**TITLE IX: GENERAL REGULATIONS**

Chapter

**90.** **ANIMALS**

 **91. NUISANCES**

 **92. JUNK; JUNKED VEHICLES**

 **93. DANGEROUS AND HAZARDOUS MATERIALS**

 **94. FIRE PREVENTION AND PROTECTION**

 **95. PARKS AND RECREATION**

 **CHAPTER** **90:** **ANIMALS**

Section

90.01 Short title

90.02 Purpose

90.03 Leash regulations

90.04 Sanitation

90.99 Penalty

 **90.01 SHORT TITLE.**

This chapter shall be known as the Village of Lake Linden Animal Ordinance.

(Prior Code, Ch. 9011)

 **90.02 PURPOSE.**

This chapter is enacted to preserve and protect the public health, safety and general welfare of the residents of the village by requiring dogs to be leashed and to compel owners/handlers to clean up after their dogs.

(Prior Code, Ch. 9011)

 **90.03 LEASH REGULATIONS.**

It shall be unlawful for any person to own any dog or cat three months old or over, that does not at all times wear a collar with a tag approved by the Director of Agriculture, or for any person, except the owner or authorized agent, to remove any license tag from a dog or cat; or for any owner to allow any dog or cat, except working dogs such as leader dogs, when accompanied by its owner or his or her authorized agent, while actively engaged in activities for which such dogs or cats are trained, to stray unless held properly in leash.

(Prior Code, Ch. 9011,  1) Penalty, see  90.99

***Statutory reference:***

*Related provisions, see Public Act 339 of 1919, being M.C.L.A.  287.262, subsec. 2*

 **90.04 SANITATION.**

(A) It shall be unlawful for any person to permit any animal owned or harbored by him or her to deposit fecal matter in any place other than the premises where the animal is harbored or kept, unless such fecal matter is immediately collected and removed to the premises where the animal is harbored or kept.

(B) It shall be unlawful for any person to walk any animal on any property not owned by such person, whether public or private, unless such person has an appropriate device for the collection of fecal matter in his or her immediate possession and an appropriate depository for the transmission of fecal matter to an appropriate trash receptacle or to the premises where the animal is harbored or kept.

(Prior Code, Ch. 9011,  2) Penalty, see  90.99

 **90.99 PENALTY.**

The village may commence and pursue criminal proceedings against responsible parties, as defined herein, to the extent permitted by law. The penalty for violation of this chapter shall be a fine of up to $500. Each separate violation of this chapter shall be considered a separate offense.

(Prior Code, Ch. 9011,  3)

 **CHAPTER 91: NUISANCES**

Section

***Noise Control***

91.01 Title

91.02 Definitions

91.03 Anti-noise regulations

91.99 Penalty

***NOISE CONTROL***

 **91.01 TITLE.**

This subchapter shall be known and cited as the Village of Lake Linden Anti‑Noise Ordinance.

(Prior Code, Ch. 14,001,  1) (Ord. passed 5‑13‑2004)

 **91.02 DEFINITIONS.**

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

***DAYTIME HOURS.*** The hours between 7:00 a.m. and 10:00 p.m., local time.

***LOUD NOISE.*** Sounds that can be heard at a distance greater than 25 feet during the night hours or greater than 50 feet during daytime hours.

***NIGHT HOURS.*** The hours between 10:00 p.m. and 7:00 a.m., local time.

(Prior Code, Ch. 14,001,  2) (Ord. passed 5‑13‑2004)

 **91.03 ANTI‑NOISE REGULATIONS.**

(A) *General regulation.* No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injuries to the health, peace or quiet of the residents in the village.

(B) *Specific violations.* The following noises and/or disturbances are hereby declared to be a violation of this subchapter; provided, however, that, specification of the same is not thereby to be construed to exclude other violations of this subchapter not specifically enumerated:

(1) The playing of any radio, phonograph, compact disc, television or other electronic or mechanical sound‑producing device, including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons from nearby residential property;

(2) Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity;

(3) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court;

(4) The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property;

(5) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud or unnecessary grating, grinding, rattling or other unreasonable noise, including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet comfort and repose of other persons. The modification of any noise abatement device on any vehicle or engine, or the failure to maintain the same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured, shall be in violation of this section;

(6) The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the State Motor Vehicle Code;

(7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noise. The modification of any noise abatement device on any vehicle or engine, or the failure to maintain the same so the noise emitted by such vehicle as originally manufactured, shall be in violation of this section;

(8) The erection, excavation, alteration or repair of any building or premises in any part of the village, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the County Building Inspector, which permit shall limit the periods that the activity may continue. The obtaining of a permit shall not be required of the village, the County Road Commission or the State Department of Transportation;

(9) The creation of loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car or other carrier or in connection with the repairing of any such vehicle in or near residential areas;

 (10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity;

 (11) The operation of any loudspeaker or other sound‑amplifying device upon any vehicle on the streets of the village with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises unreasonably disturbing to nearby residential property;

 (12) The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort and repose of any person; and

 (13) The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers or vehicles of any kind or nature in any area of the village where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 pm on any evening.

(C) *Exceptions.* None of the prohibitions hereinbefore enumerated shall apply to the following:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency operations;

(2) Excavation or repair of bridges, streets or highways or other property by or on behalf of the state, village or the county, between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours;

(3) Warning devices emitting sound for warning purposes as authorized by law;

(4) Any agricultural equipment while engaged in normal agricultural activities including, but not limited to, planting, cultivating, irrigation and harvesting of crops;

(5) Noises occurring between 7:00 a.m. and sundown caused by construction, repairs or demolition as long as a valid building permit has been issued by the county and is currently in effect; and, provided, such noise is not unduly excessive;

(6) Noises occurring between 7:00 a.m. and sundown caused by maintenance of grounds; provided, such noise is not unduly excessive;

(7) Noises emanating from the discharge of firearms are excepted; providing, the discharge of firearms was authorized under state law and all local ordinances; and

(8) The Village President may issue a permit, within 30 days of the receipt of an application thereof, for a variance from this subchapter for the purposes of a public or private meeting, concert, parade or other similar event. Application must be received by the Village Clerk at least 45 days prior to the event.

(Prior Code, Ch. 14,001,  3) (Ord. passed 5‑13‑2004) Penalty, see  91.99

 **91.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to 10.99 of this code of ordinances.

(B) Any person who violates  91.01 through 91.03 of this chapter may be punished by a fine of not more than $500, and/or confinement in the county jail for not more than 90 days, or both, together with the costs of prosecution, upon conviction by a court having jurisdiction.

(Prior Code, Ch. 14,001,  4) (Ord. passed 5‑13‑2004)

 **CHAPTER 92: JUNK; JUNKED VEHICLES**

Section

92.01 Findings

92.02 Name

92.03 Purpose

92.04 Definitions

92.05 Regulations

92.06 Nuisance

92.07 Construction

92.99 Penalty

 **92.01 FINDINGS.**

It is hereby determined by the Village Council that the public peace, health, safety and welfare of the inhabitants of the village is threatened by virtue of the outdoor parking, storage and abandonment of junk, including junk vehicles, wreckage and parts of such vehicles and other litter and refuse throughout the village. It is further determined that such accumulation constitutes a nuisance and that it is essential for the protection of the public peace, health, safety and welfare of the people of the village that regulation of junk, including, but not limited to, junk vehicles, be provided for.

(Prior Code, Ch. 5050,  1) (Ord. passed 1‑10‑1991)

 **92.02 NAME.**

This chapter shall be known and cited as the Village of Lake Linden Junk Ordinance.

(Prior Code, Ch. 5050,  2) (Ord. passed 1‑10‑1991)

 **92.03 PURPOSE.**

The purpose of this chapter is to establish a control program designed to reduce unregulated junk, including abandoned or inoperable vehicles, wreckage and parts thereof in the village.

(Prior Code, Ch. 5050,  3) (Ord. passed 1‑10‑1991)

 **92.04 DEFINITIONS.**

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

***JUNK.*** Waste, used or secondhand materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.

***JUNK VEHICLE.*** Any vehicle that is not in operating condition and eligible for use in accordance with the requirements of the State Motor Vehicle Code, Public Act 300 of 1949, as amended, being M.C.L.A.  257.1 through 257.923. The minimum requirements for operating condition hereunder include, but are not limited to, four wheels with inflated tires, a working battery, an engine in running condition, a gear train capable of moving the vehicle at any time and is not unregistered for more than six (6) months.

***PRIVATE PREMISES.*** Any lot or parcel of land owned or occupied by any person, firm or corporation whether or not improved with any dwelling, house, building or other structure, and whether inhabited or temporarily or continuously uninhabited or vacant.

(Prior Code, Ch. 5050,  4) (Ord. passed 1‑10‑1991)

 **92.05 REGULATIONS.**

(A) No person, firm or corporation whether the owner, tenant or manager of private property, or whether the past registered owner of a vehicle or transferee on a bill of sale covering such vehicle, shall permit the parking, storage or accumulation thereof upon any public right‑of‑way, public property or private premises within the village, of any junk, including junk vehicles, wreckage or parts thereof, unless the same is wholly contained within a fully enclosed building or a completely walled enclosure or fence, or are otherwise completely screened by natural objects, plantings or other appropriate means from four sides, so as not to be visible to public view, except for the following:

(1) Vehicles in operating condition eligible for use in accordance with the requirements of the State Motor Vehicle Code, being Public Act 300 of 1949, as amended, being M.C.L.A.  257.1 through 257.923;

(2) Vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or used vehicles or equipment used in the operation of such dealership;

(3) Vehicles or parts thereof located in a licensed junkyard;

(4) Vehicles temporarily inoperable, for an aggregate not to exceed ten days, due to minor mechanical failure, but which are not in any manner dismantled, and have substantially all main component parts attached; and

(5) Vehicles in the process of restoration or conversion, for a period not to exceed an aggregate total of six (6) months, as so declared by the owner in a statement to the Village Police Department accompanied by a fee of $100 per vehicle. The fee to be returned to the applicant, less an administrative charge of 25%, upon completed restoration of the vehicle or upon compliance with the other provisions of this division (A).

(B) In event of special or peculiar hardship due to unforeseen circumstances by reason of the application of the provisions of this chapter, the Village President may grant a stay for a period not to exceed 30 days from a proceeding being brought for violation of this chapter; provided that, the Village President shall have the discretion to consider the unreasonable or adverse effect such stay may have on owners or occupants of adjoining property and the public health, safety and welfare.

(Prior Code, Ch. 5050,  5) (Ord. passed 1‑10‑1991) Penalty, see  92.99

 **92.06 NUISANCE.**

Any parking, storage, accumulation, placement or otherwise of junk in violation of this chapter is declared to be a public nuisance which may be enjoined pursuant to law, in addition to the fines and penalties herein provided.

(Prior Code, Ch. 5050,  6) (Ord. passed 1‑10‑1991) Penalty, see  92.99

 **92.07 CONSTRUCTION.**

As to any junk yards, salvage yards, garages, body or paint shops operating within the village, which shall be licensed pursuant to law, this chapter shall operate as an addition to, and not in conflict with, all such other laws with respect to junk and junk vehicles.

(Prior Code, Ch. 5050,  7) (Ord. passed 1‑10‑1991)

 **92.99 PENALTY.**

(A) Any person, firm or corporation violating this chapter shall be subject, upon conviction, to a fine of not more than $500, or imprisonment in the county jail for a period of 90 days, or both, and the costs of prosecution.

(B) (1) In addition to the imposition of the foregoing fines, penalties and other remedies, the Village Police Department may cause any junk or junk vehicle found in violation hereof to be removed from any public or private premises, impounded or destroyed or sold, in the discretion of the Village President, and the cost of removal assessed against the owner or user of such junk or vehicle, or the premises on which the same is located.

(2) Any sums realized upon sale shall be retained by the village as reimbursement for the costs incurred in removal and sale.

(Prior Code, Ch. 5050,  9) (Ord. passed 1‑10‑1991)

 **CHAPTER 93: DANGEROUS AND HAZARDOUS MATERIALS**

Section

93.01 Purpose

93.02 Dangerous or hazardous substances or materials

93.03 Responsibility

93.04 Duty to remove and clean up

93.05 Failure to remove and clean up

93.06 Enforcement

93.99 Penalty

 **93.01 PURPOSE.**

This chapter shall enable the village to obtain reimbursement from those responsible for the leakage, spilling, or otherwise allowing dangerous or hazardous substances or materials to escape from containment requiring a cleanup or disposal by the village. It also provides for civil and criminal remedies.

(Prior Code, Ch. 9050,  1) (Ord. passed 10‑9‑1997)

 **93.02 DANGEROUS OR HAZARDOUS SUBSTANCES OR MATERIALS.**

A ***DANGEROUS OR HAZARDOUS SUBSTANCE OR MATERIAL*** is defined as any substance or material which because of its quantity, quality, concentration or physical, chemical or infectious characteristics may cause or contribute to an increase in mortality or an increase in serious irreversible illness, or serious incapacitating but reversible illness, or pose a present or potential hazard to human health or environment if improperly stored, transported, disposed of or otherwise managed. Included, but not by way of limitation, are such substances as chemicals, gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammable and corrosives, and those substances or materials defined as hazardous waste in Public Act 451 of 1994, being M.C.L.A.  324.11101 et seq., as amended, and any hazardous substance as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, Pub. Law No. 96‑510, 94 Stat. 2767, being 42 U.S.C.  9601 through 9675. The discharge or release from its container of any substance or material identified herein shall be prima facie in violation of this chapter.

(Prior Code, Ch. 9050,  2) (Ord. passed 10‑9‑1997)

 **93.03 RESPONSIBILITY.**

Any person or entity who owns, manages or operates property, equipment, a vehicle or vessel which causes or contributes to a dangerous or hazardous condition including, but not limited to, spillage, leakage or the release of any substance or material from its container contrary to  93.02 of this chapter is responsible for a violation of this chapter.

(Prior Code, Ch. 9050,  3) (Ord. passed 10‑9‑1997)

 **93.04 DUTY TO REMOVE AND CLEAN UP.**

It shall be the duty of any responsible party, as referred to in  93.03 of this chapter, to immediately remove the dangerous or hazardous substance or material, and to clean up the area of spillage, leakage or other release of substance or material in such manner that the area affected is fully restored to its condition before the occurrence of the spillage, leakage or release.

(Prior Code, Ch. 9050,  4) (Ord. passed 10‑9‑1997)

 **93.05 FAILURE TO REMOVE AND CLEAN UP.**

(A) Any responsible party who fails to comply with the duty to remove or clean up a dangerous or hazardous substance or material, as set forth in  93.04 of this chapter, shall be liable to and pay the village for all of its costs and expenses, including all costs incurred by the village to any party it engages for the abatement, cleanup or restoration of the affected area. The costs incurred by the village include, but are not limited to, the following: actual labor costs and overhead of village personnel, including insurance premiums, fringe benefits, administrative overhead, equipment costs, costs of materials obtained for use in cleanup; and the cost for any contract labor and materials.

(B) The costs under this section shall not include actual fire suppression services which are provided by the village.

(Prior Code, Ch. 9050,  5) (Ord. passed 10‑9‑1997) Penalty, see  93.99

 **93.06 ENFORCEMENT.**

(A) If any responsible person fails to reimburse the village and is the owner of the affected property, the village shall have the right and power to add all costs of cleanup and restoration to the tax roll of the property, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes with respect to the property.

(B) The village shall also have the right to bring an action in court against the responsible person to recover its damages, if it deems such an action to be necessary.

(Prior Code, Ch. 9050,  6) (Ord. passed 10‑9‑1997)

 **93.99 PENALTY.**

Any person violating this chapter shall also be subject, upon conviction, to a fine of not more than $500 or imprisonment in the county jail for a period of 90 days, or both, and the costs of prosecution, in addition to the costs of cleanup and abatement provided for in  93.05 and 93.06 of this chapter.

(Prior Code, Ch. 9050,  7) (Ord. passed 10‑9‑1997)

 **CHAPTER 94: FIRE PREVENTION AND PROTECTION**

Section

94.01 Short title

94.02 Purpose

94.03 Definitions

94.04 Burning prohibited

94.05 Burning uses permitted

94.06 Exceptions and special circumstances

94.07 Remedies for liability and recovery costs

94.99 Penalty

 **94.01 SHORT TITLE.**

This chapter shall thence be known as the Burning and Open Fires Ordinance.

(Prior Code, Ch. 9027)

 **94.02 PURPOSE.**

This chapter is revised to preserve and protect the public health, safety and general welfare of the residents of the village by prohibiting certain burnings within the village limits.

(Prior Code, Ch. 9027)

 **94.03 DEFINITIONS.**

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

***APPROVAL.*** Approval of the President of the Council of the village.

***ASHES/SOOT.*** By‑products and residue of a fire.

***GARBAGE.*** Any animal or vegetable waste resulting from handling, preparation, cooking and consumption of food.

***REFUSE.*** Any combustible trash, including, but not limited to, paper, cartons, boxes, plastics, exclusions, furniture, bedding and non‑combustible trash, including, but not limited to, metals, tin cans and glass.

***SCREENED CONTAINER.*** A vessel or container constructed of a non‑combustible material and topped by a screen or grate so as not to allow burning or smoldering embers to float into the air.

***YARD WASTE.*** Regular wastes produced from landscaping and gardening activities.

(Prior Code, Ch. 9027,  1)

 **94.04 BURNING PROHIBITED.**

(A) *General prohibition.* It is unlawful for any person or persons to burn, or cause to burn, assist in burning, permit, continue or permit continuance of the burning of any combustible material within the village limits, except as listed herein.

(B) *Refuse.* It shall be unlawful to burn any refuse outside any building at any time in the village.

(C) *Garbage.* It shall be unlawful to burn garbage inside or outside any building at any time in the village.

(D) *Yard refuse.* No person shall cause or permit open burning of yard waste, including leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree clippings or similar materials, to occur upon any privately owned premises or public place.

(E) *Papers.* It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it would be blown by the wind so as to be scattered; and it shall be unlawful to permit the escape of soot, ashes or other solid materials or refuse so as to be windblown or scattered.

(F) *Streets, alleys, highways, curbs or sidewalks.* No material of any kind shall be burned or attempted to be burned in any street, alley, highway or between any curb and the sidewalk adjacent thereto within the village.

(G) *Proximity to structures.* No fire under any allowable provision herein shall be set within 50 feet of an existing structure or building within the village limits under any circumstances.

(Prior Code, Ch. 9027,  2) Penalty, see  94.99

 **94.05 BURNING USES PERMITTED.**

(A) *Cooking fires.* Fires are permitted for the cooking and smoking of food; provided that, such fires are confined to a barbeque grill, smokehouse or other enclosure; and, provided further that, the emission of smoke and fumes does not irritate, annoy or constitute a nuisance to others living in the neighborhood.

(B) *Recreational fires.* Recreational fires (including open fires which do not exceed three feet in diameter, fires in containers commonly known as chimeres, and fires in screened containers) are permitted and do not need prior approval; provided, the following conditions are met.

(1) Fires are attended until extinguished and ashes are cold.

(2) Only clean wood is burned.

(3) The fire is not set within 50 feet of an existing building or structure.

(4) Fire does not threaten trees, shrubs or branches.

(5) Atmospheric conditions are favorable.

(6) Fire is contained in pit or container.

(7) Prohibit emission of smoke or fumes which irritate, annoy or constitute a nuisance to others living in the neighborhood.

(8) The fire is not started before 8:00 a.m. and is extinguished prior to 10:00 p.m.

(C) *Bonfires.* Public or private bonfires in which the material would exceed three feet in diameter require prior approval of the President of the village and the Fire Chief of the Village Fire Department. Such approval is granted with complete discretion by said officers and shall not counteract or overreach warnings and/or bans issues by the Department of Natural Resources.

(D) *Outdoor fireplaces.* Containers commonly known as chimeres can be used; provided, they are properly attended by a person of 18 years or older and are used in a manner consistent with their instructions and within guidelines set forth above.

(E) *Nuisance and public disquiet.* The village police may exhibit discretion in determining the affect to other residents and neighbors of open fires of any kind.

(Prior Code, Ch. 9027,  4) Penalty, see  94.99

 **94.06 EXCEPTIONS AND SPECIAL CIRCUMSTANCES.**

On the discretion of the President of the village and the Fire Chief of the Village Fire Department when there exists special circumstances which lack any other reasonable means of disposing of items, which may need to be disposed of and not addressed herein, then a permit to burn may be issued.

(Prior Code, Ch. 9027,  5)

 **94.07 REMEDIES FOR LIABILITY AND RECOVERY COSTS.**

(A) *Costs.* All costs incurred by the village for enforcement of this chapter will be the responsibility of the party in violation of this chapter.

(B) *Civil remedies.* The village may pursue any other remedy or may institute any appropriate action for proceedings in a court of competent jurisdiction or before any administrative agency to collect costs for liability imposed for violation of this chapter.

(Prior Code, Ch. 9027,  6)

 **94.99 PENALTY.**

The village may commence and pursue criminal proceedings against responsible parties, as defined herein, to the extent permitted by law. The penalty for violation of this chapter, in addition to the penalty prescribed in  94.07 of this chapter, shall be a fine up to $500 or imprisonment for up to 90 days, or both such fine and imprisonment. Each separate violation of this chapter shall be considered a separate offense.

(Prior Code, Ch. 9027,  7)

 **CHAPTER 95: PARKS AND RECREATION**

Section

95.01 Short title

95.02 Public use and hours

95.03 Protection of property

95.04 Protection of wildlife

95.05 Beach use

95.06 Boating and marina uses

95.07 Camping and campground uses

95.08 Traffic and parking

95.09 Trespass

95.10 Definitions

95.11 Fees

95.99 Penalty

 **95.01 SHORT TITLE.**

This chapter shall be known as the Village of Lake Linden Park and Marina Ordinance.

(Prior Code, Ch. 3001,  I)

 **95.02 PUBLIC USE AND HOURS.**

(A) *Park season.* All park facilities are open to the public during regular daily hours from the Friday before Memorial Day until October 15th of each year.

(1) Open season activities, such as camping, swimming and other sports activities, are permitted only during the open season.

(2) Closed season is from October 16 through Thursday before Memorial Day.

(a) The park is closed and does not provide restrooms, changing rooms, camping and other utilities and services.

(b) During the closed season, overnight camping is prohibited.

(c) Persons may enter and use the park during the closed season as public property; provided, they conform to the provisions of this chapter.

(B) *Daily opening and closure.*

(1) During the open season, the village park will be open daily from sunrise through 11:00 p.m., except for persons camping with an overnight permit or persons registered at the marina.

(2) During the closed season, the park shall be open daily from sunrise to sunset, but at no other time.

(C) *Visitors.* Persons visiting campers with overnight permits during the open season must leave the park at closing daily.

(D) *General public.* Any group or gathering of 25 or more persons may use certain areas within the park in the village to the exclusion of others by making application and being granted a permit by the President or designated village official.

(E) *Permits.*

(1) Applications for permits for reserved park space shall be made upon forms to be furnished by the Clerk.

(2) The President may, upon written application, grant specific use permits for special uses when, in the opinion of the President, such consideration is warranted.

(3) Application shall be made in advance of the time of the reservation request sufficient to allow at least 72 hours posted notice of reservation of space.

(4) In the event more applications for reserved space are received than spaces available, such applications shall be considered in the chronological order by date and time received.

(F) *Fees and charges.*

(1) Fees and charges shall be assessed by the Council for the use of any facility, land, area or program on park property in accordance with a schedule of fees established by the Council in  95.11 of this chapter.

(2) It shall be unlawful for any person to use any facility, land or area for which a fee or charge has been established by the Council without payment of such fee or charge.

(G) *Hours.* No person or vehicle shall remain upon park property between the closing time and sunrise except at camp areas and other special use areas during the open season; provided, however, that, upon application to the President, said hours may be extended.

(Prior Code, Ch. 3001,  II) Penalty, see  95.99

 **95.03 PROTECTION OF PROPERTY.**

(A) Destruction of buildings, markers, monuments and other properties shall be prohibited, and no person shall, on park property:

(1) Willfully destroy, deface, alter, change or remove any monument, stone marker, benchmark, stake, post, blaze, marking or other means of identification of any boundary line, survey line or reference point;

(2) Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, structure or other real or personal property of the village;

(3) Deface, destroy or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited within or upon park property; and

(4) Appropriate, excavate, injure or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the Council.

(B) Destruction of trees, plant life and natural surroundings shall be prohibited and no person shall:

(1) Cut, remove or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower, on any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass; and/or

(2) Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand, without written permission of the Council.

(C) The following rules shall apply to fires on park property.

(1) No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the property of the village.

(2) No person shall build any fire upon village property, except within the fireplaces, receptacles or open spaces approved and designated by the Council for such purpose.

(3) No person shall drop, throw or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable materials within or upon park property.

(4) Fires shall not be left unattended. All fires shall be extinguished upon leaving the immediate vicinity.

(Prior Code, Ch. 3001,  III) Penalty, see  95.99

 **95.04 PROTECTION OF WILDLIFE.**

It shall be unlawful for any person while on park property to:

(A) Cause any animal to run at large;

(B) Bring, drive or lead any animal into park property; excepting that, horses and other beasts of burden and draft animals may be ridden by persons in charge thereof or driven before a vehicle attached thereto, on such portions of park property as may be designated;

(C) Bring, drive, lead or carry any dog or other animal or pet which is unleashed, or upon a leash more than six feet in length;

(D) Bring his or her dog or pet into any public building or upon any designated beach, except a trained and working leader dog;

(E) Cause or permit any horse or other animal to stand on any park property unless securely hitched or in the charge of a competent person;

(F) Torture, ill‑treat or neglect any animal; and/or

(G) Hunt, trap, catch, wound or kill, or treat cruelly, attempt to trap, catch, wound or kill any bird or animal, molest or rob any nest of any bird or a lair, den or burrow of any animal in or upon park property.

(Prior Code, Ch. 3001,  IV) Penalty, see  95.99

 **95.05 BEACH USE.**

No person shall:

(A) Swim, bathe or wade between sunset and sunrise, in any water abutting park property;

(B) Swim, bathe or wade, except at times and places designated for such purpose;

(C) Swim, bathe or wade whereby the male or female genitalia are exposed to public view; and/or

(D) Carry or consume any food or beverage of any kind, nor have in his or her possession any glass or metal container on any beach or in the water adjacent to it.

(Prior Code, Ch. 3001,  V) Penalty, see  95.99

 **95.06 BOATING AND MARINA USES.**

(A) No person shall bring into, use or navigate any boat, yacht, canoe, raft or other watercraft upon park property, except at such time and places as may be provided or designated for such purpose. All watercraft shall comply with and be used in compliance with Public Act 451 of 1994, as amended, being M.C.L.A.  324.101 through 324.83109.

(B) It shall be unlawful:

(1) To dock a boat overnight, except in such areas designated for such purposes by the Council. No person shall dock a boat overnight without a written permit issued by an authorized representative of the village;

(2) To dock a boat on a season or long term basis except in designated areas and without written permission or contract from an authorized representative of the village. This permission may only be granted on a yearly basis and is subject to all applicable waterway laws, rules and regulations;

(3) To place a permanent mooring or anchor within the area designated by the villages marina permit and village park boundaries without Council permission. This permission may only be granted on a yearly basis and is subject to all applicable waterway laws, rules and regulations;

(4) To operate a boat within 400 feet of shore at speed greater than needed for minimum steerage which produces a wake greater than current wave conditions or waves with a height greater than four inches, whichever is greater;

(5) To swim, dive or bathe within 500 feet of marina docks; and/or

(6) To park or drive any motor vehicle on any area not specifically designed for such activity.

(Prior Code, Ch. 3001,  VI) Penalty, see  95.99

 **95.07 CAMPING AND CAMPGROUND USES.**

(A) It shall be unlawful:

(1) To camp, except in such areas as may be provided and designated for such purposes by the Council. No person shall camp without a written permit issued by an authorized representative of the village. No camping permit shall be issued to any person or persons for a continuous period exceeding 15 nights; nor shall such permit be renewed to said person or persons until 24 hours have elapsed since the termination of the permit holders previous permit. Periods in excess of the aforementioned time limitation may be extended to groups upon written application to and at the sole discretion of the village; provided further, however, that, no permit shall be issued to any person under the age of 18 years. No person 18 years or older shall register for a camp and fail to occupy it for a minimum of 24 hours while in the company of minors under the age of 18 years;

(2) For any group, unrelated to each other by affinity or consanguinity, in excess of six persons (or immediate family if more than six) to occupy a single campsite; provided, however, the village may further restrict the number of persons occupying a single campsite, whether related to each other or not, to provide for the general peace and quiet or general health and welfare of all others in the general area of said campsite. No family or group shall occupy more than one camp lot;

(3) For more than two motor vehicles to occupy an individual campsite. Each motor vehicle must be registered on the camp permit;

(4) For any person or persons between the hours of 11:00 p.m. and 8:00 a.m. of the following day, to cause, create or make any noise or disturbance which is a hindrance to the peace, quiet and tranquility of the camping area;

(5) For any person or persons to wash dishes at drinking fountains or in toilet buildings; to fail to clean up campsites daily or to discharge waste waters or any other wastes, except into designated containers, drains or dumping stations;

(6) To dig a trench or make any excavation on any campsite;

(7) To occupy a campsite after check out time, 11:00 a.m. on the last day covered by the permit;

(8) To occupy campsites contrary to assignments as may be made by the villages authorized representative;

(9) To use more than one park table and electrical outlet per campsite; and/or

 (10) To permit open drains from any camper or camp vehicle without an appropriate container or catch basin placed thereunder.

(B) A camp permit will be revoked for any campsite/lot that is continuously vacant for 24 hours.

(C) At an annual meeting the Council will set aside a number of sites for long-stay use.

(D) Reservations for the July 4 holiday are for a minimum payment of three days regardless if actually stay is less.

(Prior Code, Ch. 3001,  VII) Penalty, see  95.99

 **95.08 TRAFFIC AND PARKING.**

(A) *Parking in prohibited areas; standing for loading or unloading in certain places.* It shall be unlawful:

(1) For the operator of a vehicle to stop, stand or park said vehicle in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading and delivery or pickup and loading of materials;

(2) For the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such manner as to form an obstruction to traffic thereon;

(3) To park any vehicle in any area which is designated as a prohibited parking area; and/or

(4) To drive or park any vehicle in or upon village property which is used for recreational purposes, unless otherwise authorized by the Village President or designated village official.

(B) *Horses.* It shall be unlawful:

(1) For any person to ride, lead or cause or suffer a horse to be upon any park property, except on specifically designated and posted areas or bridle paths or by permit issued by the President or designated village official; and/or

(2) For any person to ride a horse in a careless, negligent or reckless manner so as to create a nuisance or to endanger the life, property or persons on park property.

(C) *Motor‑driven vehicles.* It shall be unlawful for any person to:

(1) Operate at any time an ATV three‑ or four‑wheeled vehicle, two‑wheel dirt bike, motorcycle, moped or snowmobile upon park property; provided, however, a motorcycle fully licensed for operation upon highways, streets and roadways by the state may use the entrance road and parking area of the park during park open hours;

(2) Operate a motor‑driven vehicle of any kind or nature, except on roads or designated parking areas;

(3) Operate a motor‑driven vehicle on any park road at a speed exceeding ten mph or at any speed greater than that posted; provided further, however, that, notwithstanding any provision herein, any person driving a vehicle in the park shall drive at a careful and prudent speed not greater than, nor less than, is reasonable or proper, having due regard to the traffic, surface and width of the road or of any other condition then existing, and no person shall drive any vehicle in the park at a speed greater than will permit the operator to bring said vehicle to a stop within the assured clear distance ahead;

(4) Operate a vehicle upon park property in a speed contest or for the purpose of making a speed record, including that commonly known as a drag race, whether from a standing start or otherwise over a measured or unmeasured distance, the object of which is to better or defeat one or more contestants on the basis of the elapsed time, superior performance or speed; provided further, however, this section shall not apply to any event for which a written permit has been applied for and granted by the President;

(5) Operate any vehicle upon park property, including, but not limited to, any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property;

(6) Drive any vehicle upon park property while under the influence of intoxicating liquor or narcotic, drug, barbital or any derivative of barbital;

(7) Drive any vehicle upon park property while the operators ability to do so has been impaired by the use of intoxicating liquor or by the use of drugs or narcotics;

(8) Drive any vehicle upon park property while the operators license to so operate has been suspended or revoked by the state;

(9) Operate a vehicle upon park property without having a valid operators license, vehicle registration certificate and proof of insurance in the operators possession as required by the state, Public Act 300 of 1949, being M.C.L.A.  257.1 et seq., Public Act 218 of 1956, being M.C.L.A.  500.3101 et seq., or other statute or regulation;

 (10) Operate any vehicle upon park property contrary to posted traffic signs, symbols, rules or regulations or marked roadways;

 (11) Operate any vehicle in any manner upon park property which results in excessive noise or disturbs the peace, quiet or tranquility of the area;

 (12) Leave, or cause to be left, any vehicle upon park property between sunset and 8:00 a.m., excepting at designated parking sites permitting overnight parking, camp areas and other posted special use areas;

 (13) Continuously cruise in any motor‑driven vehicle in, through and around the park and campgrounds for the purpose of attracting or distracting persons or visitors using the park.

(D) *Operation of bicycles.*

(1) Bicycles shall be operated as closely to the right‑hand curb or right‑hand side of the path, trail or roadway as conditions will permit and not more than two bicycles shall be operated abreast.

(2) It shall be unlawful for the operator of any bicycle to carry any person upon the handlebar or frame thereof, or for any person to so ride upon such bicycle as a passenger.

(Prior Code, Ch. 3001,  VIII) Penalty, see  95.99

 **95.09 TRESPASS.**

(A) *Livestock.* No person shall drive or cause to be driven any horses, cattle, sheep, goats, swine or other livestock upon or across park property, without the written permission of the President.

(B) *Peddling and soliciting.* It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, or to post unauthorized signs on any lands, water, structures or property upon or in the park, or to so use such lands, water, structures or property unless first authorized in writing by the President.

(C) *Unlawful obstruction.* No person, firm or corporation shall by force, threats, intimidations, unlawful fencing, enclosing or by any other means prevent or obstruct any person from entering, leaving or making full use of park property.

(D) *Hindering employees.* No person shall interfere with or in any manner hinder any employee or agent of the village while performing his or her official duties.

(E) *Alcoholic beverages, drugs.* No person shall have in his or her possession any intoxicating beverage while in or upon park property in areas determined by the Council and designated by posting at the main entrance or other conspicuous places, to be areas in which no alcoholic beverages are permitted.

(F) *Personal conduct.*

(1) It shall be unlawful for any person to be under the influence of intoxicants or drugs, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any park property.

(2) It shall be unlawful to conduct or to participate in any form of gambling, lottery or game of chance upon park property, except with permission of an authorized village representative and required state license approval.

(G) *Use of loudspeaker.* It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon park property without a written permit issued by the Village President or designated village official.

(H) *Fireworks.* No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib or other fireworks or any substance of an explosive nature within or upon park property unless the President or designated village official shall have authorized the same by the issuance of a permit for such.

(I) *Littering and pollution of waters.* It shall be unlawful:

(1) To discard or deposit refuse of any kind or nature in or upon park property, except by placing said refuse in containers provided for such purpose; and/or

(2) To throw, cast, lay, drop or discharge into or leave in waters abutting park property any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

(J) *Skating, skateboarding and coasting.* No person shall:

(1) Use roller skates or skateboards upon park property, except at such times and upon such places as may be designated or maintained therefor;

(2) Skate, sled, walk or go upon any ice, or snowshoe, or ski, except at such times and upon such places as may be designated or maintained therefor;

(3) Within park property coast with handsleds, bobs, carts or other vehicles, on wheels or runners, except at such times and upon such places as may be designated or maintained therefor; and/or

(K) *Balloons, airplanes and parachutes.* No person shall make any ascent in any balloon or airplane or any descent in or from any balloon or airplane or parachute on any park property or abutting water without first having written permission from the President or designated village official.

 (L) *Public exhibition.* No person shall exhibit any machine or show, or any animal, or indulge in any acrobatic exhibitions in or upon any park property, nor shall any person carry on any performance or do anything whatsoever which shall cause persons to congregate so as to interfere with the proper use of such property by the general public or to obstruct the passage of vehicles or persons without first having obtained written permission from the President or designated village official.

(M) *Special permits.* No erection, construction or maintenance shall be made above or below ground, across or beneath park property by any person, firm or corporation without first having obtained written permission from the President authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.

(N) *Emergency powers.* Nothing in this chapter shall:

(1) Prohibit or hinder authorized agents of the village or any peace officers from performing their official duties; and/or

(2) Prohibit the Council from establishing emergency rules required to protect the health, welfare and safety of park visitors and to protect park property including, but not limited to, the right of the Council to order all persons off park property, and close all or any portion of the park at any time during the year.

(Prior Code, Ch. 3001,  IX) Penalty, see  95.99

 **95.10 DEFINITIONS.**

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

***CAMPING.*** The overnight lodging or sleeping of person or persons on the ground or in any manner, or in any sleeping bag, tent, trailer‑tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed on the premises or waters within any park or recreation area administered by the village.

***CLERK.*** The Village of Lake Linden Clerk.

***COUNCIL.*** The Village of Lake Linden Council.

***DESIGNATED VILLAGE OFFICIAL.*** Designated by the Village Council.

***PERSON*** or ***PERSONS.*** Individuals, male or female, singular or plural; firms, corporations or any group or gathering of individuals.

***PETS.*** Domesticated animals.

***PRESIDENT.*** The Village of Lake Linden President.

***VILLAGE PARK PROPERTY.*** All lands, waters and property administered by or under the jurisdiction of the village. The boundary of the park shall be posted by the village.

(Prior Code, Ch. 3001,  XI)

 **95.11 FEES.**

(A) Fees shall be set by Council at an annual meeting. Such fees may include differential rates for village residents and non‑residents.

(B) The fees set shall include, but are not limited to:

(1) Modern campground site fees which includes water and electricity hook‑up and use of the bathroom facility and dumping station:

(a) Daily rate from Memorial Day through October 15;

(b) Weekly rate from Memorial Day through June 30; and

(c) Weekly rate from July 7 through October 15.

(2) Primitive campground site fees which includes access to water and use of the bathroom facility;

(3) Pavilion fees which includes electricity, water and use of the barbecue grill and bathroom facility;

(4) Park concession stand permits for July 2 through 5 of each year, or any other time permitted;

(5) Transient and overnight boat docking fee which includes water and electricity hook‑up and use of the bathroom facility;

(6) Seasonal boat docking fee which includes water and electricity hook‑up and use of the bathroom facility;

(7) Boat mooring and bottom land use fee which includes use of the bathroom facility and dinghy storage; and

(8) Boat launching ramp use fee.

(Prior Code, Ch. 3001,  XII)

 **95.99 PENALTY.**

(A) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not more than $500 and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days, or both, for each offense.

(B) A parking violation fee shall be $50 for first offense and $100 thereafter.

(C) A boat docking violation fee shall be $50 for first offense and $100 thereafter. Boats in repeated violation may be pulled at owners expense.

(Prior Code, Ch. 3001,  X)