

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: SAFETY, SANITATION, AND HEALTH

Section

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MOTOR VEHICLE. Any self-propelled land vehicle which can be used for towing or transporting people or materials, including, but not limited to, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-road vehicles.

MOTOR VEHICLE ACCESSORIES. Any part or parts of any motor vehicle.

PERSON. Any individual, firm, partnership, or corporation.

PRIVATE PROPERTY. Any real property not owned by the federal government, the state, the county, the school district, or any other public subdivision.

REMOVAL. The physical relocation of a motor vehicle to an authorized location.

§ 90.01 STORAGE OF JUNK VEHICLES, MOTOR VEHICLE ACCESSORIES, AND UNLICENSED MOTOR VEHICLES ON PRIVATE PROPERTY.

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

FRONT YARD. An open space extending the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

JUNKED MOTOR VEHICLE. Any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated.

(B) *Prohibited storage.* No person shall store upon, place upon, or permit to be stored or placed upon private property any junked motor vehicle, motor vehicle accessories, or unlicensed motor vehicles. The storage or placement of property contrary to the provisions of this section is hereby declared to be a public nuisance.

(C) *Permitted storage.* The prohibitions contained in division (B) above shall not apply to the following circumstances:

- (1) The storage of junked motor vehicles, motor vehicle accessories, or unlicensed motor vehicles within an enclosed building;

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(2) The storage of unlicensed motor vehicles by licensed new or used car dealers, provided that the business enterprise is conducted in a lawful place and manner; and/or

private property any junked motor vehicle, motor

(3) The storage of a junked motor vehicle or unlicensed motor vehicle on private property, except in the front yard, by an owner, co-owner, tenant, or co-tenant for a period not to exceed 72 hours, which may be extended for an additional one-week period for good cause by the issuance of a permit by the Village Clerk and the payment of a \$10 permit fee.

(D) *Notice of removal.* Whenever the Chief of Police or any member of his or her department finds or is notified that any junked motor vehicle, motor vehicle accessories, or unlicensed motor vehicle has been stored or placed on private property contrary to the provisions of this section, the Chief of Police shall send by certified mail or personally serve a notice to the owner of the vehicle or accessories, if the identity of the owner can be determined, and also to the owner of the private property as shown by the tax assessment rolls. This notice shall contain the following information:

(1) A general description and location of the junked motor vehicle, motor vehicle accessories, and unlicensed motor vehicle which is in violation of this section;

(2) A statement that the village will remove the property which is in violation of this section, unless the owner forthwith removes the property;

(3) A statement that the removal of the property from the location specified on the notice to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalties; and

(4) A statement of the penalties provided for noncompliance with this section.

(E) *Removal.* The Chief of Police or any member of his or her department may remove from

vehicle accessories, or unlicensed motor vehicle if the notice given pursuant to division (D) above is not complied with. The owner of the property so removed shall be responsible to pay all charges incurred to remove and store the property. The removal of the property under this section shall not be construed to limit the filing of any criminal charges for the violation of this section.

(F) *Abandoned vehicles.* When the village Police Department receives custody of an abandoned vehicle as defined in the Michigan Vehicle Code, M.C.L.A. §§ 257.1 to 257.923, as amended, the provisions of the Michigan Vehicle Code shall apply with respect to required notices and disposition thereof.

(Prior Code, § 680.01) (Ord. 129, passed 6-11-1984) Penalty, see § 10.99

§ 90.02 STORAGE OF JUNK, DISABLED VEHICLES, AND WASTE; MAINTENANCE OF DUMPS, JUNKYARDS, AND THE LIKE.

(A) No person shall deposit, or suffer to remain upon property owned or occupied or controlled by him or her, junk of any kind, disabled motor vehicles or other vehicles of any kind, or metallic waste of any kind, nor shall any person maintain any dump, junkyard, or any other similar establishment or area within the village after the effective date of this section. Disabled motor vehicles and other vehicles are excepted from this division (A) when they are kept in a completely closed building or are under active and current repair.

(B) No person shall deposit, or suffer to remain upon property owned or occupied or controlled by him or her, any garbage, litter, trash, or rubbish of any kind.

(C) No person shall maintain, or suffer to remain upon property owned, occupied, or controlled by him or her, any accumulation or growth of high weeds, brush, and the like, within 150 feet of the nearest adjacent public street or sidewalk.

(Prior Code, § 680.02) (Ord. 115, passed 10-14-1968) Penalty, see § 10.99

§ 90.03 REIMBURSEMENT FOR CLEANUP OF DANGEROUS OR HAZARDOUS SUBSTANCES.

administrative overhead; costs of

(A) *Purpose.* The purpose of this section is to enable the village to require reimbursement from those responsible for the leaking or spilling of certain dangerous or hazardous substances or materials, or otherwise allowing the same to escape containment, thereby requiring cleanup and disposal by the village or its agents.

(B) *Dangerous or hazardous substances or materials.* A dangerous or hazardous substance or material is defined as any substance which is spilled, leaked, or otherwise released from its container, which, in the determination of the Fire Chief or his or her authorized representative, is dangerous or harmful to the environment or to human or animal life, health, or safety, or is obnoxious by reason of odor, or is determined by the village to constitute a danger or threat to the public health, safety, or welfare, and shall include, but not be limited to, such substances as chemicals, gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables, and corrosives.

(C) *Duty to remove and clean up.* It shall be the duty of any person who or which causes or controls leakage, spillage, or any other dissemination of dangerous or hazardous substances or materials to immediately remove the same and clean up the area of the spillage in such a manner that the area involved is fully restored to its condition before such happening.

(D) *Failure to remove and clean up.* Any person who or which fails to comply with division (C) above shall be liable to and shall pay the village for its costs and expenses, including costs owed by the village to any party which it engages, for the complete abatement, cleanup, and restoration of the affected area. Costs incurred by the village shall include, but shall not be limited to, actual labor costs of village personnel, including worker's compensation benefits, fringe benefits and

equipment operation and costs of materials obtained directly by the village; and costs of any contract labor and materials. Costs under this section shall not include actual fire suppression services which are normally provided by the village.

(E) *Enforcement.* If any person fails to reimburse the village as above provided, and the person is the owner of the affected property, the village shall have the right and power to add any and all costs of cleanup and restoration to the tax roll as to the property, and to levy and collect the costs in the same manner as provided for the levy and collection of real property taxes against the property. The village shall also have the right to bring an action in the appropriate court to collect the costs if it deems the action to be necessary.

(Prior Code, § 680.03) (Ord. 154, passed 2-12-1996)

§ 90.04 INTERMENT OF HUMAN AND ANIMAL REMAINS OR CREMAINS ON PUBLIC PROPERTY.

(A) The village hereby finds that the placement or interment of human or animal remains or cremains is a matter of public concern. Placement of the same may result in the unauthorized use of village property and in possible liability to the village for public purposes. The village finds that these harmful effects can only be mitigated by the prohibition of any further placement of human or animal remains or cremains on publicly-owned property within the village. The regulation of this activity has been deemed to be in the best interests of the preservation of the public health, safety, and welfare of the residents of the village.

(B) No person shall permit or engage in the act of placement or interment of human or animal remains or cremains within or beneath public property owned by the village.

(C) No memorials, headstones, plaques, benches, or trees shall be placed on village property without the approval of Council.

(D) The prohibitions contained in this section extend to any parkland or any vacant property owned by the village.

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(E) The Police Department is authorized to enforce the provisions of this section. Enforcement duties authorized by this section include, among others, the following: investigation of ordinance violations; serving notices of violation; serving appearance tickets as authorized by Public Act 175 of 1927, Ch. 4, being M.C.L.A. §§ 764.1 *et seq.*, as amended, and Public Act 366 of 1984, being M.C.L.A. §§ 764.9c and 764.9f, as amended; appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators; and the removal of human or animal remains or cremains found within, on, or beneath public property owned by the village.

(Prior Code, § 680.04) (Ord. 151, passed 6-13-1994) Penalty, see § 10.99

§ 90.05 DEPOSIT OF VEGETATION PROHIBITED IN PUBLIC STREETS.

No person shall dump or deposit, or cause to be dumped or deposited, any grass, leaves, branches, or other thing in the roadway or gutter of any public street in the village, except during specific times designated by the village.

(Prior Code, § 680.05) (Ord. 122-A, passed 2-10-1997) Penalty, see § 10.99

§ 90.06 POSTING BILLS.

No person shall post any bills or advertisements on any public property without the authority of the village. No person shall post any bill or advertisement on any property without the written consent of the owner thereof.

(Prior Code, § 680.06) (Ord. 122-A, passed 2-10-1997) Penalty, see § 10.99

§ 90.07 FENCES.

No person shall erect or maintain, anywhere in the village, a fence equipped with or having barbed wire, spikes, or any similar device or any electric charge sufficient to cause shock, within seven feet of the ground level.

(Prior Code, § 680.07) (Ord. 122-A, passed 2-10-1997) Penalty, see § 10.99

§ 90.08 ABANDONED REFRIGERATORS AND THE LIKE.

No person shall abandon any refrigerator, freezer, icebox, or other device having an automatic lock on a compartment large enough to enclose a human being, in any place accessible to children, without first removing the doors of the refrigerator, freezer, icebox, or other device.

(Prior Code, § 680.08) (Ord. 122-A, passed 2-10-1997) Penalty, see § 10.99

§ 90.09 DIVING OR JUMPING FROM BRIDGE, DOCK, SEAWALL, OR PIER.

(A) No person shall jump, dive, or otherwise enter the water from any bridge, dock, seawall, or pier or other structure on village property, or from the Corps of Engineers' piers, seawall, breakwater, or other structures, except in case of rescue or emergency.

(B) Persons violating this section shall be responsible for a Class C municipal civil infraction, and fined accordingly as provided in § 34.07(A).

(Prior Code, § 680.09) (Ord. 122-A, passed 2-10-1997; Ord. 2007-5, passed 4-30-2007; Ord. 2009-3, passed 2-9-2009) Penalty, see § 10.99

§ 90.10 WEEDS.

(A) It shall be the duty of every owner, possessor, or occupier of land, and of every person having charge of any land, within the village to cut

down and destroy, or cause to be cut down and destroyed, noxious weeds which, for purposes of this section, include: Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plant which in the opinion of the Village Council, coming under the provisions of this act is regarded as a common nuisance; at least once a year before July 1, and as often as may be necessary to prevent them from going to seed, or at anytime when Council shall deem it necessary and order a cutting.

(B) It shall be the duty of the Superintendent of the DPW to give general notice in the following manner, to every owner, possessor, or occupier of land, and to every person having charge of any land, in the village, whereon noxious weeds are growing, to cut and destroy the noxious weeds. One notice, printed in clear, readable type, shall be posted in each of six conspicuous places in the village ten days prior to the date upon which the weeds must be cut. Further, and at the same time, if the land is unoccupied and the owner or person having charge of the land is a nonresident of the village, the notice shall be mailed to his or her address, if known. Also, and at the same time, at least one publication of the notice shall be made in a newspaper having general circulation in the village.

(C) If the owner, possessor, or occupier of land, or the person having charge of any land, shall refuse or neglect to comply with the notice, and to cut the weeds on or before the date stated in the notice, or within ten days thereafter, it shall be the duty of the Superintendent of the DPW or any person designated by Council, and any person employed to assist in carrying on the work, to enter upon the land and to cause all the weeds to be cut down with as little damage as possible to the property or crops, and the persons shall not be liable in any action of trespass therefor.

(D) The Superintendent of the DPW, or any person designated by Council, as aforesaid, shall keep an accurate account of the expenses incurred by him or her in carrying out the provisions of division (C) above, with respect to each parcel of land entered upon therefor, and shall make a sworn statement of the accounts and shall present the same to Council, which, after auditing the statement, shall certify the different amounts, with a description of the particular parcel of land to be charged therewith, to the Village Assessor, to be assessed as a weed tax on the next succeeding assessment roll and to be collected as other taxes and placed in the General Fund.

(E) The primary intent of this section is the protection of the general health and welfare of the inhabitants of the village.
(Prior Code, § 680.10) Penalty, see § 10.99

CHAPTER 91: ANIMALS

Section

- 91.01 Definitions
- 91.02 Animals at large; peace disturbances; molestation of persons and vehicles
- 91.03 Vicious dogs and other animals
- 91.04 Impounding
- 91.05 Quarantine
- 91.06 Keeping of bees
- 91.07 Removal of droppings
- 91.08 Containers for droppings
- 91.09 Cruelty to animals

PERSON. Any individual, firm, corporation, partnership, association, trust, estate, or other legal entity.
(Prior Code, § 608.01) (Ord. 134, passed 6-25-1984)

§ 91.02 ANIMALS AT LARGE; PEACE DISTURBANCES; MOLESTATION OF PERSONS AND VEHICLES.

No person who is the owner of a dog or other animal, regardless of whether or not the animal is licensed, shall:

§ 91.01 DEFINITIONS.

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

ANIMAL. Any mammal, domestic or wild, other than humans, and any fowl or reptile.

CONTROL OF ANIMAL. The animal is on a leash not more than eight feet in length or within the property limits of its owner or upon the premises of another person which the consent of that person.

DOG. Any member of the animal species *Canis familiaris*.

OWNER. Any person having a right of property in any animal; any person who has an animal in his or her care or custody; or any person who knowingly permits an animal to remain on or about any premises occupied by him or her.

(A) Fail to keep an animal in control consistent with § 91.01;

(B) Allow or permit the animal to continuously bark, whine, howl, cry, or make other noises which disturb the peace and quiet of the neighborhood; and/or

(C) Allow or permit the animal to molest or disturb persons or vehicles by chasing, barking, or biting.
(Prior Code, § 608.02) (Ord. 134, passed 6-25-1984) Penalty, see § 10.99

§ 91.03 VICIOUS DOGS AND OTHER ANIMALS.

(A) No person shall own, harbor, or keep a vicious dog or vicious animal, provided that this shall not apply to guard dogs maintained for security purposes, but provided further that the guard dog has been professionally trained for this purpose. A

VICIOUS DOG or **VICIOUS ANIMAL** means a dog or other animal that has a propensity, tendency, or disposition to attack unprovoked or to cause injury to or otherwise threaten the safety of human beings or domestic animals, or any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being.

(B) Any such dog shall be impounded by the village police with the assistance of the County Animal Control Officer and held until a determination is made by a court of competent jurisdiction that the animal is vicious. The court shall order that any dog determined to be vicious shall be destroyed or removed from the village. (Prior Code, § 608.03) (Ord. passed 2-27-1989) Penalty, see § 10.99

§ 91.04 IMPOUNDING.

The village police or County Animal Control Officer may impound, in an animal shelter, all dogs or other animals which are not kept in control as provided in § 91.02(A). Within 72 hours from the placement of the animal in the animal shelter, the owner may reclaim the impounded animal by paying the fee established from time to time by the County Animal Control Officer. All the fees shall be paid to the County Animal Control Officer. (Prior Code, § 608.04)

§ 91.05 QUARANTINE.

Any dog or other animal which bites a person shall be quarantined for a period of ten days at the County Animal Control Shelter, or, at the discretion of the County Animal control Officer, on the premises of the owner. The owner shall be responsible for expenses incurred as a result of this confinement. If legal proceedings are instituted to destroy the animal, the animal shall continue to be confined until the proceedings are concluded, unless otherwise ordered by the court. (Prior Code, § 608.05) (Ord. 134, passed 6-25-1984)

§ 91.06 KEEPING OF BEES.

No person shall keep, hive, or possess any Apis, commonly known as honey bees, or allied genera, within the village when the bees are kept, hived, or possessed in such a manner that they may, at will or instinct, swarm or fly off the premises of the owner or custodian thereof. (Prior Code, § 608.06) (Ord. passed 6-18-1934) Penalty, see § 10.99

§ 91.07 REMOVAL OF DROPPINGS.

No person owning, keeping, or in charge of any dog, or other animal, shall allow the dog, or other animal, to defecate on any public property, public sidewalk, public right-of-way, or upon any other type of public property whatsoever, or upon any private property without the permission of the owner of the property, unless the person who owns, keeps, or is in charge of the dog, or other animal, shall immediately remove all droppings deposited by the dog, or other animal, by a sanitary method and dispose of the same in a sanitary method on the property of the person owning, keeping, or in charge of the dog, or other animal, or place the droppings in a public refuse receptacle if the droppings are in an airtight container or airtight bag. (Prior Code, § 608.07) (Ord. 99-6, passed 5-24-1999) Penalty, see § 10.99

§ 91.08 CONTAINERS FOR DROPPINGS.

No person owning, keeping, or in charge of a dog, or other animal, shall permit the dog, or other animal, to be on any public property, public sidewalk, public right-of-way, or upon any other type of public property whatsoever, or upon any private property without the permission of the owner of the property, unless the dog, or other animal, is accompanied by a person who has in the person's possession a container or bag of sufficient size to collect and remove the

droppings of the dog, or other animal. The person accompanying the dog, or other animal, shall show the container to any village police officer or other village employee, if requested.

(Prior Code, § 608.08) (Ord. 99-6, passed 5-24-1999) Penalty, see § 10.99

No person shall neglect nor wantonly or cruelly ill treat or injure any dog or other animal. No person shall cause dogs to fight with each other or with other animals.

Penalty, see § 10.99

§ 91.09 CRUELTY TO ANIMALS.

CHAPTER 92: PARKS AND RECREATION

Section

- 92.01 Park hours
- 92.02 Overnight parking prohibited
- 92.03 Parking restrictions
- 92.04 Citations

large trucks, or any similar vehicles which would protrude into any traffic or maneuvering lanes or out onto the public roadway are prohibited from parking in any village park at any time.
(Prior Code, § 1064.03) (Ord. 99-7, passed 5-24-1999) Penalty, see § 10.99

§ 92.01 PARK HOURS.

The hours for all village parks (including Channel Lane Park, Bridge Street Park, and Chester Street Park) shall be 6:00 a.m. to 10:00 p.m. daily. During all other hours, the parks shall be closed and no person shall enter into or be in or upon any village park property.
(Prior Code, § 1064.01) (Ord. 99-7, passed 5-24-1999) Penalty, see § 10.99

§ 92.04 CITATIONS.

A citation which is issued for a violation of any provision of this chapter may be served by attaching it to the motor vehicle, trailer, or other device which is parked contrary to the provisions hereof.
(Prior Code, § 1064.04) (Ord. 99-7, passed 5-24-1999)

§ 92.02 OVERNIGHT PARKING PROHIBITED.

No overnight parking shall be allowed in any village park. **OVERNIGHT PARKING** shall be defined as parking a vehicle, whether motorized or not, in any village park between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
(Prior Code, § 1064.02) (Ord. 99-7, passed 5-24-1999) Penalty, see § 10.99

§ 92.03 PARKING RESTRICTIONS.

No vehicle parked in any village park shall at any time occupy more than a single marked parking space. Vehicles pulling trailers, oversized motor homes which would occupy more than one parking space,

CHAPTER 93: STREETS AND SIDEWALKS

Section

Construction, Rebuilding, and Repair of Sidewalks

- 93.01 Declaration of necessity
- 93.02 Construction in newly-developed or vacant property
- 93.03 Rebuilding and repair; costs
- 93.04 Notice to property owners to construct, rebuild, or repair
- 93.05 Permit required; supervision
- 93.06 Construction by the village; costs
- 93.07 Special assessment for nonpayment of costs
- 93.08 Notice of special assessment
- 93.09 Hearing
- 93.10 Lien; status of debt; collection
- 93.11 Additional and excess assessments

CONSTRUCTION, REBUILDING, AND REPAIR OF SIDEWALKS

§ 93.01 DECLARATION OF NECESSITY.

Council hereby determines and declares that the regulations for the construction, rebuilding, or repair of sidewalks by special assessment in the village are a matter involving the public safety of the village, and accordingly, and pursuant to the general safety and welfare provisions of the statutes of the state, does hereby determine that the following regulations involving construction, rebuilding, or repair of sidewalks, provision for payment in full or in part by

the adjoining property owner, and provision for compelling payment in full or in part by the adjoining property owner by special assessment in the village, are a public necessity. (Prior Code, § 1022.01) (Ord. 104-A, passed 3-10-1997)

§ 93.02 CONSTRUCTION IN NEWLY-DEVELOPED OR VACANT PROPERTY.

It shall be the duty of all owners of newly-developed or vacant real estate in the village to construct new sidewalks along the line of the streets next to and abutting upon the real estate if sidewalks do not already exist in the areas. Construction of the sidewalks shall be in accordance with specification of Council and shall be completed prior to issuance of an occupancy permit. The owner or owners of the property shall pay 100% of the cost of the construction of the new sidewalks. (Prior Code, § 1022.02) (Ord. 104-A, passed 3-10-1997) Penalty, see § 10.99

§ 93.03 REBUILDING AND REPAIR; COSTS.

(A) No person shall permit the sidewalk which adjoins property owned or occupied by that person to fall into a state of disrepair or to be unsafe, in the opinion of Council.

(B) It shall be the duty of all owners of real property in the village to build, rebuild, or repair sidewalks along the line of streets abutting upon the real property whenever Council, in its judgment, decides that public necessity demands the construction

or repair of the sidewalk. Subject to the provisions of this subchapter, the village will pay to any person who constructs a cement sidewalk in the village, according to the specifications adopted by Council, the percentage of the cost of construction as follows.

(1) In nonresidential districts (as districts are defined in the zoning code), the village will pay 40% of the reasonable cost, and the adjoining property owned will pay 60% of the reasonable cost, for rebuilding or repair.

(2) In residential districts, the village will pay 50% of the reasonable costs, and the adjoining property owner will pay 50% of the reasonable cost, for rebuilding or repair.

(C) For purposes of this subchapter, sidewalks in commercial districts abutting Hancock Street shall extend the full distance from the building to the curb. Sidewalks in other areas of the village shall be at least four feet in width. (Prior Code, § 1022.03) (Ord. 104-A, passed 3-10-1997) Penalty, see § 10.99

§ 93.04 NOTICE TO PROPERTY OWNERS TO CONSTRUCT, REBUILD, OR REPAIR.

Whenever Council, by resolution, declares the necessity for, and directs the construction of, any sidewalk in any street in front of or adjoining any private property, it shall be the duty of the Village Clerk to:

(A) Publish in a newspaper once each week for two consecutive weeks; and

(B) Mail by first-class mail to the owners as shown by the most recent tax assessment rolls, a notice dated on the first day of the publication, which shall notify the property owner:

(1) That Council requires the construction, rebuilding, or repair of sidewalks;

(2) Of the street and lot numbers or legal descriptions adjoining which the sidewalks shall be built;

(3) The time (not less than 30 days) within which construction should begin;

(4) That, upon failure to comply with the order, the village will cause the construction, rebuilding, or repair to be done, and the cost thereof, plus a penalty of 10% of the landowner's portion of the cost as provided herein and by statute, will be assessed against the property; and

(5) The estimated cost of the sidewalk construction, rebuilding, or repair if done by the village. (Prior Code, § 1022.04) (Ord. 104-A, passed 3-10-1997)

§ 93.05 PERMIT REQUIRED; SUPERVISION.

Any person desiring to construct, rebuild, or repair a sidewalk on or adjacent to his or her property shall do so only upon a permit granted by the Zoning Administrator in accordance with the specifications established by the village. The sidewalk shall be constructed, rebuilt, or repaired under the supervision and direction of the Superintendent of Public Works who shall inspect the work and report to Council if the work has been done in accordance with the provisions of this subchapter, in full compliance with the specifications established by the village and to the satisfaction of the officer.

(Prior Code, § 1022.05) (Ord. 104-A, passed 3-10-1997)

§ 93.06 CONSTRUCTION BY THE VILLAGE; COSTS.

(A) If any person notified pursuant to § 93.04 has not constructed the sidewalk within the time mentioned, the village, under the direction of the Superintendent of Public Works, may construct or

cause to be constructed the sidewalk in front of or adjoining the premises of the person so in default, and, upon its completion, prepare a report and attach thereto an affidavit of publication and mailing of the notice ordering the sidewalk to be constructed, which report shall contain the cost of construction of the sidewalk, together with a penalty of 10% of the proportion due from the owner of each parcel of property adjacent to the sidewalk constructed, and a description of the parcels of land in front of or adjoining which the sidewalks have been constructed. The report shall be transmitted to the Village Clerk who, within 14 days after receipt, shall notify each of the persons who have had sidewalks constructed in front of or adjoining their premises, as shown by the report, by first-class mail at their post office address as shown on the most recent tax assessment roll, of the fact that the Village Treasurer will receive payment for the sidewalk construction and a 10% penalty for a period of 91 days from the date of the notice without further or additional cost. The Village Clerk shall further notify the persons that unless the construction costs and penalty are paid within 91 days, the fact of nonpayment will be transmitted in a report to Council for the purpose of levying a special assessment upon the property.

<i>Cost</i>	<i>Number of Equal Installments</i>	<i>Due in Full</i>
\$801 through \$1,200	3	July 1, 3 years following the year of completion

(B) Upon a special request in writing to the Village Clerk, any property owner may request an extended payment plan according to the following schedule for his or her portion of sidewalk construction.

(1) The schedule shall be as follows:

<i>Cost</i>	<i>Number of Equal Installments</i>	<i>Due in Full</i>
\$0 through \$400	1	July 1, the year following completion
\$401 through \$800	2	July 1, 2 years following the year of completion

\$1,201 through \$1,600	4	July 1, 4 years following the year of completion
Greater than \$1,600	5	July 1, 5 years following the year of completion

(2) The extended payments shall bear simple interest at 6% per year from the original due date to the date of payment.

(Prior Code, § 1022.06) (Ord. 104-A, passed 3-10-1997)

§ 93.07 SPECIAL ASSESSMENT FOR NONPAYMENT OF COSTS.

The Village Clerk shall, within 42 days after expiration of the time provided in § 93.06 for payment to the Village Treasurer, proceed to prepare an assessment roll in the legal and proper form and assess the amount so reported against those who have failed to pay the assessment within the time above mentioned, together with a penalty of 10% of the proportionate cost due from the property

(B) The notice referred to in division (A) above shall:

(1) Notify the owners that a special assessment roll has been prepared and is open for inspection, revision, and correction in the office of the Clerk;

(2) Contain a description of the lots in the special assessment roll;

(3) Notify the owners of the date and time of the meeting at which the roll will be presented to Council for confirmation;

(4) Notify the owners that any person desiring to object to the assessment may do so by filing a written protest prior to the above meeting date;

(5) Notify the owners that protest at the

owner as provided by law, and the special assessment shall be made upon the parcel, lot, or lots fronting or adjoining the sidewalks so constructed, rebuilt, or repaired, and in proportion to the total number of square feet constructed.

(Prior Code, § 1022.07) (Ord. 104-A, passed 3-10-1997)

§ 93.08 NOTICE OF SPECIAL ASSESSMENT.

(A) Upon completion of the assessment roll, the Village Clerk shall:

(1) Cause to be published in a newspaper, once each week for two consecutive weeks, a notice as set forth in division (B) below; and

(2) Send the notice to the property owners by first-class United States mail, not less than ten days prior to the hearing, addressed to the owner at their last known post office addresses as shown on the most recent tax assessment rolls.

hearing is required in order to appeal the amount of the special assessment to the tax tribunal. The protest may be either in person or in writing (an actual personal appearance is not required); and

(6) Notify the owners that they or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

(Prior Code, § 1022.08) (Ord. 104-A, passed 3-10-1997)

§ 93.09 HEARING.

If no protest is filed, Council shall, at the meeting, confirm the special assessment. If a protest is filed, the same shall be heard or

considered by Council at the time and place designated in the notice, and the same shall be considered, giving the protesting party an opportunity to be heard. Council, after consideration, may confirm the roll with or without

modification as it may deem proper. Upon confirmation of the roll, the same shall be transmitted to the Village Assessor and the Assessor shall spread the amount, together with the 10% penalty, upon his or her roll as a special assessment upon the lot(s) or premises, and the same shall be collected in the same manner as other village taxes. (Prior Code, § 1022.09) (Ord. 104-A, passed 3-10-1997)

§ 93.10 LIEN; STATUS OF DEBT; COLLECTION.

From the date of confirmation of the roll levying the special assessment, the full amount of the assessment and any interest thereon shall constitute a lien on the premises subject thereto and that amount shall be a debt of the person(s) to whom it is assessed until paid and, in case of delinquency, may be collected as delinquent village property taxes or by a suit against the person(s).

(Prior Code, § 1022.10) (Ord. 104-A, passed 3-10-1997)

§ 93.11 ADDITIONAL AND EXCESS ASSESSMENTS.

Council may authorize additional assessments if the initial and prior assessment proved insufficient to pay for the improvement or if it is determined to be invalid in whole or in part. The village shall make a refund of excess assessments, provided, however, that if the excess is less than 5% of the total cost of the improvement with respect to that particular property, the amount may be placed in the General Fund for the village.

(Prior Code, § 1022.11) (Ord. 104-A, passed 3-10-1997)

CHAPTER 94: FIRE PREVENTION AND PROTECTION

Section

General Provisions

- 94.01 Outdoor furnaces prohibited
- 94.02 Storage of combustible refuse prohibited; weeds and grass
- 94.03 Open burning
- 94.04 Kindling of fires
- 94.05 Use of sky lanterns prohibited

Fireworks

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- 94.16 Purpose
- 94.17 Definitions
- 94.18 Novelties
- 94.19 Signals
- 94.20 Consumer fireworks
- 94.21 Articles pyrotechnic and display fireworks

- 94.99 Penalty

GENERAL PROVISIONS

§ 94.01 OUTDOOR FURNACES PROHIBITED.

(A) No person, corporation, partnership, or other entity shall install, use, or maintain an outdoor furnace fired by wood, corn, pellets, coal, fuel oil, gas, or any other type of combustible material within the village.

(B) **OUTDOOR FURNACE** is any combustion chamber used to heat a residence, outbuilding, commercial building, or any other building or structure, and is located outside the walls of the structure.

(C) Persons violating this section shall be responsible for a Class B civil infraction, and fined accordingly as defined in § 34.07(A). In addition, the installation, use, or maintenance of such an outdoor furnace shall be deemed a nuisance per se and entitle the village to injunctive relief. (Prior Code, § 680.13) (Ord. 2006-3, passed 4-10-2006) Penalty, see § 10.99

§ 94.02 STORAGE OF COMBUSTIBLE REFUSE PROHIBITED; WEEDS AND GRASS.

(A) No person shall store or permit the storage of any combustible refuse in such a way as to create a fire hazard or store or throw away any refuse of any kind in an alley, street, or other public way in the village.

(B) No person shall allow accumulations of waste paper, hay, grass, straw, weeds, litter, or combustible or flammable waste or rubbish of any kind to remain upon any roof or in any court, yard, vacant lot, or open space or upon any public street, sidewalk, easement, or alley abutting thereon.

(C) All weeds, grass, vines, or other growth, when the same endangers property or is liable to be ignited, shall be cut down and removed by the owner or occupant of the property, including all weeds, grass, vines, or other growth growing in or upon any public street, sidewalk, easement, or alley abutting the property. If the accumulations are not removed by the landowner or occupant, the village will cause the removal, and the cost thereof will be billed to the landowner. No person shall fail to pay the bill within 60 days of receipt thereof. (Prior Code, § 1610.01) (Ord. 122-A, passed 2-10-1997) Penalty, see § 10.99

§ 94.03 OPEN BURNING.

(A) The village hereby finds the burning of leaves and other yard waste to be a matter of public health concern. The burning of these materials results in the production of air that is laden with suspended particles and the emission of a known carcinogenic agent (benzo(a)pyrene) and mold spores, which are known to aggravate hay fever and allergies and cause respiratory distress. The village finds that these harmful effects can be mitigated by the prohibition of leaf and yard waste burning. The regulation of this activity has been deemed to be in the interest of the preservation of the public health, safety, and welfare.

(B) No person shall permit or engage in the act of burning of leaves or other yard waste (such as woody and vine growth or vegetation), paper products, garbage, or other organic material within the village.

(C) The following kinds of fires are hereby expressly excepted from the provisions of division (B) above:

(1) *Fires for outdoor cooking.* Fires which cook food, provided that an irritating amount of smoke is not created, the fire is confined to the cooking site, and no other nuisance exists. Outdoor barbecue grills are examples of this allowable exception;

(2) *Fires for outdoor heating.* Fires used to provide heating on construction sites, provided that an irritating amount of smoke is not created, the fire is confined to the work site, and no other nuisance exists;

(3) *Fires for civic, social, or athletic purposes.* A fire which is kindled for a civic, social, or athletic purpose, made from wood products, provided it does not create a nuisance and the following precautions are met.

(a) *Location.* The location of the fire must be a reasonable distance from any structure and adequate provision must be made to prevent the fire from spreading to any structure.

(b) *Attendants.* A bonfire shall be constantly attended by a competent adult of 18 years or older until the fire is extinguished. This person shall have a garden hose connected to a water supply or other fire-extinguishing equipment readily available for use. The Fire Chief may require that particular types of firefighting equipment be available at the bonfire site.

(c) *Safety.* The Fire Chief may prohibit any and all bonfires when atmospheric conditions or circumstances make the fires hazardous or when, in the opinion of the Fire Chief, the bonfire would constitute a fire hazard or will endanger the life or property of any person.

(4) *Fires for instruction and training.* Fires set for the instruction and training of public and industrial firefighting personnel; and

(5) *Fires for disease and pest control.* Fires set to agricultural lands for disease and pest control and other accepted agricultural and wildlife management practices.

(D) The Police Department is authorized to enforce the provisions of this section. The enforcement duties authorized by this section shall include, among others, the following: investigation of ordinance violations; serving notices of violations; serving appearance tickets as authorized under Public Act 175 of 1927, Ch. 4, being M.C.L.A. §§ 764.1 *et seq.*, as amended, and Public Act 366 of 1984, being M.C.L.A. §§ 764.9c and 764.9f; appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators; and any other ordinance enforcement duties as may be designated by the Village President.

(Prior Code, § 680.11) (Ord. 147, passed 11-8-1993; Ord. 147-A, passed 10-14-1996) Penalty, see § 10.99

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§ 94.04 KINDLING OF FIRES.

repose of Village of Pentwater residents, the Village of

No person shall kindle a fire in or upon any public way or place in the village, except in grills or other areas for fires designated by the village in village parks or other public areas.
(Prior Code, § 680.12) Penalty, see § 10.99

§ 94.05 USE OF SKY LANTERNS PROHIBITED.

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

SKY LANTERNS. Also known as **KONMING LANTERNS, CHINESE LANTERNS, SKY CANDLES,** or **FIRE BALLOONS,** are small hot air balloons made of paper or other similar lightweight material with an opening at the bottom where a small fire is suspended.

VILLAGE. The Village of Pentwater.

(B) *Sky lantern restrictions.* No person shall in any way light or allow a sky lantern to be launched into the air within the village.
(Ord. 2014-2, passed 9-8-2014) Penalty, see § 94.99

FIREWORKS

§ 94.15 NAME.

This subchapter shall be known and cited as the Village of Pentwater fireworks ordinance.
(Ord. 2012-3, passed 12-10-2012)

§ 94.16 PURPOSE.

In the interest of maintaining public health, safety and the general welfare and the comfort and

Pentwater hereby provides for the regulation and use of fireworks in the Village of Pentwater, as provided in PA 256 of 2011, as may be amended, (M.C.L.A. §§ 28.451 *et seq.*) and repeals all ordinances or parts of ordinances in conflict herewith.
(Ord. 2012-3, passed 12-10-2012)

§ 94.17 DEFINITIONS.

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

APA. American Pyrotechnics Association.

ARTICLES PYROTECHNIC. Pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

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

DEPARTMENT. Department of Licensing and Regulatory Affairs (LARA), State of Michigan.

DISPLAY FIREWORKS. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 162 and APA standard 87-1, 4.1.

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FIREWORK or **FIREWORKS**. Any composition or device, except for a starting pistol, a flare gun or a flare, 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 and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.

MINOR. Individual who is less than 18 years old.

NATIONAL HOLIDAY. A national holiday is defined in 5 USC 6103 and includes: New Year's Day (January 1); Martin Luther King Jr. Day (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).

NFPA. National Fire Protection Association.

NOVELTIES. As 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 trick noisemakers, and toy guns in which toy caps as described above are used, that are constructed so that the hand cannot 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) 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 the quantity contained in each box are printed on the box; and toy smoke devices.

(4) Flitter sparklers in paper tubes not exceeding one-eighth inch in diameter.

PERSON. Individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

SPECIAL EFFECTS. A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment. (Ord. 2012-3, passed 12-10-2012)

§ 94.18 NOVELTIES.

This subchapter does not apply to and does not regulate the use of novelties in the Village of Pentwater. (Ord. 2012-3, passed 12-10-2012)

§ 94.19 SIGNALS.

Nothing in this subchapter shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor to the military or naval forces of the United States or of this state, nor to peace officers. Nothing in this subchapter shall be construed as prohibiting the sale and use of blank cartridges for ceremonial, theatrical, or athletic events. (Ord. 2012-3, passed 12-10-2012)

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§ 94.20 CONSUMER FIREWORKS.

(A) Consumer fireworks may be used in the Village of Pentwater on the day preceding, the day of and the day after a national holiday as defined herein, without restriction.

(B) At any time other than the day preceding, the day of and/or the day after a national holiday, consumer fireworks may be used in the Village of Pentwater subject to the following requirements and restrictions:

- (1) Consumer fireworks may be used up to 11:00 p.m. on any day.
- (2) Use of consumer fireworks must be in compliance with the Village of Pentwater noise ordinance, § 130.12 as amended.
- (3) Consumer fireworks shall not be used if a burn ban is in effect.
- (4) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express written permission to use the consumer fireworks on those premises.
- (5) A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance.

(6) Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.
(Ord. 2012-3, passed 12-10-2012)

§ 94.21 ARTICLES PYROTECHNIC AND DISPLAY FIREWORKS.

(A) The Village of Pentwater may permit articles pyrotechnic, display fireworks and special effect fireworks in the Village of Pentwater, pursuant to the provisions of M.C.L.A. §§ 28.451 *et seq.* and this subchapter.

(B) Any person wishing to conduct an articles pyrotechnic display, fireworks or special effects display shall, at least 45 days prior to any display, submit an application on a form furnished by the village, pay the required fee and shall secure permission from the Village Manager prior to any such fireworks display.

(C) The site plan of the area where the articles pyrotechnic display, fireworks or special effects display is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and within the discharge site fallout area. The site plan shall furthermore set forth the distance separating any fireworks and any spectator viewing areas. All site plans shall be forwarded to the Fire Chief and/or his or her designated alternate for approval, including any recommended conditions, prior to coming before the Village Council for its approval.

(D) A copy of any required state or federal permit for the fireworks display shall be submitted with the application.

(E) Proof of insurance conforming to the requirements of this subchapter and PA 256 of 211 shall be submitted with the application.

(F) The application shall include information as to the competency and qualifications of the fireworks display operators, as required by NFPA 1123.

(G) The Village Council shall approve an application for an articles pyrotechnic display, or a fireworks or special effects display if it finds that all

of the following standards are satisfied:

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(1) The application and accompanying documentation is complete and conforms to the requirements of this subchapter.

in an action or proceeding against the person may be served.

(2) The operator of the fireworks display is competent and qualified to conduct the fireworks display, per NFPA 1123.

(3) The Fire Chief or his or her designated alternate has approved the application and site plan.

(4) The fireworks display will not have an adverse effect upon public safety.

(5) The time, duration, location of the fireworks or special effects display will not, due to noise and other factors, unreasonably disturb the peace of persons residing within the vicinity or otherwise violate the Village of Pentwater's noise ordinance (§ 130.12 as amended).

(6) The Village Council, in approving an application hereunder, shall have the authority to impose such conditions as it determines in its sole, reasonable discretion are necessary to assure that the fireworks display will satisfy the above standards.

(H) *Requirements and restrictions.*

(1) The person conducting the fireworks display shall follow NFPA 1123 for fireworks display and/or the Village of Pentwater requirements set forth herein, whichever are more restrictive.

(2) The applicant shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000 for each event. The Village of Pentwater shall be named as an additional insured on the insurance policy.

(3) The Village of Pentwater shall not issue a permit to a nonresident person until the person has appointed in writing a member of the state bar of this state or a resident agent to be the person's legal representative upon whom all process

(4) The applicant shall be responsible for all shells being fired. In the event one or more of the shells does not explode, the applicant shall secure the area until the unexploded shell(s) is found and properly disposed of.

(5) The consumption of alcohol immediately prior to and during the fireworks display by any person involved in conducting the display is prohibited.

(6) A fireworks display conducted hereunder shall conform with all specifications set forth in the approved application and site plan, as well as with any conditions imposed by the Village of Pentwater in granting such approval.

(7) The applicant shall cause the site of the fireworks display to be cleaned up to the satisfaction of the Village Manager within 24 hours after the fireworks display has ended.

(8) A permit is not transferable and shall

not be granted to a minor.
(Ord. 2012-3, passed 12-10-2012)

§ 94.99 PENALTY.

(A) Any person that violates any provision of §§ 94.15 through 94.21 shall be deemed responsible for a Class B municipal civil infraction and fined in accordance with the Village of Pentwater civil infraction ordinance. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Village of Pentwater has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$100.00 nor more than \$500.00 be ordered. In addition, the village shall also have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with §§ 94.15 through 94.21. Each day that a violation of §§ 94.15 through 94.21 continues to exist shall constitute a separate violation of that subchapter.

(B) *Violation of § 94.05.*

(1) The use of sky lanterns is declared to be a Class C civil infraction under Chapter 34 of this Code.

(2) The person(s) responsible for violation of § 94.05 shall be the person or persons lighting and/or launching same and the property owner from which the lantern is lighted or launched.

(3) In addition to the penalties provided in this section, the general penalty and additional remedies prescribed in § 10.99 shall apply to any violation of § 94.05. The village shall have the right to proceed in any court of competent

jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this section. Each day that a violation of § 94.05 continues to exist shall constitute a separate violation of § 94.05.

(4) Any person who violates the terms of § 94.05, in addition to the penalties provided herein, shall be liable to the village for the actual costs(s) incurred by the village for any Fire Department response and any and all ancillary cost(s) associated therewith. (Ord. 2012-3, passed 12-10-2012; Ord. 2014-2, passed 9-8-2014)

CHAPTER 95: NUISANCES

Section

95.01	Definitions
95.02	Maintenance of private property
95.03	Notice to abate nuisance
95.04	Abatement by village
95.05	Summary abatement
95.06	Equitable remedies

§ 95.01 DEFINITIONS.

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

NUISANCE. Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in which the premises are located. This includes, but is not limited to, the keeping or disposition on any premises, or the scattering over any premises, of any of the following:

- (1) Lumber, junk, trash, or debris;
- (2) Abandoned, discarded, or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, and containers;
- (3) Any compost pile which is of such nature as to spread or harbor disease, emit unpleasant odors or harmful gases, or attract rodents, vermin, or other disease-carrying pests, animals, or insects; and/or
- (4) Any other dangerous, unsanitary, or unsightly condition maintained on private property.

PERSON. Any individual, firm, corporation, partnership, association, trust, estate, or other legal entity.

PRIVATE PROPERTY. Any real property not owned by the federal government, the state, the county, the school district, or any other public subdivision.
(Prior Code, § 660.01) (Ord. 125, passed 6-11-1984)

§ 95.02 MAINTENANCE OF PRIVATE PROPERTY.

No person owning, leasing, occupying, or having charge of any private property shall maintain or keep any nuisance thereon or keep or maintain the premises in a manner causing substantial diminution in the value of other property in the neighborhood in which the premises are located.
(Prior Code, § 660.02) (Ord. 125, passed 6-11-1984) Penalty, see § 10.99

§ 95.03 NOTICE TO ABATE NUISANCE.

(A) Whenever the existence of any nuisance on any private property in the village comes to the knowledge of the Chief of Police, in writing, he or she shall serve written notice of the violation to the person or persons violating this chapter. This notice may be served by certified mail or by personally delivering it to the person. If the whereabouts of the person are unknown, the notice may be served by publishing it for two consecutive weeks in a newspaper circulated within the village.

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(B) This notice shall contain the following information:

(1) A general description and location of the nuisance;

(2) A direction to abate the nuisance within ten days;

(3) A statement that if the nuisance is not abated within the ten-day period, the village may enter onto the premises to abate the nuisance and the person violating this chapter shall be responsible for the expense of the action; and

(4) A statement of the penalties for the violation of this chapter.
(Prior Code, § 660.03)

§ 95.04 ABATEMENT BY VILLAGE.

If an owner, occupant, or custodian of private property in the village fails or refuses to comply with a notice issued and served according to § 95.03, the Superintendent of Public Works is authorized to enter upon the premises and abate the nuisance. The persons violating this chapter shall be responsible for the cost of the action, and the charge shall be a lien on the real estate. This lien may be certified to the Tax Assessor to be added to the tax rolls as a special assessment, or, alternatively, may be foreclosed consistent with the statutory procedures for foreclosure of mortgages by advertisement in the state. Any action under this section shall not be construed to limit the village from pursuing any other legal remedy or penalty provided in this chapter.

(Prior Code, § 660.04) (Ord. 125, passed 6-11-1984)

§ 95.05 SUMMARY ABATEMENT.

In addition to the other remedies provided in this chapter, Council may, summarily, without serving a notice as provided in § 95.03, order the

Superintendent of Public Works to abate a nuisance if the nuisance is an immediate and substantial threat to public health, welfare, and safety.

(Prior Code, § 660.05) (Ord. 125, passed 6-11-1984)

§ 95.06 EQUITABLE REMEDIES.

The village may file a complaint in the County Circuit Court to obtain an injunction against any person who is maintaining a nuisance. This action shall not be construed as precluding the village from exercising any other remedies or penalties provided in this chapter.

(Prior Code, § 660.06) (Ord. 125, passed 6-11-1984)