

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ABANDONED AND JUNKED VEHICLES

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§ 90.01 ABANDONMENT PROHIBITED; IMPOUNDMENT.

Any vehicle unlicensed or unregistered found on property other than that of the owner of the vehicle shall be considered abandoned and impounded for a period of five days and shall thereafter be disposed of at the city's discretion. In the event a claim is made, all expenses incurred at that point by the city shall be liable to the established owner.

(Ord. passed 3-14-83) Penalty, see § 10.99

§ 90.02 STORAGE OF RESTORABLE VEHICLES.

(A) Any junk vehicle (restored or wrecked) must be parked in such a way that its position does not create a visual nuisance or does not present a viable health hazard as defined by the local Health Officer. The vehicle must be on the property of the owner of the same.

(B) Any junk vehicle (restored or wrecked) or parts thereof must be enclosed in aesthetic fencing or in an enclosed building in residential areas. All areas not otherwise defined shall be permitted to have restorable vehicles on the premises provided that the restorable vehicle comply with division (A) of this section; and also provided that those vehicles are screened by aesthetically pleasing hedges, trees or fences.

(Ord. passed 3-14-83) Penalty, see § 10.99

§ 90.03 ENFORCEMENT; REMOVAL.

A property owner cited under this chapter shall be given 30 days to correct or to provide reasonable assurances of correction as determined by the Planning Commission. In the event of noncompliance, that vehicle shall be removed.

(Ord. passed 3-14-83)

§ 90.04 DETERMINATION OF CLASSIFICATION; APPEAL.

The Code Official shall make a determination as to be assigned to any one particular vehicle, but

the owner of that vehicle may appeal to the Planning Commission.
(Ord. passed 3-14-83)

CHAPTER 91: ANIMALS

Section

General Provisions

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GENERAL PROVISIONS

§ 91.01 KEEPING OF ANIMALS; RUNNING AT LARGE.

It shall be unlawful for any person to keep any animal or fowl within 175 feet of any dwelling other than the dwelling of the owner. It shall further be unlawful for any person to permit any animal or any fowl owned by him or her or in his or her possession or control to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof, except those animals as are commonly housed in a human dwelling as household pets.
(*75 Code, § 9.65) Penalty, see § 91.99

§ 91.02 REGISTRATION OF ANIMALS.

When any person claims the right to keep animals or fowl other than household pets, as specified in § 91.01, he or she shall, prior thereto, register the proposed location of the same with the Building

Inspector, who shall keep a record thereof.
(75 Code, § 9.66)

§ 91.03 CRUELTY TO ANIMALS.

No person shall cruelly treat or abuse any animal or bird.
(75 Code, § 9.61) Penalty, see § 91.99

§ 91.04 POISONING OF ANIMALS.

No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal or bird.
(75 Code, § 9.62) Penalty, see § 91.99

§ 91.05 GOATS AND SWINE PROHIBITED.

It shall be unlawful for any person to keep goats or swine on any premises within the city, except in slaughterhouses or yards adjacent thereto.
(75 Code, § 9.64) Penalty, see § 91.99

§ 91.06 GRAZING ANIMALS.

It shall be unlawful for any person to keep any grazing animal closer than 200 feet from any residential dwelling not owned by the animal's owner. Any person desiring to maintain grazing animals shall provide two acres of land for each grazing animal kept on the premises. No grazing animal shall be permitted to roam off the property of its owner and all grazing animals shall be confined by a two-wire electric non-barbed fence approved by the city. In the movement of grazing animals, it shall be unlawful to ride or lead them in any residential area other than upon designated bridle paths and the premises of the animal's owner, except during ceremonial occasions in which those animals are normally seen.
(Ord. passed 11-21-77) Penalty, see § 91.99

§ 91.07 BIRDS AND BIRDS' NESTS.

No person, except a police officer acting in his or her official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.
(75 Code, § 9.63) Penalty, see § 91.99

§ 91.08 TRAPPING ANIMALS.

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

- (1) **FUR-BEARING ANIMAL.** Any non-domestic animal.

(2) **TRAPPING.** The act of any person or persons who shall use a device, as pitfall, snare or machine that shuts suddenly as with a spring, for the taking of game or other animals.

(B) Permitted conditions. Except as otherwise provided, trapping for fur-bearing animals will be permitted within the city under the following conditions:

(1) All trapping shall be according to DNR rules and regulations governing trapping seasons and species that can lawfully be taken by trap.

(2) Sizes 0 through 1½ open jaw and body grip 110-220 will be permitted throughout the city, except within the city parks.

(3) Any trap larger than 1½ open jaw or 220 body grip may be set no closer than 300 feet to a residential dwelling or with the following limits: West of Bedell Avenue extended from Luoma Road north to the northwest corner of southwest quarter of northwest quarter of section 10 east to the northwest corner of southwest quarter of northwest quarter of section 9, thence south to intersection five feet east of the east bank of the Black River following the Black River south to Old U.S. 2 and Luoma Road to the point of beginning.

(4) Any body grip trap of ten inches or more will be prohibited on dry land sets within the city limits.

(5) Specific exceptions may be granted upon request to the City Council.
(Ord. passed 2-25-80) Penalty, see § 91.99

§ 91.09 BAITING OF ANIMALS.

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

(1) **ANIMAL.** Any nondomesticated animal which is subject to the purchase of a license to be hunted and killed with either a bow and arrow or a firearm.

(2) **BAIT.** The use of refuse, animal or vegetable matter, and substances consisting of food wastes and refuse, fruits, vegetables and animal matter, or any food of any kind to attract or lure.

(B) It shall be unlawful for any person to bait animals within the city limits.

(C) This section shall be enforced by the Police Department of the city.
(Ord. 140, passed 3-13-89) Penalty, see § 91.99

DOGS

§ 91.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly

indicates or requires a different meaning.

OWNER. When applied to the proprietorship of a dog, the term shall include every person having a right of property in that dog, and every person who keeps or harbors the dog or has it in his care, and every person who permits the dog to remain in or about any premises occupied by him or her.

REASONABLE CONTROL. Keeping a dog on suitable leash or under the oral control of the owner or custodian or some other person with the permission of the owner or custodian, in all cases other than while upon private property, or unless the dog is confined in a closed automobile or shipping receptacle. ('75 Code, § 9.71)

§ 91.21 DOGS RUNNING AT LARGE.

No person owning any dog, four months of age or over, shall permit that dog to be at large at any time in the city in violation of any of the following restrictions:

(A) No person shall permit any vicious dog of which he or she is the owner to be unconfined unless securely muzzled and led by a leash. Any dog shall be deemed vicious which has bitten a person or domestic animal without molestation or which, by its actions, gives indication that it is liable to bite any person or domestic animal without molestation.

(B) No person who is the owner of any female dog shall permit or allow it to go beyond the premises of the owner when it is in heat.

(C) No person who is the owner of any dog shall permit it to be unconfined unless under the reasonable control of same person.

(D) No person who is the owner of any dog shall permit it to be unconfined at any time unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization.

(E) No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall cause annoyance to the people in the neighborhood.
('75 Code, § 9.72) Penalty, see § 91.99

§ 91.22 SEIZURE AND IMPOUNDMENT OF DOGS; PROCEDURE.

(A) Any dog found at large in the city which is doing any of the acts enumerated in § 91.21 may be seized and impounded by the Dog Warden or any police officer of the city. ('75 Code, § 9.73)

(B) Any dog impounded for observation for rabies shall be held until released by the Health Officer or otherwise disposed of. Any dog impounded for having bitten any person shall be held for not less than five days and in case any complaint shall have been made before any court asking that the dog be killed or confined, that dog shall be confined until the case is finally disposed of. ('75 Code, § 9.76)

(C) No dog shall be released from the pound or other place of detention until the owner or custodian of the dog shall pay to the City Clerk the sum of \$2, together with the sum of \$1 for each day that the dog remains uncalled for, or such rates as are set by the county. No unlicensed dog shall be released until a license has been obtained. Except as provided in division (B) of this section, any dog

unclaimed for three days after the dog is seized shall be offered for sale by the Pound Master, if there be one, and if not, by the Chief of Police, and shall be sold to the highest bidder. Dogs eligible for release after being held under the provisions of division (B) of this chapter shall be sold if unclaimed. No dog shall be sold for a price less than the charges which shall have accrued against that dog. The Chief of Police may, in his or her discretion, postpone the offering for sale to any subsequent date which he or she may designate. If any dog, after being offered for sale as above provided for, shall not be sold within 24 hours of that offer, the dog may be killed in a humane manner. ('75 Code, § 9.77)

§ 91.23 RABIES PREVENTION.

(A) Any person who shall have in his or her possession a dog which has contracted rabies or which has been subjected to the same or which is suspected of having rabies or which has bitten any person, shall upon demand of the Dog Warden, the Police Department or the Health Officer, produce and surrender up that dog to be held for observation. ('75 Code, § 9.74)

(B) It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or another animal showing the symptoms of rabies, immediately to notify the Police Department of his or her possession of that dog. ('75 Code, § 9.75)

§ 91.24 LICENSE REQUIRED; LICENSES TO BE WORN.

(A) It shall be unlawful for any person to own, possess or harbor a dog in the city without first having obtained a license therefor, which shall be obtained from the County Treasurer as provided by state law. ('75 Code, § 9.78)

(B) No license tag shall be used on the collar of any dog other than the one for which it is issued and no person shall remove the collar or license tag from any dog without the consent of the owner to which the license was issued. ('75 Code, § 9.79)
Penalty, see § 91.99

§ 91.25 DOG CENSUS.

It shall be the duty of the Police Department of the city under the supervision and discretion of the City Assessor, to make a complete census as to the number of dogs owned, harbored or kept by all persons in the city. Any dog found by the Police Department to be unlicensed after March 1 of each year shall be seized by the Police Department and impounded as provided in § 91.22.
(‘75 Code, § 9.80)

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions of § 10.99.

(B) Whoever violates § 91.08 which shall be specifically enforceable by the Police Department, shall be subject to a \$25 fine. (Ord. passed 2-25-80)

CHAPTER 92: CEMETERIES

Section

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- 92.01 Lots to be exempt
- 92.02 Financial responsibility of city for property damage
- 92.03 Vacation of burying ground
- 92.04 Use of mausoleum

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- 92.15 Verification procedure
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- 92.47 Record of ownership
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GENERAL PROVISIONS

§ 92.01 LOTS TO BE EXEMPT.

Burial lots are exempt from taxation and liability for debt.
(75 Code, § 3.39)

§ 92.02 FINANCIAL RESPONSIBILITY OF CITY FOR PROPERTY DAMAGE.

The city shall not be financially responsible for any damage to lots and structures or objects thereon,

or for flowers or articles removed from any lot or grave.
(75 Code, § 3.41)

§ 92.03 VACATION OF BURYING GROUND.

When it may become necessary to vacate any burying ground, the City Council may institute proceedings for the termination and forfeiture of the right and interest thereof in the manner and form prescribed by state law and rules and regulations of this chapter.
(75 Code, § 3.47)

§ 92.04 USE OF MAUSOLEUM.

The use of the mausoleum and the rates to be charged for that use shall be governed by rules adopted by the City Manager and approved by the City Council.
(75 Code, § 3.48)

RULES FOR INTERMENT

§ 92.15 VERIFICATION PROCEDURE.

No deceased person shall be interred in the cemetery until the City Manager or the Manager's agent has verified:

- (A) That a burial permit has been obtained from the funeral director as required by law;
- (B) That the lot in which burial is to be made has been fully paid for;
- (C) That the person arranging for a burial has the right to the use of that lot;
- (D) That the lot is not used beyond its capacity; and

(E) That proper record is made of the name and age of the deceased person and of the exact location of the grave.

(75 Code, § 3.33) Penalty, see § 10.99

§ 92.16 RESTRICTIONS.

(A) There shall be no interment of anything other than the remains of human bodies in the cemetery and no interment of any deceased human shall be made in any other place than within cemeteries devoted to that purpose.

(B) The interment of two bodies in one grave is prohibited, excepting in the case of mother and infant, or two children buried at the same time.

(C) All applications for burial shall be made to the City Manager, or the City Manager's agent, in time to allow at least eight working hours to prepare the grave. The City Manager, or the agent, will coordinate and supervise all funeral activity within the cemetery.

(D) No burials shall be made on Sunday or legal holidays without special permission.
(75 Code, § 3.36) Penalty, see § 10.99

§ 92.17 MEMORIALS; SPECIFICATIONS.

This section shall pertain to an above-ground memorial area.

(A) Monuments shall be erected under the control, direction and supervision of the City Manager or the City Manager's agent. They shall be placed as near the center of the lot as practicable, with only one monument to a lot. No monument shall be placed on a lot containing an area of less than 100 square feet. Monuments shall not cover more than 6% of the area of the lot. All monuments and markers shall be constructed of standard bronze, granite or marble, of non-artificial or non-perishable material and cannot be of sandstone, limestone or soapstone bases. In case a lot owner does not erect a family monument, he or she may erect a single grave monument for each grave not to exceed two feet, six inches in height, not less than eight inches nor more than 12 inches in width, and not less than 16 inches nor more than 24 inches in length; the monument to be of same material as specified above for family monuments.

(B) The foundation shall equal the base area of the monument or structure and shall be finished flush with or below the surface of the ground.

(C) If any monument, effigy or other structure placed upon any burial unit shall be determined to be improper or offensive by the City Council, it shall be the right and duty of the City Council to remove same upon failure of the owner to do so in accordance with terms of notice given by the City Council.
(75 Code, § 3.37) Penalty, see § 10.99

§ 92.18 PERMANENT OUTSIDE CONTAINERS.

In all interments, the casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults.
(75 Code, § 3.38) Penalty, see § 10.99

§ 92.19 DISINTERMENT.

Disinterment of a body once properly interred shall not be made without an order signed by a court of competent jurisdiction or other authorized authority. Graves shall not be opened for inspection except for official investigation. Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.

(75 Code, § 3.45) Penalty, see § 10.99

STANDARDS FOR OPERATION AND CONDUCT**§ 92.30 HOURS OF OPERATION.**

The cemetery shall be open from sunrise to sunset. No one shall be on the premises at any other time unless they shall have notified the police officer on duty that their intent and purpose is valid and have therefore received approval.

('75 Code, § 3.40(a)) Penalty, see § 10.99

§ 92.31 PROHIBITED ACTS.

No person shall:

(A) Drive any vehicle on other than established drives, except for maintenance personnel.

(B) Deposit rubbish or debris on cemetery grounds, except on the edge of drives or in receptacles provided.

(C) Pick or mutilate any flowers, either wild or domestic, or disturb any tree, shrub or other plant material.

(D) Consume alcoholic beverages in a cemetery or carry same upon the premises.

(E) Permit any dog to enter or remain in the cemetery.

(F) Use any form of advertising on cemetery premises.

(G) Discharge a firearm or explosive charges in the cemetery. This prohibition shall not apply to authorized volleys at burial services.

('75 Code, § 3.40(1)-(7)) Penalty, see § 10.99

§ 92.32 LOT DECORATIONS.

(A) Lot decorations shall be deemed to include all structures, ornaments, plantings or other embellishments with the exception of monuments and markers which are placed on cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the cemetery as a whole or because they may intensify maintenance problems, the following rules shall be observed with regard to the decoration of cemetery lots:

(1) Copings, fences, curbs, benches, steps, structures of wood or other equally perishable material are prohibited. Those structures or enclosures established on any lot previous to the adoption of these regulations which have, in the judgment of the cemetery management, become unsightly by reason of neglect or age shall be removed.

(2) No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the city.

(3) Receptacles for cut flowers will be permitted if installed flush with the surface of the lawn.

The use of glass jars or bottles as receptacles for cut flowers is strictly prohibited.

(4) Winter decorations may be maintained on graves until May 1. If those decorations are not removed by May 1, they shall be considered abandoned and may be disposed of by the cemetery management.

(5) Plantings shall be permitted only under supervision of the sexton and after receiving written permission therefor. Plantings placed on a lot without a permit will be removed without notice.

(6) The planting of hedges is strictly prohibited. Existing hedges will be removed whenever they become unsightly or encroach upon an adjoining lot or path.

(7) The city will remove all flowers, trees and shrubs which have become unsightly or dangerous.

(8) No deciduous tree or conifer shall be removed or pruned except under the direction and with the consent of the sexton.

('75 Code, § 3.43)

(B) The following rules shall be observed with regard to the decoration of lots in the newly platted Block 27 and that section of Block 8 covering lots beginning with Lot 9:

(1) No planting shall be made by anyone other than cemetery employees on flush marker sections. The planting as may be installed by cemetery employees will be limited to areas set aside for that purpose.

(2) Cut flowers will be permitted provided they are placed in approved receptacles, installed flush with the lawn surfaces.

(3) Potted plants will be permitted to remain on lots from May 22 until October 15. If left after this date, they will be removed without notice.

(4) No other lot decoration of any description will be permitted on lots in flush marker sections.

(5) Only flush markers shall be permitted in the blocks and the portions of blocks referred to in this division.

('75 Code, § 3.44)

Penalty, see § 10.99

§ 92.33 TRAFFIC CONTROL.

All traffic laws of the city shall be applicable to operation of vehicles in cemeteries and shall be strictly observed. A person driving in a cemetery shall be responsible for any damage done by the vehicle.

('75 Code, § 3.42) Penalty, see § 10.99

ADMINISTRATION**§ 92.45 CEMETERY BOARD ESTABLISHED; RULES AND REGULATIONS.**

The City Council shall constitute the Cemetery Board and may adopt any rules and regulations governing those cemeteries as may be from time to time deemed necessary and those rules and regulations, when adopted and public notice thereof given, shall have the same force and effect as if the same were specifically set forth in this chapter.

('75 Code, § 3.31)

§ 92.46 SUPERVISION OF CEMETERY.

The care, maintenance and operation of the cemetery shall be under the supervision of the City Manager.

('75 Code, § 3.32)

§ 92.47 RECORD OF OWNERSHIP.

The City Clerk shall keep full and complete records of the ownership of all lots in the cemetery, of the burial capacity of each lot, sold and unsold, of the location of each grave, of the names of the persons buried in each grave that has been or shall hereafter be used, and of the date of burial of each.

('75 Code, § 3.34)

§ 92.48 CEMETERY FUNDS AND ACCOUNTS.

(A) Any and all sums of money due and hereafter become due, under and by virtue of this chapter shall be paid the City Clerk, at the time of burial and the City Clerk shall issue a receipt therefor. ('75 Code, § 3.46)

(B) The City Clerk shall keep full and detailed accounts of the receipts on account of the cemetery and at least once a month shall turn over all moneys collected on that account to the City Treasurer. ('75 Code, § 3.35)

CHAPTER 93: CITY LIBRARY

Section

General Provisions

- 93.01 Use of library
- 93.02 Maintenance of library; library funds
- 93.03 Construction of additional library buildings

Library Board

- 93.15 Establishment; directors
- 93.16 Officers
- 93.17 Powers and duties
- 93.18 Records to be kept
- 93.19 Annual budget

GENERAL PROVISIONS

§ 93.01 USE OF LIBRARY.

(A) The Library Board shall maintain the Public Library for the use and benefit of the inhabitants and freeholders of the city.

(B) All inhabitants and freeholders of the city shall have free use of the library subject only to those reasonable rules and regulations as may be adopted by the Board, and subject further to the right of the Board to exclude from the use of the library any and all persons who shall willfully violate those rules. Nonresidents may be granted permission to use the library under those conditions and upon payment of fees as may be prescribed by the Library Board.

('75 Code, § 2.139)

§ 93.02 MAINTENANCE OF LIBRARY; LIBRARY FUNDS.

(A) The city shall maintain the Public Library established in the city as a free Public Library and for that purpose the City Council shall include in the annual budget a sum as may be deemed necessary for the purpose of maintaining the Library. The amount so appropriated shall be known as the Library Fund. When the Council shall determine by resolution that it is expedient to purchase ground and buildings, or construct or remodel buildings for library purposes, it may raise money as deemed necessary for that purpose and the amount so raised shall be known as the Library Building Fund. ('75 Code, § 2.131)

(B) The City Treasurer shall have custody of all money belonging to the Library Fund, including cash receipts, and shall pay out that money only upon proper vouchers; provided, the Library Board may keep a petty cash fund of not exceeding \$10 for the handling of petty cash disbursements. The custodian of the Petty Cash Fund shall be designated by the Library Board and the Board shall be required to furnish a bond of not less than \$100. Any money received by the library in trust for specific purposes shall be paid out only in accordance with the terms of that trust. A report of all gifts and disbursements made therefrom shall be included in the annual report to the City Council. ('75 Code, § 2.138)

§ 93.03 CONSTRUCTION OF ADDITIONAL LIBRARY BUILDINGS.

When the construction of a library building or buildings is contemplated it shall be the duty of the Library Board to prepare detailed plans and specifications for the same. These plans and specifications may be prepared by the Planning Commission and the Library Board on their own initiative wherever they believe that the construction or remodeling of that building or buildings is necessary or desirable, or shall be prepared whenever requested by the City Council. These plans and specifications shall be submitted to the City Council for approval or rejection, and if approved shall be filed with the City Clerk, and estimates of the cost of that construction shall be prepared under direction of the City Manager. If not approved, same shall be returned to the Planning Commission and the Library Board with reasons for their rejection. The contracts for construction shall be let by the Council. The contracts shall provide that the City Manager shall have the right to inspect the work or materials used in the constructions. The Library Board shall designate one of their number to cooperate with the City Manager in the superintendence of the construction of any such building or buildings. ('75 Code, § 2.135)

LIBRARY BOARD

§ 93.15 ESTABLISHMENT; DIRECTORS.

The Public Library shall be administered by a Library Board which shall consist of five directors, four of whom shall be residents or freeholders of the city and shall be citizens of the United States. The fifth member may be appointed from the Township of Wakefield, Michigan. The directors shall be appointed by the Mayor with the approval of the Council. Hereafter, prior to February 1, one director shall be appointed annually to serve for a term of five years. Each member of the Library Board and each director hereafter appointed shall serve until a successor is appointed and qualified. Within ten days after appointment and before entering upon his or her duties as a member of the Library Board, each appointee shall file written acceptance with the City Clerk and subscribe and file with the Clerk an oath to support the Constitution of the United States, the Constitution of the State of Michigan and to faithfully perform the duties of the office of Library Director to the best of his or her ability. All Library Directors shall serve as such without compensation. ('75 Code, § 2.132)

§ 93.16 OFFICERS.

The Board of Library Trustees shall organize by electing annually at their first regular meeting in

February a President, Vice-President, Secretary and any other officers as may be necessary for the proper conduct of the duties of the Board. The Secretary shall notify the Council of the names of those officers promptly after their appointment. Three members of the Board shall constitute a quorum for the transaction of business.

('75 Code, § 2.133)

§ 93.17 POWERS AND DUTIES.

(A) It shall be the duty of the Library Board to control and govern the library reading rooms, branches and stations established or to be established, and for that purpose the Board may make or adopt bylaws, rules or regulations as may be expedient and not inconsistent with the Charter of the city and the general laws of the state.

(1) The Board shall have the power to appoint a librarian, library assistants and other library employees as may be required, fix their compensation within limits of the library budget and terminate their employment, subject to civil service rules and regulations. It shall have the care and custody of the books, magazines, furniture, fixtures and equipment in the library. The city shall keep that property properly and adequately insured against loss or damage by fire or other casualty in such amounts and with those insurers as shall be approved by the City Council. The Library Board shall have the power to impose and collect reasonable fines for the infringement of established rules and regulations.

(2) The Board may enter into contracts with other municipalities for furnishing the use of its library facilities and services and make reasonable charges therefor; it may establish and collect fees for use of those services and facilities by nonresidents of the city; it may accept donations, contributions and gifts, either general or for specific purposes, and may expend the money so received in accordance with any lawful stipulation imposed by the donor; it may receive any money appropriated to it by the state and disburse same in accordance with the laws governing that disbursement. All money received by the Library Board shall be deposited with the City Treasurer and except as otherwise provided by law or ordinance, credited to the Library Fund.

(B) All purchases of books, magazines, periodicals, library equipment and supplies shall be made by the City Purchasing Agent upon requisitions approved by the Library Board. Invoices and vouchers for payment of library purchases, salaries and other expenses shall be approved by the Library Board and submitted to the City Treasurer for payment. Expenditures of the Library Board, except from state aid funds and funds given in trust for special purposes; shall be limited to the amount appropriated by the City Council for library purposes.

(C) The City Council shall provide suitable quarters for housing the library and shall provide janitorial service, maintenance and heating therefor. The janitorial service and maintenance shall be under the supervision of the City Manager.

('75 Code, § 2.134)

§ 93.18 RECORDS TO BE KEPT.

The Library Board shall keep a complete record of its proceedings and the same shall be public records. It shall make at the end of the fiscal year and at any other times when requested by the Council a report to the City Council stating the condition of their trust; an account of all money received; how much money has been expended from the Library Fund and other sources and for what purposes; the

number of books and periodicals on hand; the number added by purchase or gift during the year; the number lost, missing or worn out; the number of books and periodicals loaned out; and any other statistics, information and suggestions as it may deem of general interest.

('75 Code, § 2.136)

§ 93.19 ANNUAL BUDGET.

Not later than 75 days before the end of each fiscal year the Library Board shall furnish the City Manager with an estimate of the annual budget required for the ensuing fiscal year, which budget shall be submitted to the City Council for approval or rejection at the time the general budget of the city is so submitted. If rejected, the Council may either amend the budget and approve same as amended, or may return the budget to the Library Board with reasons for its rejection, and request an amended budget from the Board. When the library budget has been approved by the Council, the Council shall levy a tax as may be necessary to meet the budget appropriation for library purposes. The Library Board shall not expend in any one year a greater amount than the amount so approved by the Council when fixing the budget appropriation for library purposes; provided, the Council may, by resolution, authorize additional expenditures by the Library Board and appropriate money therefor.

('75 Code, § 2.137)

CHAPTER 94: FIRE PREVENTION

Section

Fire Prevention Code

- 94.01 Adoption of Code by reference
- 94.02 Enforcing authority
- 94.03 Definition
- 94.04 Modifications
- 94.05 Appeals

- 94.99 Penalty

FIRE PREVENTION CODE

§ 94.01 ADOPTION OF CODE BY REFERENCE.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain Code known as the Fire Prevention Code, abbreviated edition, recommended by the American Insurance Association, being particularly the most current edition thereof and the whole thereof, save and except those portions as are hereinafter deleted, modified or amended, of which Code not less than three copies have been and now are filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Code shall take effect, the provisions thereof shall be controlling with the limits of the city.

('75 Code, § 9.171) Penalty, see § 94.99

§ 94.02 ENFORCING AUTHORITY.

The Fire Prevention Code hereby adopted shall be enforced by the Chief of the Fire Department.
('75 Code, § 9.172) Penalty, see § 94.99

§ 94.03 DEFINITION.

Where the word **MUNICIPALITY** is used in the Fire Prevention Code hereby adopted, it shall be held to mean the City of Wakefield.

('75 Code, § 9.173)

§ 94.04 MODIFICATIONS.

The Chief of the Fire Department shall have power to modify any of the provisions of the Code hereby adopted upon application in writing, by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code; provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant. Provided, where the laws of the state or the regulations of the State Fire Marshal are in conflict with this Code, the laws and/or regulations shall have precedence.

('75 Code, § 9.174)

§ 94.05 APPEALS.

When the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true content and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Manager within 30 days from the date of the decision appealed.

('75 Code, § 9.175)

§ 94.99 PENALTY.

(A) Any person who shall violate any of the provisions of §§ 94.01 through 94.05 shall be subject to the penalties specified for a violation of the city code in § 10.99.

(B) Any building, structure or premises erected, used, occupied or maintained in violation of §§ 94.01 through 94.05 is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, or threatened violation, restrained and enjoined.

('75 Code, § 9.176)

CHAPTER 98: HEALTH, SAFETY AND SANITATION

Section

Conditions of Blight; Prevention or Elimination

- 95.01 Definitions
- 95.02 Causes of blight; prohibitions
- 95.03 Depositing refuse and litter
- 95.04 Enforcement; abatement

Dangerous or Hazardous Substances or Materials

- 95.20 Purpose
- 95.21 Dangerous or hazardous substances or materials
- 95.22 Responsible party
- 95.23 Duty to remove and clean up
- 95.24 Failure to remove and clean up
- 95.25 Enforcement

Yard Clippings

- 95.40 Definition
- 95.41 Ban on yard clippings disposal in landfills
- 95.42 Ban on burning of yard clippings

- 95.99 Penalty

CONDITIONS OF BLIGHT; PREVENTION OR ELIMINATION

§ 98.01 DEFINITIONS.

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

INOPERABLE. Incapable of being operated or propelled under its own power by reason of dismantling, disrepair or other cause.

JUNK AUTOMOBILES, JUNK MOTOR-DRIVEN VEHICLES, TRAILERS IN DISREPAIR, CONTRACTOR'S EQUIPMENT IN DISREPAIR OR BOAT HULLS IN DISREPAIR. Vehicles, trailers, equipment or boats that are inoperable or partially dismantled.

PARTIALLY DISMANTLED. A part or parts which is ordinarily a component has been removed or is missing.

WHITE GOODS. Stoves, refrigerators, freezers, sinks, clothes dryers, washing machines, bathtubs, other tubs and plumbing devices.
(Ord. 141, passed 6-12-89)

§ 95.02 CAUSES OF BLIGHT; PROHIBITIONS.

(A) It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the city owned, leased, rented or occupied by that person.

(B) In any area where specifically permitted, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractor's equipment in disrepair, unused oil tanks or white goods, except in a completely enclosed building is prohibited.

(C) In any area, except where specifically permitted, the storage upon any property of building materials unless there is in force a valid building permit issued by the city for construction upon that property, and those materials are intended for use in connection with that construction, except the temporary storage of building materials which are not of a nature to be unsightly or cause of blight. Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure.

(D) In any area, except where specifically permitted, the storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in a rodent-proof receptacle, in a manner as not to create a nuisance for a period not to exceed 30 days. The term, **JUNK**, shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants or wood, metal or other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

(E) In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster or physical deterioration is no longer habitable, if a dwelling, or useful or any other purpose for which it may have been intended.

(F) In any area zoned for residential purposes, the existence of any vacant dwellings, garage or other outbuilding unless those buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.

(G) In any area, the existence of any partially completed structure, unless a structure is in the course of construction in accordance with a valid and subsisting building permit issued by the city and unless the construction is completed within a reasonable time.
(Ord. 141, passed 6-12-89)

§ 95.03 DEPOSITING REFUSE AND LITTER.

It shall be unlawful for any person within the limits of the city to deposit, throw or place any garbage, refuse or litter in any street, alley or public place, except in designated dumping areas within the city, or upon any private property therein, whether owned by that person or not.
(Ord. 141, passed 6-12-89) Penalty, see § 95.99

§ 95.04 ENFORCEMENT; ABATEMENT.

(A) This subchapter shall be enforced under the direction of the Police Department.

(B) The owner, if possible, and the occupant of any property upon which the causes of blight or blighting factors set forth in § 95.16, are found to exist, shall be notified in writing to remove or eliminate those causes of blight or blighting factors from that property within ten days after service of notice in accordance with § 10.21.

(C) Failure to comply with that notice within the time allowed, by the owner and/or occupant, shall constitute a violation of his subchapter.

(D) Any violation of this subchapter is a public nuisance. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation restrained and enjoined.

(Ord. 141, passed 6-12-89)

DANGEROUS OR HAZARDOUS MATERIALS

§ 95.20 PURPOSE

This subchapter enables the city to require reimbursement from those responsible for leaking, spilling, or otherwise allowing certain dangerous or hazardous substances or materials to escape containment which requires cleanup and disposal by the city or its agents.

(Ord. 158, passed 5-23-94)

§ 95.21 DEFINITIONS.

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

DANGEROUS OR HAZARDOUS SUBSTANCE OR MATERIAL. Any substance which, when it is spilled, leaked, or otherwise released from its container, is in the determination of the Fire Chief or his authorized representative, dangerous or harmful to the environment, human or animal life, health, safety or welfare. This includes, but is not limited to, chemicals, gases, explosives, radioactive materials, petroleum, petroleum products, petroleum gases, poisons, etiologic (biologic) agents, flammables and corrosives.

RESPONSIBLE PARTY. Any person or entity who owns and/or operates the property, equipment, vehicle, or vessel upon which a dangerous or hazardous condition exists or which causes or contributes to a dangerous or hazardous condition, including but not limited to spilling, leakage, or any release of substance from its container, which constitutes risk of danger or harm as set forth in ***DANGEROUS OR HAZARDOUS SUBSTANCE OR MATERIAL.***

(Ord. 158, passed 5-23-94)

§ 95.22 DUTY TO REMOVE AND CLEAN UP.

It shall be the duty of any responsible party as defined in § 95.21 to immediately remove the dangerous or hazardous substance and to clean up the area of spillage, leakage, or other release of substance in such manner that the area involved is fully restored to its condition before such happening. (Ord. 158, passed 5-23-94)

§ 95.23 FAILURE TO REMOVE AND CLEAN UP.

Any responsible party which fails to comply with its duty to clean up or remove a hazardous or dangerous substance, as set forth in § 95.22, shall be liable to and shall pay the city for its costs and expenses, including the costs incurred by the city to any party which it engages, for the complete abatement, clean up and restoration of the affected area. Cost incurred by the city shall include, but shall not necessarily be limited to, the following: actual labor costs of city personnel, including worker's compensation benefits, fringe benefits and administrative overhead; cost of equipment operation, cost of materials obtained directly by the city for use in the cleanup; and cost of any contract labor and materials. Costs under this section may include actual fire suppression services, unless included in those normally or usually provided by the city. Costs shall also include those necessary for treatment or disposal, if necessary.

(Ord. 158, passed 5-23-94)

§ 95.24 ENFORCEMENT.

If any responsible party fails to reimburse the city, as provided in § 95.23, and is the owner of the affected property, equipment, vehicle, or vessel, the city shall have the right and the power to add all costs of clean up and restoration to the tax roll of the property and to levy and collection of real property taxes against the property. The city shall also have the right to bring an action in the appropriate court against each responsible party to collect such costs if it deems such action to be necessary or desirable.

(Ord. 158, passed 5-23-94)

YARD CLIPPINGS**§ 95.40 DEFINITION.**

For the purpose of §§ 95.40 through 95.42, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

YARD CLIPPINGS. Shall be consistent with and as defined within Public Act 1990, No. 264 (being M.C.L.A. § 299.418a), which states that yard clippings means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than four feet in length and two inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal wastes, roots, sewage sludge or garbage.

(Ord. 163, passed 2-13-95)

§ 95.41 BAN ON YARD CLIPPINGS DISPOSAL IN LANDFILLS.

Commencing on the effective date of §§ 95.40 through 95.42 and all times thereafter, if the owner or operator of a disposal site that is a sanitary landfill, as defined in Public Act 1978, No. 641 (being M.C.L.A. § 324.11501 et seq.), or of a transfer station processing solid waste to be disposed of includes yard clippings, that owner or operator shall not accept the solid waste for disposal. Yard clippings may be accepted for disposal in a composting area consistent with the Solid Waste Management Plant. This section shall not apply to yard clippings that are diseased or infested.
(Ord. 163, passed 2-13-95) Penalty, see § 95.99(C)

§ 95.42 BAN ON BURNING OF YARD CLIPPINGS.

Commencing on the effective date of §§ 95.40 through 95.42 and at all times thereafter, no person shall kindle or burn any yard clippings or permit the kindling or burning of yard clippings within the city.
(Ord. 163, passed 2-13-95) Penalty, see § 95.99(C)

§ 95.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions set forth in § 10.99.

(B) Any person or persons in violation of § 95.17 shall, upon conviction thereof, be subject to a fine of \$100, together with costs of prosecution, or by imprisonment in the county jail for a period not to exceed 90 days, or both, in the discretion of the court before whom the conviction may be had.

(C) Upon a violation of §§ 95.40 through 95.42, the city may seek criminal prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction. Any person who violates §§ 95.40 through 95.42 shall be guilty of a misdemeanor punishable by a fine of not more than \$1.00 for the first offense and not more than \$1.00 for subsequent offenses. Each day that a violation occurs or continues shall be deemed a separate offense.
(Ord. 141, passed 6-12-89; Ord. 163, passed 2-13-95)

CHAPTER 96: NUISANCES

Section

General Provisions

- 96.01 Maintenance of nuisance prohibited
- 96.02 Enumeration of certain specific nuisances

Weeds and Other Noxious Growths

- 96.15 Definition
- 96.16 Application
- 96.17 Duty of owner to cut or remove growths
- 96.18 Notice to remove
- 96.19 When city to do work
- 96.20 Collection of costs

Noise Control

- 96.30 Loud or unnecessary noises prohibited
- 96.31 Enumeration of acts producing loud or unnecessary noises

GENERAL PROVISIONS

§ 96.01 MAINTENANCE OF NUISANCE PROHIBITED.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this subchapter. No person shall commit, create or maintain any nuisance.
(75 Code, § 9.1) Penalty, see § 10.99

§ 96.02 ENUMERATION OF CERTAIN SPECIFIC NUISANCES.

The following acts, services, apparatus and structures are hereby declared to be public nuisances:

(A) The maintenance of any pond, pool of water or vessel holding stagnant water.

(B) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private place or premises where such throwing, placing, depositing or

leaving is in the opinion of the Health Officer dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin, by any person of any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass or other rubbish, dirt, excrement, filth, unclean or nauseous water or fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal or any other offensive article or substance whatever.

(C) The pollution of any stream, lake or body of water by, or the depositing into or upon any highway, street, lane, alley, public street or square, or into any adjacent lot or grounds, or depositing or permitting to be deposited any refuse, foul or nauseous liquid or water, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain any steam, vapor or gas.

(D) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.

(E) Any vehicle used for any immoral or illegal purpose.

(F) All indecent or obscene pictures, books, pamphlets, magazines and newspapers.

(G) Betting, bookmaking and all apparatus used in those occupations.

(H) All gambling devices.

(I) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.

(J) The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person.

(K) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of this code or state statute.

(L) The maintenance of any barbed wire fence within 12 feet of any public right-of-way unless at least ten feet above the surface of that right-of-way.

(M) Any use of the public streets and/or sidewalks which causes large crowds to gather, obstructing the free use of the streets and/or sidewalks.

(N) All buildings, walls and other structures which have been damaged by fire, decay or otherwise and all excavations remaining unfilled or uncovered for a period of 90 days or longer, and which are situated so as to endanger the safety of the public.

(O) All dangerous, unguarded excavations or machinery in any public place or so situated, left or operated on private property as to attract the public.

(P) The owning, driving or moving upon the public streets and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of its load or contents to blow, fall or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires or other parts onto the street, alley, sidewalk or other public or private place, dirt, grease, sticky substance or foreign matter of any kind. However, under circumstances determined by the City Manager to be in the public interest, he or she may grant persons temporary exemption from

the provisions of this division conditioned upon cleaning and correcting the violating condition at least once daily and execution of an agreement by that person to reimburse the city for any extraordinary maintenance expenses incurred by the city in connection with that violation.

(Q) The placing or causing to be placed in or on any motor vehicle parked upon any street, alley or other public place within the corporate limits of the city any paper, posters, signs, cards or other advertising matter.

('75 Code, § 9.7) Penalty, see § 10.99

WEEDS AND OTHER NOXIOUS GROWTHS

§ 96.15 DEFINITION.

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

NOXIOUS AND POISONOUS WEED. Canada thistles, milkweed, wild carrots, ox-eye daisies, ragweed, goldenrod, burdock and poison ivy or other plants which in the opinion of the City Council is regarded as a common nuisance as provided under Public Act 359, 1941 and M.C.L.A. § 247.62.
(Ord. passed 8-12-85)

§ 96.16 APPLICATION.

Nothing in this subchapter and Public Act 359 shall apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, rye or hay. Yard grass shall be limited to a height of no greater than eight inches.

(Ord. passed 8-12-85)

§ 96.17 DUTY OF OWNER TO CUT OR REMOVE GROWTHS.

It shall be the duty of every person who owns land within the corporate limits of the city to cut, destroy and remove or cause to be cut, destroyed or removed that land, all noxious and poisonous weeds growing thereon and dead grass and brush and to cut grass longer than eight inches as often as necessary so as to prevent the owner's land from becoming unsightly and depreciating to the surrounding neighborhood and a common nuisance and health problem. The additional purpose of this subchapter is to prevent those weeds from going to seed or to blossom, as the case may be, and to prevent any dead grass and brush from becoming a fire hazard.

(Ord. passed 8-12-85) Penalty, see § 10.99

§ 96.18 NOTICE TO REMOVE.

(A) It shall be the duty of the City Clerk, before the first days of June and the last days of August of each year, to post three printed notices, one each week for two consecutive weeks in a newspaper published and circulated within the city, giving notice of this subchapter. This notice shall be

substantially in the following form:

**“TO ANY OWNER OF LAND SITUATED WITHIN
THE CITY OF WAKEFIELD, COUNTY OF GOGEBIC
AND STATE OF MICHIGAN:**

Notice is hereby given that it shall be the duty of every person who owns land within the corporate limits of the city to cut, destroy and remove or cause to be cut, destroyed and removed from that land, all noxious and poisonous weeds growing thereon and dead grass and brush and to cut grass longer than eight inches as often as necessary so as to prevent the owner's land from becoming unsightly and depreciating to the surrounding neighborhood and a common nuisance and health problem.”

(B) The additional purpose of the notice is to prevent those weeds from going to seed or to blossom, as the case may be, and to prevent that dead grass or brush from becoming a fire hazard.

(C) Failure to comply with this notice shall make any party so failing liable for the costs of cutting, destroying and removing any noxious weeds and long grass and dead grass and dead brush by the city, those costs to be levied and collected against those lands in the same manner as the other taxes are levied and collected.

(Ord. passed 8-12-85)

§ 96.19 WHEN CITY TO DO WORK.

Should an owner fail to conform with the provisions of this subchapter within the time limited therein, it shall be the duty of the City Superintendent of Public Works to cause all of those noxious and poisonous weeds and long grass and dead grass and brush to be cut, destroyed and removed from that land and the Superintendent shall keep an accurate record of the expenses incurred in so doing with respect to each parcel of land entered upon therefor and shall make a sworn statement of that account and deliver the same to the City Clerk. The City Clerk shall present all accounts to the City Council not later than the third Monday in December of each year in which the labor was performed. The City Council shall audit and, if correct, allow those accounts and order the same paid from the General Fund of the city. The sworn statement of the Superintendent shall give the date or dates when those weeds, dead grass and long grass and brush were cut, destroyed and removed, the owner and description of the lands involved and the costs of the labor.

(Ord. passed 8-12-85)

§ 96.20 COLLECTION OF COSTS.

When those accounts shall be audited, allowed and paid as provided in § 96.19, it shall be the duty of the City Clerk to certify them forthwith to the City Assessor. All expenditures represented by those accounts shall be severally spread upon the city tax roll next in preparation, levied on the lands on which those expenditures were made, be a lien and collected in the same manner as other city taxes and paid into the General Fund of the city.

(Ord. passed 8-12-85)

NOISE CONTROL**§ 96.30 LOUD OR UNNECESSARY NOISES PROHIBITED.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

(75 Code, § 9.10) Penalty, see § 10.99

§ 96.31 ENUMERATION OF ACTS PRODUCING LOUD OR UNNECESSARY NOISES.

The following acts, among others, are declared loud, disturbing and unnecessary noises in violation of this subchapter, but the enumeration shall not be deemed to be exclusive, namely:

(A) Horns, signaling devices and the like. The sounding of any horn or signaling device on any automobile, motorcycle, car or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any signaling device of any unreasonably loud or harsh sound; and the sounding of that device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of that signaling device when traffic is for any reason held up.

(B) Radios, phonographs and the like. The using, operating or permitting to be played, used or operated any radio or television receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which that machine or device is operated and who are voluntarily listeners thereto. The operation of any set, instrument, phonograph, machine or device between the hours of 11:00 p. m. and 7:00 a. m. in a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(C) Loud speakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purposes of commercial advertising or attracting the attention of the public to any building or structure.

(D) Yelling, shouting and the like. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(E) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety

will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for that work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(F) Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of that institution, or which disturbs or unduly annoys patients in the hospital; provided conspicuous signs are displayed in those streets indicating that the same is a school, hospital or court street.

('75 Code, § 9.11) Penalty, see § 10.99

CHAPTER 97: PARKS AND RECREATION

Section

Public Parks

- 97.01 Injury to park property
- 97.02 Waste containers
- 97.03 Animals, bicycles and motorcycles
- 97.04 Travel trailers
- 97.05 Ball games
- 97.06 Intoxicating liquors
- 97.07 Additional rules

PUBLIC PARKS

§ 97.01 INJURY TO PARK PROPERTY.

No person shall obstruct any walk or drive in any public park or playground and no person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces or other public property within or pertaining to those parks. ('75 Code, § 3.1) Penalty, see § 10.99

§ 97.02 WASTE CONTAINERS.

No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park or playground except in containers provided for that purpose. ('75 Code, § 3.3) Penalty, see § 10.99

§ 97.03 ANIMALS, BICYCLES AND MOTORCYCLES.

No person shall bring any horse into any city park. No person shall ride in any city park any bicycle, motorcycle or motor-driven cycle. No person who is the owner of any dog, as defined in § 91.20, shall permit that dog to be in any city park unless on a leash held by a person who keeps that dog on leash at all times. ('75 Code, § 3.6) Penalty, see § 10.99

§ 97.04 TRAVEL TRAILERS.

The City Council may designate areas within any city park where permits to park travel trailers may

be granted in accordance with those rules as it may prescribe by resolution.
(75 Code, § 3.7)

§ 97.05 BALL GAMES.

No baseball, football or softball throwing, or other violent or rough exercises or play shall be engaged in at any public park or other public place, except at areas designated therefor by the City Council.

(75 Code, § 3.4) Penalty, see § 10.99

§ 97.06 INTOXICATING LIQUORS.

No person or group of persons shall abuse the privilege of bringing or consuming any alcoholic beverage in any city park.

(75 Code, § 3.2) Penalty, see § 10.99

§ 97.07 ADDITIONAL RULES.

The City Council shall adopt by resolution any additional rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with these rules and regulations.

(75 Code, § 3.5) Penalty, see § 10.99

CHAPTER 98: STREETS AND SIDEWALKS

Section

General Provisions

- 98.01 Sidewalk obstructions; permit required
- 98.02 Sidewalks to be kept clear for passage of pedestrians
- 98.03 Maintenance of trees, shrubs or bushes abutting sidewalks
- 98.04 Removal of encroachment
- 98.05 Temporary street closing

Excavations and Openings

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- 98.21 Damage or obstruction during excavation prohibited
- 98.22 Permits and bonds
- 98.23 Street openings
- 98.24 Emergency openings
- 98.25 Backfilling
- 98.26 Utility poles
- 98.27 Maintenance of installations in streets
- 98.28 Curb cuts
- 98.29 Barricades and warning lights required
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Sidewalks

- 98.40 Definitions
- 98.41 Construction of repair; permit required
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- 98.43 Sidewalk specifications
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Overhanging Street Signs, Awnings and Encroachments

- 98.55 Encroachments deemed a nuisance
- 98.56 Overhanging signs
- 98.57 Combustible signs
- 98.58 Use of billboards
- 98.59 Unsightly signs
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- 98.61 Nuisance abatement
- 98.62 Marquees; use of projecting structures; permit required

Ice and Snow Removal

- 98.75 Placing ice and snow on street
- 98.76 Existence of deposit; presumption
- 98.77 Placement of snow restricted
- 98.78 Snowplowing

House Moving

- 98.90 Permit required
- 98.91 Application; fees and deposits
- 98.92 Warning lights required
- 98.93 Insurance

- 98.99 Penalty

GENERAL PROVISIONS**§ 98.01 SIDEWALK OBSTRUCTIONS; PERMIT REQUIRED.**

No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to that street, or for any other purpose, without first obtaining a permit from the City Clerk. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by § 98.22.

('75 Code, § 4.20) Penalty, see § 98.99

§ 98.02 SIDEWALKS TO BE KEPT CLEAR FOR PASSAGE OF PEDESTRIANS.

At least six feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around that obstruction.

('75 Code, § 4.21) Penalty, see § 98.99

§ 98.03 MAINTENANCE OF TREES, SHRUBS OR BUSHES ABUTTING SIDEWALKS.

No person shall permit the limbs or foliage of any trees or shrubs located on premises owned by him or her, or on the extension of the lawn adjacent to his premises to grow over or upon any sidewalk less than eight feet above the surface of that sidewalk.

(A) Every owner shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. All shrubs or bushes located on the triangle formed by two right-of-way lines at the intersection of two streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines on any corner lot, shall not be permitted to grow to a height of more than 30 inches above the sidewalk grade. Trees may be planted and maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight

feet above the roadway surface.

(B) Any owner of property failing to trim any trees, shrubs or bushes in conformity with this section shall be notified by the Superintendent of Public Works to do so and the notice shall require trimming in conformity with this section within five days after the date of that notice. Upon the expiration of that period, the Superintendent may cause the trimming to be done and the cost thereof may be collected from the owner of the property in the manner specified in Chapter 51.

('75 Code, § 4.32) Penalty, see § 98.99

§ 98.04 REMOVAL OF ENCROACHMENT.

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of that removal or refilling charged to the abutting land owner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this chapter. The procedure for collection of those expenses shall be as prescribed in Chapter 51. The City Council may, by resolution, permit the continuance of an existing encroachment. No resolution shall vest any permanent rights in the person owning or occupying the structure which encroaches upon the street.

('75 Code, § 4.37)

§ 98.05 TEMPORARY STREET CLOSING.

The Superintendent of Public Works shall have authority to temporarily close any street, or portion thereof, when he or she shall deem the street to be unsafe or temporarily unsuitable for use for any reason. The Superintendent shall cause suitable barriers and signs to be erected on that street, indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over the street except as the same may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the Superintendent.

('75 Code, § 4.38) Penalty, see § 98.99

EXCAVATIONS AND OPENINGS

§ 98.20 DEFINITIONS.

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

STREET. All of the land lying between property lines on either side of all streets, alleys and boulevards in the city, and includes lawn extensions and sidewalks and the area reserved therefor where the same are not yet constructed.

SUPERINTENDENT. The City Superintendent of Public Works.
('75 Code, § 4.1)

§ 98.21 DAMAGE OR OBSTRUCTION DURING EXCAVATION PROHIBITED.

No person shall make any excavation in, or cause any damage to any street in the city, except under the conditions and in the manner permitted in this chapter. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this chapter, but this provision shall not be deemed to prohibit any temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

('75 Code, § 4.2) Penalty, see § 98.99

§ 98.22 PERMITS AND BONDS.

(A) Where permits are authorized in this chapter, they shall be obtained upon application to the City Clerk upon those forms as he or she shall prescribe, and there shall be a charge of \$1 for each permit. This permit shall be revocable by the Superintendent of Public Works for failure to comply with this chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the Superintendent or the Superintendent's duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the city in connection therewith, repair all damage done to the street surface and installations on, over or within that street, including trees, and protect and save harmless the city from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in those amounts as shall be specified by the City Manager but not more than the following amounts:

- (1) On account of injury to, or death of, any person in any one accident, \$ 25,000.
- (2) On account of any one accident resulting in injury to, or death of, more than one person, \$50,000.
- (3) On account of damage to property in any one accident, \$5,000.

(B) A duplicate executed copy or photostatic copy of the original of that insurance policy shall be filed with the City Clerk.

(C) Where cash deposits are required with the application for any permit hereunder, that deposit shall be in the amount of \$25, except as otherwise specified in this chapter, and that deposit shall be used to defray all expenses to the city arising out of the granting of the permit and work done under the permit or in connection therewith. Three months after completion of the work done under the permit, any balance of the cash deposit shall be refunded. In any case where the deposit does not cover all costs and expenses of the city, the deficit shall be paid by the applicant.

('75 Code, § 4.3)

§ 98.23 STREET OPENINGS.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the City Clerk. No permit shall be granted until the applicant shall post a cash deposit

and file a liability insurance policy as required by § 97.22.
(75 Code, § 4.4) Penalty, see § 98.99

§ 98.24 EMERGENCY OPENINGS.

The Superintendent of Public Works may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency; provided, a permit shall be obtained on the following business day and the provisions of this chapter shall be complied therewith.
(75 Code, § 4.5) Penalty, see § 98.99

§ 98.25 BACKFILLING.

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within 12 inches of the surface. On main thoroughfares, this material shall contain one sack of cement per yard of fill. The remaining portion shall be filled with road gravel as specified by the Superintendent of Public Works.
(75 Code, § 4.6) Penalty, see § 98.99

§ 98.26 UTILITY POLES.

Utility poles may be placed in those streets as the Superintendent of Public Works shall prescribe and shall be located thereon in accordance with the directions of the Superintendent. The poles shall be removed or relocated as the Superintendent shall, from time to time, direct.
(75 Code, § 4.7) Penalty, see § 98.99

Cross-reference:

Bill posting, see § 98.60

§ 98.27 MAINTENANCE OF INSTALLATIONS IN STREETS.

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, manhole, or any other excavation, or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon, any street which is adjacent or a part of his estate, shall do so only on condition that maintenance shall be considered as an agreement on his part with the city to keep the same and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his ownership or control thereof, and to indemnify and save harmless the city against all damages or actions at law that may arise or be brought by reason of that excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during that ownership or control.
(75 Code, § 4.8)

§ 98.28 CURB CUTS.

No opening in or through any curb of any street shall be made without first obtaining a written permit from the City Clerk. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

(A) No single curb cut shall exceed 25 feet nor be less than ten feet at the street line nor less than eight feet at the outside sidewalk line.

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

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

(D) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be 45% of the total abutting street frontage up to and including 200 lineal feet of street frontage plus 20% of the lineal feet of street frontage in excess of 200 feet.

(E) The necessary adjustments 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.

('75 Code, § 4.15)

§ 98.29 BARRICADES AND WARNING LIGHTS REQUIRED.

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with approved warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three feet apart, and parallel to the flow of traffic not over 15 feet apart. ('75 Code, § 4.26) Penalty, see § 98.99

§ 98.30 SHORING EXCAVATIONS.

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workers and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

('75 Code, § 4.27) Penalty, see § 98.99

SIDEWALKS

§ 98.40 DEFINITIONS.

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

SIDEWALK The portion of the street right-of-way designed for pedestrian travel.

SUPERINTENDENT. The City Superintendent of Public Works or his duly authorized assistant or deputy.

('75 Code, § 4.61)

§ 98.41 CONSTRUCTION OF REPAIR; PERMIT REQUIRED.

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the Superintendent of Public Works, nor without first obtaining a written permit from the City Clerk, except sidewalk repairs of less than 50 square feet of sidewalk may be made without a permit. The written permit shall be prominently displayed on the construction site. ('75 Code, § 4.62) Penalty, see § 98.99

§ 98.42 LINE AND GRADE STAKES.

The Superintendent of Public Works shall furnish line and grade stakes as may be necessary for proper control of the work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Superintendent. Where it is necessary to replace engineer's stakes disturbed or destroyed without fault on the part of the city or its employees, a charge of \$1 per stake shall be paid.

('75 Code, § 4.63) Penalty, see § 98.99

§ 98.43 SIDEWALK SPECIFICATIONS.

Sidewalks shall not be less than four inches in thickness and expansion paper shall be placed in the joints. All concrete used in sidewalk construction shall, 28 days after placement, be capable of resisting a pressure of 3,500 pounds per square inch without failure. The Superintendent may establish additional detailed specifications in addition hereto and not inconsistent herewith, which shall be on file in the Public Works Department.

('75 Code, § 4.64) Penalty, see § 98.99

§ 98.44 PERMIT REVOCATION; STOP WORK ORDER.

The Superintendent of Public Works may suspend any permit issued under the terms of this chapter for incompetency or failure to comply with the terms of this chapter, or the rules, regulations, plans and specifications established by the Superintendent for the construction, reconstruction or repair of any sidewalk. The Superintendent may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk for any of the causes enumerated in this section, which stop order shall be effective until the next regular meeting of the City Council and if confirmed by the Council at its next regular meeting, the stop order shall be permanent, and shall constitute a revocation of the permit.

('75 Code, § 4.65)

OVERHANGING STREET SIGNS, AWNINGS AND ENCROACHMENTS

§ 98.85 ENCROACHMENTS DEEMED A NUISANCE.

Signs, awnings and other encroachments in, on or over the public streets of this city, unless duly

authorized by the City Council, are and shall be nuisances and unlawful.
(75 Code, § 8.71) Penalty, see § 98.99

Cross-reference:

Removal of encroachments, see § 98.05

§ 98.56 OVERHANGING SIGNS.

No person shall erect or maintain any sign over or across any street or sidewalk in the city unless it conforms to the following requirements:

(A) All overhanging signs shall be of noncombustible material, and shall not extend more than ten feet from the building line. They shall be erected at least 12 feet above the sidewalk or roadway as the case may be. All electrically lighted signs shall conform to the requirements of the American Insurance Association Fire Prevention Code.

(B) The design, construction and appearance of all overhanging signs, and the method of suspension shall be subject to the approval of the City Engineer.

(C) Nothing in this subchapter shall be construed to prohibit the stretching of banners across the streets of this city upon permission from the City Council. Any banners, when allowed to be erected, shall be at least 20 feet above the roadway.

(D) For the purpose of this subchapter **OVERHANGING SIGN** shall be deemed to mean any projecting sign which is erected at an angle to the building, and shall not include flat signs which do not encroach above the street more than six inches.

(75 Code, § 8.72) Penalty, see § 98.99

§ 98.57 COMBUSTIBLE SIGNS.

Signs constructed of wood or noncombustible material may be placed on buildings, providing they are securely fastened. Permits for the erection of signs of this nature must be obtained from the Building Inspector. These permits shall be revocable and no permits will be issued when the erection of that sign shall be deemed an added fire hazard.

(75 Code, § 8.73) Penalty, see § 98.99

§ 98.58 USE OF BILLBOARDS.

Billboards, board fences or structures of any kind used for advertising purposes are hereby prohibited on the streets and sidewalks within the city, except those structures conforming to the provisions of this subchapter.

(75 Code, § 8.74) Penalty, see § 98.99

§ 98.59 UNSIGHTLY SIGNS.

No signs, placards or posters of any nature shall be erected in or on the streets, sidewalks or private property of this city by any person which shall be unsightly, detrimental to the neighborhood, or

dangerous to traffic.

('75 Code, § 8.75) Penalty, see § 98.99

§ 98.60 BILL POSTING.

No signs, placards or posters of any nature shall be placed upon any telephone poles, electric light poles or standards, or any other place in the streets of the city.

('75 Code, § 8.76) Penalty, see § 98.99

§ 98.61 NUISANCE ABATEMENT.

The City Manager shall, when directed by the City Council, cause any nuisance to be abated and remove any overhanging signs, awnings and encroachments which have not been duly authorized.

('75 Code, § 8.77) Penalty, see § 98.99

§ 98.62 MARQUEES; USE OF PROJECTING STRUCTURES; PERMIT REQUIRED.

(A) No person shall erect or maintain any marquee, canopy, awning, clocks or other structure or object so it projects over or upon the limits of any street or alley without first obtaining a permit and filing a liability insurance policy as required by § 98.22.

(B) Every liability insurance policy required by this section shall be maintained by the permittee permanently in force. Every insurance policy shall contain a clause obligating the insurer to give the City Clerk, by registered or certified mail, at least ten days written notice before the cancellation, expiration, lapse or other termination of that insurance and the liability policy shall name the city as an additional named insured.

(C) No permit shall be granted unless the proposed plans for the marquee or other structure shall be in conformity with the Building Code. In the event that the marquee or other structure shall thereafter be found unsafe or is not maintained in a sightly condition, or if the liability insurance policy covering that marquee or other structure is not maintained the marquee or other structure shall be deemed a street encroachment. The Superintendent of Public Works shall notify the permittee to remove or repair the marquee or other structure within ten days or to reinstate the insurance forthwith and upon failure of the permittee to comply with that notice, the encroachment shall be removed as provided in this chapter.

(D) No marquee or other structure shall be erected or maintained so as to be less than eight feet above the surface of the sidewalk.

('75 Code, § 4.31) Penalty, see § 98.99

~~Cross-reference:~~

Removal of encroachment, see § 98.05

ICE AND SNOW REMOVAL**§ 98.75 PLACING ICE AND SNOW ON STREET.**

It shall be unlawful for any person to deposit any ice or snow upon any roadway, alley or sidewalk of the city.

('75 Code, § 4.41) Penalty, see § 98.99

§ 98.76 EXISTENCE OF DEPOSIT; PRESUMPTION.

The existence of any deposit of snow or ice deposited by manual and/or artificial means in the traveled portion of any street or sidewalk or within any ditch or gutter in any public street shall be prima facie evidence that the occupant of the abutting property closest thereto placed or deposited that ice and snow therein.

('75 Code, § 4.42)

§ 98.77 PLACEMENT OF SNOW RESTRICTED.

(A) It shall be unlawful to place snow along existing snow banks that it would extend more than 24 inches into the existing travelway.

(B) It shall be unlawful to place any snow on any other property without the annual written consent of the owner.

(Ord. passed 1-14-80) Penalty, see § 98.99

§ 98.78 SNOWPLOWING.

No person shall engage in the business of commercial snowplowing by means of any motor-operated plow in connection with snow removal from any street or sidewalk within the city without first obtaining a license therefor in the manner prescribed in Chapter 110.

('75 Code, § 7.163) Penalty, see § 98.99

HOUSE MOVING**§ 98.90 PERMIT REQUIRED.**

No building shall be moved on or across any public street, walk, alley or other public place within the city by any person, firm or corporation, except upon a permit duly issued by the city.

('75 Code, § 4.48) Penalty, see § 98.99

§ 98.91 APPLICATION; FEES AND DEPOSITS.

(A) Any person desiring to move any building within the city shall first obtain a permit, after application therefor, presented to the City Manager, upon a form to be used for that purpose.

(B) Before the permit shall be granted to any person, firm or corporation, the application shall designate or describe the building proposed to be moved, the route to be taken, and the time probably required for the moving. The City Manager may, upon the payment to the city of the fee and deposit hereinafter provided for, grant the permit sought for that purpose. Before issuance of the permit, \$50 shall be deposited with the city by each applicant and the balance thereof shall be paid within 15 days after billing by the city. Fees to be charged shall be established by resolution of the City Council.

(C) There shall also be deposited with the city by the agent or agents or the person who is employed to do the actual moving and other related constructions, the sum of \$1,000 in the nature of a performance bond to reimburse the city for any damage that might occur to any public structures in any street, alley or public place over which the building may be moved, and further, any damage to the sewer system in excavating, connecting to the sewer and otherwise in preparing the site for the building to be moved to.

(D) No permit to move any building within the city shall be granted unless the construction and proposed use of that building on the proposed new site shall conform to the requirements of the code and of Chapter 155 (Zoning).

('75 Code, § 4.49(1)-(4)) Penalty, see § 98.99

§ 98.92 WARNING LIGHTS REQUIRED.

On each and every night while a building remains on public streets or alleys of the city, from dusk to sunrise, the person to whom the permit shall be issued shall place and cause to be maintained at the center and at each end of the building red lights which lights shall be plainly visible during the period above mentioned.

('75 Code, § 4.50) Penalty, see § 98.99

§ 98.93 INSURANCE.

Any person seeking a permit for house moving shall provide satisfactory evidence of insurance in the minimum amount of \$100,000 per person and \$300,000 aggregate for liability and \$1,000,000 for property damage coverage. These amounts shall apply unless the city's insurance carrier shall require a greater amount.

§ 98.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions set forth in § 10.99

(B) Any person in violation of § 98.75 shall, upon conviction, be compelled to repay the city the moneys expended to remove the snow and ice from the traveled portion of the street or highway, and

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be punished by a fine not exceeding \$500 and costs of prosecution and by imprisonment in the county jail for a period not to exceed 90 days, or both, in the discretion of the court. ('75 Code, § 4.43)

(C) Whoever violates §§ 98.90 through 98.92 shall, upon conviction, be fined \$100. ('75 Code, § 4.49(5))