

Most Commonly Requested Ordinances

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Golf Carts

THE CITY OF PETERSBURG ORDINANCE NO. 16-0002

AN ORDINANCE ALLOWING, AND ESTABLISHING REGULATIONS FOR, THE OPERATION OF GOLF CARTS AND BICYCLES ON STREETS WITHIN THE CITY OF PETERSBURG, MICHIGAN, PROVIDING PENALTIES FOR VIOLATIONS, AMENDING ORDINANCES 42 AND 43 PURSUANT TO PUBLIC ACT 300 OF 1949 AS AMENDED, AND REPEALING SECTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE

The City of Petersburg ordains:

Section 1 Title

This ordinance shall be referred to as the "Petersburg Golf Cart and Bicycle Ordinance."

Section 2 Golf Carts

(a) The City of Petersburg allows a person who is at least 16 years old with a valid driver's license to operate a golf cart on City streets only in accordance with this ordinance.

(b) The operator of a golf cart upon a street shall drive as near to the right side of the roadway as possible, exercising due caution when passing a standing vehicle or slower vehicle proceeding in the same direction.

(c) A golf cart shall be operated at a speed not exceeding 15 miles per hour.

(d) A golf cart shall not be operated on a street that has a speed limit of more than 30 miles per hour, except to cross the street, using the most direct line to cross.

(e) A golf cart shall not be operated on a street that the City has designated, by resolution or by signs, shall not be used by golf carts, except to cross the street, using the most direct line to cross.

(f) An operator of a golf cart shall comply with the signal requirements of MCL 257.648 that apply to the operator of a vehicle.

(g) A golf cart shall not be operated on a sidewalk designed for pedestrian traffic.

(h) Where a designated path for golf carts is provided adjacent to a street, a person operating a golf cart shall use the path and not the street.

(i) A golf cart shall not be operated in any careless or imprudent manner so as to endanger any person or property.

(j) A person shall not operate a golf cart on a street during the time period from one half hour before sunset to one half hour after sunrise.

(k) A golf cart shall not be operated with more passengers than it is designed to carry.

Section 3 Bicycles

(a) The operator of a bicycle upon a street, road or alley, before stopping or turning, shall first determine that the stopping or turning can be made in safety and shall give a signal as required by this section.

(b) A signal required under this section shall be given either by means of the hand and arm in the manner specified in this section, or by a mechanical or electrical signal device that conveys an intelligent signal or warning to other traffic.

(c) The operator of a bicycle using a hand and arm signal shall signal as follows:

- 1) For a left turn, the operator shall extend his or her left hand and arm horizontally.
- 2) For a right turn, the operator shall extend his or her left arm upward.
- 3) To stop or slow down, the operator shall extend his or her left hand and arm downward.

Section 4 Penalties

Any person or entity responsible for a violation of this Ordinance, whether as an operator, passenger, owner or other person who allows a violation, is responsible for a civil infraction and shall be punished by a civil fine determined in accordance with the following schedule:

	Civil fine
First offense	\$100.00
Second offense within one year	\$200.00
Third offense within one year	\$300.00

Noise

ORDINANCE NO. 79

An Ordinance to regulate and prohibit the making and creation of excessive or unusually loud noises in the City of Petersburg, to establish maximum allowable noise levels, to provide for the enforcement of these levels, to exempt certain activities and to provide for penalties for the violation of this Ordinance.

THE CITY OF PETERSBURG ORDAINS:

1 FINDINGS AND DECLARATIONS OF FACT, PURPOSE

The City of Petersburg hereby declares that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of the City of Petersburg. This ordinance is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Petersburg through the reduction, prohibition and regulation of noise. By this Ordinance, the City of Petersburg intends to establish and provide for sound levels that will eliminate unnecessary and excessive noise, reduce traffic and community noise, and establish noise standards and sound levels that will promote a comfortable enjoyment of life, property and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community.

2 DEFINITIONS

As used in this Ordinance, unless the context requires a different meaning, the following terms shall mean:

2.1 **Ambient Sound Level.** The surrounding, ambient, background or composite sounds from all sources, excluding the sound source whose level is being measured, which is measurable at any given location in an environment by using an "A" weighted decibel sound meter, when the noise level is averaged over a period of fifteen (15) minutes at a specific time and location.

2.2 **"A" Weighted Sound Level.** The total sound level stated in decibels as measured with a sound level meter with a reference pressure of 20 micropascals using the "A" weighted network, the unit of measurement of which is the dB(A).

2.3 **dB(A).** The sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1. 4-1971, for a Type 2 Instrument.

2.4 Decibel (db). A unit of measure, on a logarithmic scale to the base ten, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for the purposes of this Ordinance, shall be twenty (20) micropascals per square meter.

2.5 Emergency Work. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

2.6 Equivalent "A"-Weighted Sound Level (L_{eq}). The "A" weighted energy mean of a sound level averaged over a specified time period, which is equivalent to the continuous sound level which would have the same total "A" weighted energy as the real fluctuating sound measured over the same period of time.

2.7 Fixed Sound Source. A stationary device which creates sounds while fixed or motionless, including but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

2.8 Frequency. A function periodic in time which is the reciprocal of the primitive period. Frequency is the rate at which a complete sound wave passes a given point in a specified unit of time.

2.9 Harmonic Or Pure Tones. Sounds which have a specific frequency or pitch associated with them.

2.10 Impulsive Sound. Noise or sound of short duration, of less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

2.11 Intrusive Sound. That sound which intrudes over and above the existing ambient sound at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence, and tonal or informational content as well as the prevailing ambient sound level.

2.12 Lawn Maintenance Equipment. Any equipment customarily used or useful for ordinary and usual domestic residential lawn and home maintenance purposes such as a lawn mower, rototiller, chain saw or other similar implement or device.

2.13 Noise. Synonymous with the term "sound" and shall refer to the physical manifestation resulting from an oscillation in pressure in air.

2.14 Person. Any individual, association, partnership or corporation, or other legal entity.

2.15 Public Right-Of-Way. Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

2.16 Parcel of Real Property. A piece of land that is legally described by an imaginary line along the ground surface, and its vertical extension which separates the real property owned by one person from that owned by another person.

2.17 Receiving Land Use. The actual use of the land or the zoning district (commercial, industrial, or residential) of the land on or at which a sound is received, as defined in the Zoning Ordinance of the City of Petersburg.

2.18 Sound Amplification Device. Any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed and warning devices on any vehicle used for traffic safety purposes.

2.19 Sound Level Meter. An instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels, which meets applicable requirements of the American National Standards Institute.

3 GENERAL PROHIBITION OF NOISE AND SOUND

3.1 It shall be unlawful for any person to make or cause to be made any noise or sound, whether measured or not, which either creates a disturbance of the public peace or which is of such character as to be of actual physical discomfort to persons of ordinary sensibilities, taking into consideration the following factors:

3.1.1 The volume of sound;

3.1.2 The intensity and frequency of the sound;

3.1.3 Whether the nature of the sound is usual or unusual;

3.1.4 Whether the origin of the sound is natural or unnatural;

3.1.5 The volume and intensity of the ambient sound, if any;

3.1.6 The proximity of the sound to residential sleeping facilities;

3.1.7 The nature and zoning of the area within which the sound emanates or is received;

3.1.8 The density of inhabitation of the area within which the sound emanates or is received;

3.1.9 The time of the day or night the sound occurs;

3.1.10 The duration of the sound;

3.1.11 Whether the sound is recurrent, intermittent or constant;

3.1.12 Whether the sound is produced by a noncommercial or a commercial type of activity; and

3.1.13 Other pertinent and applicable factors.

3.2 Use Or Operation Of Radios, Phonographs and Similar Devices. No person shall use, operate or permit to be played, any radio receiving set, musical instrument, television set, phonograph or other machine or device for the production or reproduction of sound, in such manner as to disturb the quiet, comfort or repose of any person. This section also applies to such machines or devices for the production or reproduction of sound when located in any motor vehicle. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be in violation of Section 4.5 shall be prima facie evidence of a violation of this Section.

3.3 Use of Loudspeaker Or Sound Amplification Device For Commercial Purposes. The installing, using or operating, within the City, of a loudspeaker or sound amplifying device or equipment for commercial purposes, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited. The operation of any such equipment or device in such a manner as to be in violation of Section 4.5 shall be prima facie evidence of a violation of this Section.

3.4 Use of Sound Trucks. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purposes of selling, offering for sale, or advertising in any fashion.

3.5 Selling By Outcry In Residential District. The selling of anything by outcry within any area of the City zones primarily for residential uses, is prohibited.

3.6 Use Of Drum Or Other Devices To Attract Attention To Show, Sale or No person shall use any drum, bell, buzzer, or other instrument or device for the purpose of attracting attention, by the creation of noise, to any the like performance, show, auction or other sale, or for any other commercial purpose.

3.7 Handling Of Boxes, Crates, Containers or the like. The loading, unloading, opening or otherwise handling of boxes, crates, containers, garbage containers or other objects, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited.

3.8 Noisy Animals And Fowl. No person shall own, keep, harbor or have possession of any animal or fowl which, by frequent or habitual howling, barking, meowing, squawking, or other noise, shall disturb the quiet, comfort or repose of any person.

3.9 Noise From Vehicles Generally. The use of any truck, automobile, motorcycles, or other vehicles so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise, is prohibited.

3.10 Repairing, Rebuilding Or Testing Vehicles. The repairing, rebuilding, or testing of any truck, automobile, motorcycle or other motor vehicle within the City, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited.

3.11 Unmuffled Exhaust From Engine Or Motor; Modifying Noise-Abatement Device On Engine Or Motor. The discharge into the open air, of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited. Modifying any noise-abatement device on any motor vehicle or engine in a manner so that the noise emitted by such vehicle or engine as originally manufactured, shall be a violation of this Section.

3.12 Construction Noises. Except as hereinafter provided, the performing of any construction or repair work on buildings, structures or projects, or the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction-type device, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited. In such cases, a permit shall be obtained in accordance with this Ordinance.

No 3.13 Noise Near School, Church, Court, Hospital Or Nursing Home. person shall create any excessive noise within the vicinity of any school, institution of learning, church or court while the same is in use, or within the vicinity of any of such hospital or institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on streets within the vicinity indicating the presence of a school, hospital, court, church or nursing home.

4 NOISE LEVEL STANDARDS

4.1 Projection Of Sound; Decibel And Prohibited Noise Level Standards. It shall be unlawful for any person to allow any sound, or to cause any sound under the direction and control of such person, to project from one parcel of real property onto or into another parcel of real property, if such sound exceeds any of the following:

4.1.1 The equivalent "A"-weighted sound level spectra established in Section 4.5, Table I below, measured over a one (1) minute period of time.

4.1.2 The equivalent "A"-weighted ambient sound level measured over a fifteen (15) minute period of time by more than ten (10) db(A).

4.1.3 Any db(A) level, measured on the "fast response" side of an "A"-weighted sound level meter, that exceeds the equivalent "A"-weighted sound level spectra allowed in the district by twenty (20) db(A) for more than three (3) times in a one (1) hour period of time.

4.2 It shall also be unlawful for any person to project any sound from one use district into another use district with a different sound level, which exceeds the sound level limitations of the district into which the sound is projected in violation of the limitations hereinbefore established.

4.3 A measurement of sound shall be made with an "A"-weighted sound level meter. The instrument shall be maintained in proper calibration and good working order in compliance with the manufacturer's or supplier's recommendations or requirements. A calibration test shall be made at the time of any such measurement to insure that the instrument is in proper working order. Measurements shall be taken so as to provide an accurate determination of the sound level being measured, and the microphone shall be positioned so as to avoid any enhancement or diminution of the sound being measured. A wind speed is in excess of twenty-five (25) miles per hour.

4.4 The measurement shall be made at any point on a property line of the parcel of real property which is the receiving land use. The microphone shall be placed at a height of five (5) feet just above the surface of the point at which the measurement is being made, except where the sound source is elevated or situated so that a different elevation for the sound level meter will provide a more actuated measurement.

4.5 The equivalent "A"-weighted sound level spectra referred to in Section 4.1 hereof is as follows:

TABLE 1: LIMITING SOUND LEVELS FOR ZONING DISTRICTS			
(As Measured in the District Receiving the Sound)			
	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Nov. 1 to April 30			
9:00 P.M. to 7:00 A.M.	65	72	80
Nov. 1 to April 30			
7:00 A.M. to 9:00 P.M.	75	77	85
May 1 to October 30			
9:00 P.M. to 7:00 A.M.	65	72	80
May 1 to October 30			
7:00 A.M. to 9:00 P.M.	75	77	80

5 LIMITED EXEMPTIONS

5.1 General Exemptions. The following uses or activities shall be exempt from sound level regulations:

5.1.1 Sound of safety signals and warning devices;

5.1.2 Sounds resulting from any authorized vehicle, when responding to an emergency;

5.1.3 Sounds resulting from the provision of municipal services;

5.1.4 Any sound resulting from activities of a temporary duration that are permitted by law;

5.1.5 The unamplified human voice, except as specified above in Section 4.5;

5.1.6 Parades and public gatherings for which a permit has been issued under other sections of the Code of Ordinances;

5.1.7 Bells, chimes, carillons, while being used for religious purposes or in conjunction with religious services or for national celebrations of public holidays, as well as those bells, chimes, carillons that are presently installed and in use for any purpose; and

5.1.8 Sounds resulting from emergency work.

5.2 Restricted Use Exemptions. The following uses and activities shall be exempt from noise level regulations:

5.2.1 Lawn maintenance equipment when it functions within manufacturer's specifications and with all mufflers and noise reducing equipment in use and in properly operating condition between the hours of 7:00 A.M. and 9:00 P.M.; and

5.2.2 Non-amplified crowd noises resulting from activities such as those planned by community agencies, governmental groups, schools, and day care centers.

5.2.3 Construction noises, when done pursuant to a valid building permit issued by the City, between the hours of 7:00 A.M. and 8:00 P.M., excluding Sundays and legal holidays and subject to Section 3.12 of this Ordinance.

5.2.4 Construction noises resulting from the performance of a contract with the City of Petersburg.

5.3 Aircraft. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulation, and air traffic control instruction used pursuant to and within the duly-adopted federal air regulations shall be exempt from the provisions of this Ordinance. Any aircraft operating under technical difficulties, in

any kind of distress, under emergency orders of air traffic control, or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations, shall also be exempt from the provisions of this Ordinance.

5.4 Interstate Rail Carrier Operations and Motor Carriers Engaged in Interstate Commerce. All rail cars, locomotives and all motor carriers engaged in interstate commerce shall, while engaged in such operations in the City of Petersburg, conform to the noise emission levels established by the Environmental Protection Agency under the Federal Noise Control Act of 1972, being Public law 92-574, 86 Statutes 1234, as amended. Measurement of such sounds shall be in accordance with the requirements of applicable federal regulations.

6 VEHICULAR NOISE

6.1 Vehicular Noise. Definitions as used in this Article.

6.1.1 Fast Meter Response. Means the meter ballistics of meter dynamic characteristics as specified by American National Standard S 1.4-1971.

6.1.2 Maximum Noise. Means the noise emitted from a vehicle during that manner of operation which causes the highest dB(A) level possible from that vehicle.

6.1.3 Muffler. Means a device for abating the sound of escaping gases of an internal combustion engine.

6.1.4 Exhaust System. Means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

6.1.5 Total Noise. Means noises radiating from a vehicle but does not include noise emitted from a horn, siren, bell, or other similar device of an authorized emergency vehicle.

6.1.6 Gross Vehicle Weight Rating. Means the value specified by the manufacturer as the loaded weight of a vehicle.

6.1.7 Combination Vehicle. Means any combination of truck, truck tractor, trailer, semi-trailer or pole trailer used upon the highways or streets in the transportation of passengers or property.

6.1.8 Moped. Means a two or three wheeled vehicle which is equipped with a motor that does not exceed fifty (50) cubic centimeters piston displacement,

produces 2.0 brake horse power or less, and cannot propel the vehicle at a speed greater than thirty (30) miles per hour (mph) on a level surface. The power drive system shall not require the operator to shift gears.

6.2 Noise.

6.2.1 A motor vehicle, including every motorcycle and moped while being operated on a highway, street, or other public right-of-way, shall be equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this Section. Evidence that a motor vehicle was operated at a noise level in excess of the limits in this Section shall be prima facie evidence that the motor vehicle was producing excessive noise.

6.2.2 For purposes of this Section, a motor vehicle does not include special mobile equipment, as defined in Section 1.032(a) UTC.

6.3 Lawful Noise Limits

A motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding one of the following limits at a distance of fifty (50) feet except as provided in subdivision 6.3.2.3 and 6.3.3.3:

6.3.1 A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight rating of 8,500 pounds or more:

6.3.1.1 90 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour;

6.3.1.2 86 dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour; and

6.3.1.3 88 dB(A) under stationary run-up test.

6.3.2 A motorcycle or moped:

6.3.2.1 86 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour;

6.3.2.2 82 dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour;

6.3.2.3 95 dB(A) under stationary run-up test at 75 inches.

6.3.3 A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in paragraphs A or B:

6.3.3.1 83 dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour; or

6.3.3.2 76 dB(A) if the maximum lawful speed on the highway street is not more than 35 miles per hour; or

6.3.3.3 95 dB(A) under stationary run-up test 20 inches from the end of the tail pipe.

6.3.4 This Section applies to the total sound of a motor vehicle or a combination of vehicles towed by such motor vehicle and shall include any sound from such machines or devices for the production or reproduction of sound which is a part of the motor vehicle in any way and shall not be construed as limiting or precluding the enforcement of any other ordinances of the City of Petersburg relating to motor vehicle noise.

6.3.5 Test procedures under this Section shall comply with those established pursuant to MCLA 257.707 - 257.707e.

6.4 Exhaust System.

A person shall not operate a vehicle, including a motorcycle or moped on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cut-out, bypass, amplifier or a similar device.

6.5 Exhaust System Not to Exceed Noise Limits.

A person, acting either for himself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached, to exceed the noise limits established by this Section.

6.6 Unlawful Modifications.

A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the limits established by this Ordinance or operate a motor vehicle so altered on a street or highway, nor shall any person knowingly install a muffler or exhaust system which, at the time of installation, exceeds the decibel limits of this Article.

6.7 Interference With Sound Monitoring Device.

It shall be unlawful for any person to remove or render inaccurate or inoperative any sound monitoring instrument or device for the purpose of enforcing the provisions of this Ordinance.

6.8 Measurement Standards And Test Instrumentation; Sound Level Meter.

6.8.1 A sound level meter shall be used which has the capacity to give measurement of sound using the "A" weighted network and measurements recorded in terms of dB(A). The sound level meter shall meet or exceed the requirements for a Type 2 sound level meter as specified in American National Standard Specifications for Sound Level Meters (ANSI S 1.1-1971), approved April 27, 1971, issued by the American National Standards Institute.

6.8.2 Test instrumentation and procedures used for implementation and enforcement of this Article shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers and the American National Standards Institute for the measurement of the motor vehicle sound levels. The rules may provide for measurement at other than the distance specified herein, provided that the decibel limits applied at the other distances are adjusted accordingly.

7 PENALTIES AND ENFORCEMENT

7.1 Violations A Misdemeanor.

Any violation of this Ordinance is a misdemeanor, and any person convicted of a violation by a court of competent jurisdiction shall be fined an amount not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, except as hereinafter provided. A violation of Section 6.3 and Section 5.4 shall be a civil infraction, punishable as provided by law. Further, no fine shall be imposed for any violation based upon defective vehicular equipment upon receipt of certification by a law enforcement agency that repair was made within fifteen (15) days of the date of issuance of a citation.

7.2 Enforcement.

7.2.1 Violations of this Ordinance shall be prosecuted in the same manner as other misdemeanor violations of the City's Code, provided that violations based solely on Section 4.1 shall be enforced by the Building Inspector who shall give a written notice of intention to prosecute the alleged violator not less than five (5) days prior to the issuance of a misdemeanor complaint by posting a copy thereof on the premises and by mailing, by registered or certified mail, a copy to the alleged violator. No complaint shall be issued in the event the cause of the

violation is removed, the condition abated, fully corrected within such five (5) day period. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the five (5) day period shall commence at the date of the day following the mailing of such notice. All other provisions of this Ordinance shall be enforced by the Building Inspector or the contract unit of the Monroe County Sheriff's Department.

7.2.2 Other Enforcement. In addition to any personnel designated herein for the enforcement of this Ordinance, the City Mayor may employ any other person who is technically qualified for noise measurement, or trained in noise control techniques and procedures, and may further authorize the use of any sound level measuring instruments and procedures as may be necessary to accurately determine the level of the sound being measured.

7.2.3 Rules and Regulations. The City Council may promulgate and adopt rules and regulations deemed necessary for the proper and effective implementation and enforcement of this Ordinance, provided such rules and regulations shall be consistent with the provisions of this Ordinance and the standards established herein.

7.3 Injunctive Relief.

As an additional remedy, any violation of this Ordinance is declared to be a public nuisance, subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Any person having standing may enforce the provisions of this Ordinance, including an application for injunctive relief.

STORAGE OF WRECKED, DISMANTLED, OR INOPERABLE MOTOR VEHICLES

ORDINANCE NO. 008

AN ORDINANCE TO PROHIBIT THE STORAGE OF WRECKED, DISMANTLED, OR INOPERABLE MOTOR VEHICLES IN RESIDENTIAL AREAS OF THE CITY, TO PROHIBIT THE ACCUMULATION AND STORAGE OF REFUSE IN RESIDENTIAL AREAS OF THE CITY.

The City of Petersburg ordains:

1. No person shall permit a wrecked, dismantled, or inoperable motor vehicle, or any part of a motor vehicle, to be stored or remain in a residential area of the City unless the motor vehicle is inside a fully enclosed building.
2. A motor vehicle shall be deemed inoperable within the provisions of this ordinance and prohibited if the motor vehicle remains stored for more than thirty (30) days without a valid license for use upon the highways of the State of Michigan, and also deemed inoperable, even though licensed, if said motor vehicle in fact is inoperable for any reason for a period in excess of thirty (30) days.
3. No person, whether the landlord or tenant, shall permit refuse, including garbage, rubbish, trash, waste paper, ashes, lumber, timber, boxes, iron or machinery, or any other debris, substance or product to accumulate so as to attract rats, flies, or vermin, or to create offensive odors, or to endanger the safety of others by reason of the likelihood of fire.
4. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by imprisonment of not more than ninety days or fine of not more than One Hundred (\$100.00) Dollars, or both such fine and imprisonment in the discretion of the Court.

Permit for hawkers and vendors

ORDINANCE NO. 011

AN ORDINANCE REQUIRING CERTAIN HAWKERS, PEDDLERS, ITINERANT VENDORS, AND DOOR-TO-DOOR SALESMEN TO OBTAIN A LICENSE BEFORE ENGAGING IN BUSINESS WITHIN THE CITY OF PETERSBURG.

The City of Petersburg ordains:

Section 1. No person shall engage in the business of a hawker, peddler, itinerant vendor or door-to-door salesman within the City of Petersburg without having first obtained a license from the City Clerk.

Section 2. A hawker, peddler, itinerant vendor or door-to-door salesman is defined as one selling or offering to sell any goods, merchandise, or services in the public streets or parks, or through house-to-house solicitation, provided, however, that this ordinance shall not apply to one selling fruits, vegetables or farm products grown by the person offering to sell them.

Section 3: Each hawker, peddler, itinerant vendor or door-to-door salesman, upon making a written application to the City Clerk and the payment of a fee prescribed, shall be licensed to engage in such business for the period of the license.

Section 4: The City Clerk, before issuing any license, shall require a written application from each person proposing to engage in said business, containing the person's name, address, employer and his address, the type of business to be solicited, and the period of time that the person seeks license to conduct the business within the City.

Section 5: A person seeking to engage in said business shall pay the following fee per day in advance for each day that the person proposes to conduct business within the City as follows:

(a) Fifteen Dollars (\$15.00) per day for a permit to solicit for the sales of magazines or other reading periodicals.

(b) Twenty Dollars (\$20.00) per day for the sale of books, appliances, or other merchandise.

(c) Twenty Five Dollars (\$25.00) per day for solicitation of building materials.

Section 6: A permit shall not be granted for the solicitation of business before 10 o'clock A.M. nor after 6 o'clock P.M., nor on Sundays or legal holidays.

Section 7: Non-profit organizations, including religious organizations, shall be exempt from paying a fee.

Section 8: Section 3 of Ordinance No. 43 is hereby rescinded.

Section 9: Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not exceeding \$100.00 or imprisonment in the Monroe County Jail not to exceed 90 days, or both such fine and imprisonment in the discretion of the Court.

Blight

ORDINANCE NO.046

An ordinance to prohibit the maintenance of blighting conditions and factors and thus safeguard the public health and welfare, and to provide for its enforcement, and penalties for the violation, thereof.

THE CITY OF PETERSBURG ORDAINS:

SECTION 1:

It is the purpose of this ordinance to protect and promote the public health, sanitation, safety and general welfare in the city, to suppress disease and contamination, to lessen the danger to life, health and property of accidents and other hazards, and to prohibit the creation or continuance of public nuisances, by causing the removal, elimination, repair or rehabilitation of such structures, uses and activities which are of a nature to cause blight or blighting conditions.

SECTION 2:

It is hereby determined that the following structures, uses and activities are causes of blight or are blighting factors. On and after the effective date of this ordinance, no person, firm or corporation or any group of any kind may maintain or permit to be maintained any of these blights or blighting conditions upon any land or premises in the City of Petersburg, owned, leased, rented or occupied by such person, firm or corporation or group of any kind.

A. In any area zoned residential by said Zoning Ordinance of the City of Petersburg, Michigan, the existence of any junk motor vehicle, except in a completely enclosed building. For the purpose of this ordinance the term 'junk motor vehicle' shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of ten (10) days and also, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ten (10) days.

B. In any area zoned residential by said Zoning Ordinance, the out of doors storage upon any premises of building materials unless construction work is being done on said premises and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. Provided further, that all construction debris shall be removed from any premises within thirty (30) days after occupancy thereof.

C. In any area zoned residential by said Zoning Ordinance, the storage accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicle parts, construction machinery or parts thereof, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff material of any kind whether or not the same could be put to any reasonable use.

D. In any area zoned residential by said Zoning Ordinance, the existence of any vacant dwelling, garage, or other out-building unless the same is kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized person or persons.

E. In any area zoned other than residential by said Zoning Ordinance, the causes of blight or blighting factors hereinbefore prohibited in any area zoned for residential purposes, unless such uses of property are incidental to and necessary for the carrying on of any business or occupation lawfully being conducted upon the premises involved.

F. 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 (i) no longer habitable as a dwelling; (ii) an attractive nuisance to children; (iii) a harbor for vagrants, criminals or immoral persons; or (iv) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

G. In any area the existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the City of Petersburg and unless exterior construction is completed within one year after issuance thereof.

H. In any area the owner, lessee, tenant or occupier of any premises shall keep adjoining public property, including, but not limited to, sidewalks in their entirety and public streets and alleys to their centers, free of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse of any kind, at all times.

SECTION 3: Enforcement and Penalties

A. This Ordinance shall be enforced by the Building Official of the City of Petersburg, Michigan, except that Section 2(H) shall be enforced by the Administrator of Public Services.

B. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate the same from such property within ten days after the service of such notice upon him, except that in the case of violations of Section 2(H) of this Ordinance the owner, if possible, and the occupant shall be notified in writing to remove or eliminate the

blighting factor from such property immediately. (i) Such notice shall be posted upon or on the immediate vicinity of the blighting factor in substantially the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY":

"This property, to-wit: (setting forth a brief description) located at (setting forth a brief description of the location) is being maintained in violation of Section _____ of the City of Petersburg Ordinance 046, in that (setting forth a brief description of the blighting condition). Within ten (10) days, if this condition is not remedied so as to conform with the aforementioned ordinance, or a hearing has not been requested in writing at the City of Petersburg Building Department upon the applicability of the above Ordinance to this property, the City of Petersburg shall order such remedy and assess costs against the premises. Dated (setting forth date of posting of notice). Signed (setting forth name, title, business address and telephone number of the enforcement officer)."

(ii) Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officers shall either personally serve or mail by first-class mail a copy of the notice to the owner or owners of the real property upon which the blighting condition exists, as shown by the records of the City Assessor on or before the date of posting or junk, if the owner can reasonably be ascertained and if the owner is different than the owner of the real property.

C. If at the end of ten (10) days after posting such notice the owner or any person interested in the property has not remedied the blighting condition and thus complied with the Ordinance provision cited in the notice or requested a hearing on the applicability of this Ordinance provision to the property in question, the enforcement officer shall inform the Administrator of Public Services, who shall cause the blighting condition to be remedied by any necessary means, including, but not limited to, the removal, destruction or disposal of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse, (i) Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

D. If a hearing is requested within ten (10) days of the posting of such notice by the owner of the private premises or a person claiming an interest in personal property thereon, the Mayor shall appoint a hearing officer to conduct a public hearing in order for the person requesting the hearing to show cause why he should not remedy the blighting condition in question or why the City of Petersburg should not itself remedy such condition. (i) The hearing procedures shall be those provided for in the Dangerous Buildings Ordinance, No. 74-006, as it now exists and as it may be hereinafter amended.

E. Failure to comply with such notice within the time allowed the Owner and/or occupant or, in the case of violations of Section 2(H), to remove or eliminate the blighting factor

immediately, shall constitute a violation of this Ordinance. Each day that there is such failure to comply shall be a separate offense.

F. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine of not less than Twenty-five Dollars (\$25.00) and not exceeding Five Hundred Dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 4: Removal of blighting condition by the City and and assessment therefor

A. The Administrator of Public Services and his authorized representatives are hereby empowered to enter upon any premises in the City for the purpose of removing, destroying or disposing of any junk motor vehicle, building materials, or accumulation of junk, trash, rubbish or refuse thereon, when the real property owner or persons having any interest in the personal property thereon have not, within the ten (10) day notice period, remedied the blighting condition or requested a hearing, as provided for above. No person shall molest or interfere with the Administrator of Public Services or his authorized representatives while they are engaged in carrying out the provisions of this Ordinance.

B. The Administrator of Public Services may abate any such public nuisance without giving notice if the public health or safety requires immediate attention.

C. The Administrator of Public Services shall keep an accurate account of the expenses incurred by his Department with respect to each parcel of land in carrying out the provisions of the Ordinance and shall make a sworn statement of such account and present the same to the City Controller. The City Controller shall immediately prepare and send an invoice to the last known owner as reflected by the current tax roll for the cost of such work and improvements to said property in accordance with the statement of the Administrator of Public Services. The Controller shall add to the cost as reported by the Administrator of Public Services, the 10% penalty which is provided for by the City Charter, to cover the cost of supervision and billing expenses. In the event that said invoice is not paid forthwith by the owner of record, the cost of such payment shall be charged against the premises, be reported to the City Assessor and be levied by him as a special tax or assessment upon the lot or premises. The special assessment shall be subject to review, after proper notice is given as in all other cases of special assessment provided for by the Charter. When such tax is confirmed it shall be lien upon the premises and the same shall be collected in the same manner as other City taxes, or in the alternative the City may file suit to collect the same.

Control of Animals

ORDINANCE NO. 057

ORDINANCE TO DEFINE AND REGULATE THE CONTROL OF ANIMALS WITHIN THE BOUNDARIES OF THE CITY OF PETERSBURG; TO PRESCRIBE PENALTIES; TO REPEAL VILLAGE ORDINANCE NO. 13

THE CITY OF PETERSBURG ORDAINS:

SECTION 1. Purpose

The City of Petersburg determines that the control of animals within the boundary of the City of Petersburg is in the interest of the public health, safety and welfare and, therefore, defines the duties and responsibilities of owners of animals within the City of Petersburg.

SECTION 2. Definitions

As used in this ordinance.

- a. "Animals" include domestic and wild animals.
- b. "Owner" is any person, partnership or corporation owning, keeping or harboring animals.
- c. "Restraint": An animal shall be deemed to be under restraint if:
 - 1. The animal is on the premises of its owners; or,
 - 2. The animal is accompanied by a responsible person and is under the person's actual control.
- d. "Person": A person is an individual, partnership, a corporation or any other legal entity. a

SECTION 3. Prohibited and Mandatory Acts

- 1. The owner of an animal shall keep the animal under restraint at all times.
- 2. The owner of a dog shall keep the dog on a leash or in an enclosure at all times.
- 3. The owner of an animal shall not permit the animal to destroy property, real or personal, or to trespass on private property.

4. The owner of an animal shall prevent the animal from becoming a public nuisance.
5. The owner of an animal shall not permit the barking or howling of any animals that disturb the peace and quiet of the neighborhood, the molesting of passerbys, the chasing of vehicles and the habitual attacking of other domestic animals.
6. The owner of an animal shall not permit an unsanitary condition on the premises where any animal is kept so as to create a health hazard or animal odors.

SECTION 4. Penalties

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars.

Regulation of Vegetation (lawns)

ORDINANCE NO. 2009-01

AN ORDINANCE TO REGULATE VEGETATION

THE CITY OF PETERSBURG ORDAINS:

Section 1 The maintenance of any property in the city shall be as follows:

(a) Turf grass of up to six inches in height shall be maintained with-in the developed areas of the City of Petersburg.

(b) A public nuisance shall be declared if the vegetation exceeds the noted height, noxious weeds permeate the property, or diseased, dying or dead trees or shrubs exist on the property.

(c) Public nuisance is defined as an annoyance, causes injury, or endangers the safety, health, comfort, or repose of the public.

Section 2 Noxious weeds are defined to include the following:

Canada Thistle (Cirsium Arvense) Dodders(any species of Cuscuta), Mustards (Charlock, BlackMustard, Indian Mustard, Brassica, Sinapis) Wild Carrot (Daucus Carota) Bindweed (Convolvulus Arvensis) Perennial Sowthistle (Sonchus Arvensis) Hoary alyssum (Berteroa Incana) Ragweed (Ambrosia Elatior 1.) and Poison Ivy (Rhus Toxicodendron) Poison Sumac (Toxicodendron Vernix) and any other plants as determined by the City Administration.

Section 3 Duty of Owner or Occupier of land to cut:

It shall be the duty of every owner, possessor or occupier of land and every person having charge of any land in the City to remove, destroy or cut or cause to be removed, destroyed or cut any vegetation which constitutes a public nuisance as noted in section 1b

Section 4 Publication of Notice:

During each calendar year, the City Clerk shall publish a notice in a newspaper of general circulation stating that May 1st is the date by which owners, occupiers, and possessors of land in the City shall have complied with the provisions of this article regarding the removal, destruction or cutting of the above noted vegetation.

Section 5 Failure to abate: Authority of Public Works Superintendent to remove, recovery of costs from owner, occupier and possessor:

(a) If any person shall fail to comply with the provisions of this article by the date specified in Section 4 the Superintendent of Public works shall cause all such vegetation to be removed, destroyed, or cut from the lands of the person not complying with the provisions of this article. The Superintendent of Public Works or his authorized representative shall have the authority to remove, destroy, or cut the above noted vegetation as often as is necessary to effect compliance with the provisions of this article.

(b) The Superintendent of Public Works and his authorized representatives are hereby empowered to enter upon any premises in the city for the purpose of removing, destroying or cutting vegetation under the provisions of this article and no person shall molest or interfere with superintendent of public works or his authorized representative while they are engaged in carrying out the provisions of this article.

(c) The Superintendent of Public Works or his authorized representative shall keep an accurate account of the expenses incurred by the city with respect to each parcel of land in carrying out the provisions of this article and shall prepare and sign an invoice for the City Clerk and Treasurer. The City Treasurer shall add twenty (20) percent to the amount of the prepared invoice to reflect the cost of supervision and billing and add the total cost to the tax bill of the property owner.

Section 6 Violations of Article; Penalty:

(a) If during any calendar year the Superintendent of Public Works or his authorized representative shall be required to remove, destroy, or cut the above noted vegetation on any property three or more times, then the owner of the property shall be deemed guilty of a misdemeanor and, upon conviction there of, shall be punished by a fine not to exceed Five hundred and 00/1.00 (\$500.00) dollars or imprisonment for not more than ninety (90) days or both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate violation.

(b) Any person who shall molest or interfere with the Superintendent of Public Works or his authorized representative while they are engaged in carrying out the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Section 6a.

Disorderly Person Ordinance (Begging, Fighting, Disturbing)

Ordinance No. 030

DISORDERLY PERSON ORDINANCE

THE CITY OF PETERSBURG ORDAINS:

SECTION 1. Definition.

A person is a disorderly person if the person is any of the following:

- (a) A person who is drunk or intoxicated in a public place or in a private place accessible to the public and who is either endangering directly, the safety of another person or of property or is acting in a manner that causes a public disturbance.
- (b) A person found obstructing, molesting, or interfering with any person lawfully in any place, public or private, or engaged in a lawful pursuit.
- (c) A person found causing, provoking, or engaging in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another.
- (d) A person found jostling or roughly crowding people unnecessarily in a public place.
- (e) A person making a loud, boisterous, and/or unseemly noise or disturbance.
- (f) A person interfering with the lawful pursuits of another or others by acts of violence.
- (g) A person found congregating with another or others in a public way so as to halt or interfere with the flow of traffic, whether vehicular or pedestrian.
- (h) A person who refuses to promptly clear a public way to permit the passage of vehicular or pedestrian traffic when ordered to do so by a police officer.
- (i) A person who enters on private property open to the public without the expressed permission of the owner or occupant of the property.
- (j) A person who allows as owner, occupant, or manager of property a loud, boisterous, and/or unseemly noise or disturbance to be made.

(k) A person who violates any of the rules heretofore or hereafter adopted by the City of Petersburg for the use of public parks, parking lots, and play areas, provided said rules are posted in a conspicuous place within the area controlled by said regulations.

(l) A person who engages in an illegal occupation or business.

(m) A person found begging in a public place or on private property open to the public.

(n) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed.

SECTION 2. ORDINANCE NO. 12 is hereby repealed and all other ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. Penalty.

Any person violating any of the provisions of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not exceeding \$100.00 or to imprisonment for not more than ninety (90) days in the Monroe County Jail, or both such fine and imprisonment in the discretion of the Court.