway at the sidewalk shall not exceed 16 feet.

(3) Maximum allowable width at property line shall not exceed 25% of the lineal foot frontage.

(4) The minimum distance between curb cut and a public crosswalk shall be five feet.

(5) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.

(6) The necessary adjustments or alterations to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals or other public improvements or installations shall be accomplished without cost to the city.

(Ord. 194, passed 8-26-91) Penalty, see § 10.99

§ 97.34 VARIANCE.

(A) The owner or occupant of a parcel seeking to construct curbs, gutters, curb cuts, driveways, sidewalks, driveway crossings and because of the configuration and location of the lot and the adjoining street are unable to meet the specific specifications set forth in § 97.33 may apply in writing to the Superintendent of Public Works for a written variance from the strict application of said specifications. Said application shall be in writing, shall describe the property, shall describe the proposed curb cut, driveway, sidewalk driveway, crossing and/or approach and shall state specifically why the strict application of the specifications of § 97.33 cannot be accommodated because of lot layout, configuration or location of adjoining properties or obstacles. If the Superintendent of Public works shall find that the strict application of the specifications of § 97.33 cannot be met in any reasonable manner without reference to the cost thereof, he may grant such owner a variance from the strict application of the specifications. The variance shall be the minimum variance from the stated specifications as will accommodate the specific layout or configuration obstacles presented.

(B) In the event such variance is denied, the owner or occupant may appeal the decision of the Superintendent of Public Works to the City Council. The appeal shall be in writing and shall be delivered to the City Clerk within 14 days after the date of decision of the Superintendent of Public works. The appeal shall be signed by the person requesting such relief. The City Council shall hear the appeal at a regular or special meeting not more than 21 days after the date that the appeal is filed with the City Clerk. The applicant for appeal shall be given written notice of the appeal hearing. The city may so affirm the decision of the Superintendent of Public Works, may grant the relief sought by the appellant or may partially grant such relief on such terms and conditions as shall reasonably accomplish the objectives of this subchapter.

(Ord. 194, passed 8-26-91)

§ 97.35 PROHIBITED ACTS.

(A) No property owner or occupant shall hereafter construct, replace or repair a driveway or a driveway approach except in accordance with the terms of this subchapter.

(B) No person shall place, park or store a motor vehicle in any front yard of a residential premises to which this chapter applies.

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(C) No owner or person having charge, custody, control or use of any premises shall park or store, or permit the parking or storage of, any motor vehicle or other item of property described in § 97.30 in any front yard of a residential premises in the city.

(D) No property owner or occupant shall permit vehicle passage over or travel on any sidewalk area not clearly identified as the driveway.

(E) No owner or possessor of any premises within the city shall hereafter construct, replace or repair any driveway, approach, curb cut or sidewalk driveway crossing without securing a permit from the city therefor, prior to such undertaking.

(F) Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and punished in accordance with the provisions therefor.

(Ord. 194, passed 8-26-91) Penalty, see § 10.99

§ 97.36 ENFORCEMENT.

(A) The city shall have general supervision and control of all sidewalks and driveway approaches and the construction, reconstruction, replacement and repair thereof, including inspection. It shall be their duty and they are hereby authorized to enforce the provisions of this subchapter whenever they may deem such enforcement necessary to the public health and safety.

(B) All sidewalks and driveway approaches except crosswalks in the city shall be constructed, maintained and repaired by the owner of lands improved thereby in the manner prescribed by this section, provided that in case of failure of any such owner to comply with the provisions of this section, the city may construct, reconstruct, replace, repair or cause to be constructed, reconstructed, replaced or repaired such sidewalks and driveway approaches or either or any of them and assess the entire cost thereof against such owner and against the land improved thereby. The cost shall be a charge and lien against the land improved thereby until payment has been made.
(Ord. 194, passed 8-26-91)

PARADES AND MOTORCADES**§ 97.50 DEFINITIONS.**

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

MOTORCADE. An organized procession containing 25 or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

PARADE. Any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

(Ord. 83, passed 3-28-72; Am. Ord. 226, passed 4-8-97)

§ 97.51 INTERFERENCE WITH PARADE OR MOTORCADE.

No person shall knowingly join or participate in any parade or motorcade conducted under permit from the office of the City Clerk or the Michigan Department of Transportation in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97) Penalty, see § 10.99

§ 97.52 PERMIT REQUIRED; APPLICATION.

(A) It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley in the city or knowingly participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the City Clerk or, as hereinafter provided, from the City Council or Michigan Department of Transportation.

(B) Any person who wants to conduct a parade or motorcade shall apply to the City Clerk for a permit at least 30 days in advance of the date of the proposed parade or motorcade. The City Clerk shall at the next meeting of the City Council, seek their approval of the permit, and if applicable then apply to the Michigan Department of Transportation for their permit to close the street for the parade. The application should be in writing and in order that adequate arrangements may be made for the proper policing of the parade or motorcade, the application shall contain the following information:

(1) The name of the applicant, the sponsoring organization, the parade or motorcade chairman and the addresses and telephone numbers of each.

(2) The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.

(3) Such other information as the City Council may deem reasonably necessary.
(Ord. 83, passed 3-28-72; Am. Ord. 218, passed 2-3-97)

§ 97.53 ISSUANCE OR DENIAL OF PERMIT.

(A) The City Clerk shall issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Clerk finds that:

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(1) The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic.

(2) The parade or motorcade is of a size or nature that requires the diversion of so great a number of police officers of the city to properly police the line of movement and the areas deny.

(3) Such a parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

(B) The City Clerk shall deny an application for a parade or motorcade permit and notify the applicant of such denial where:

(1) The city makes any finding contrary to the findings required to be made for the issuance of a permit.

(2) The information contained in the application is found to be false or nonexistent in any material detail.

(3) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(C) No permit shall be issued authorizing the conduct of a parade or motorcade which the city finds is proposed to be held for the sole purpose of advertising any product goods, wares, merchandise, or events and is designed to be held purely for private profit.

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

§ 97.54 CONTENTS OF PERMIT.

(A) In each permit the City Clerk shall specify:

(1) The assembly area and time therefor;

(2) The starting time;

(3) The minimum and maximum speeds;

(4) The route of the parade or motorcade;

(5) What portions of streets to be traveled by be occupied by such parade or motorcade;

(6) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade or motorcade;

(7) The maximum length of such parade or motorcade in miles or fractions thereof;

(8) The disbanding area, and disbanding time;