

CHAPTER 91: CEMETERIES

Section

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- 91.2 Appropriations
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§ 91.01 OWNERSHIP AND REGULATION OF CEMETERY.

The city shall acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the city, as in the opinion of the Council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the internment of the dead within the city or may limit such internments therein to such cemetery or burial place as the Council may prescribe and the Council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere. ('69 Code, § 2701) (Am. Ord. A-50, passed 7-13-92)

§91.02 APPROPRIATIONS.

The Council may raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement, adornment, protection and care thereof. ('69 Code, § 2702) (Am. Ord. A-50, passed 7-13-92)

§ 91.03 BOARD OF CEMETERY TRUSTEES.

The Mayor, by and with the consent of the Council, shall appoint trustees who shall be freeholders and electors in the city and who shall constitute "Board of Cemetery Trustees." The five trustees so appointed shall hold their offices for the term of five years, except that at the first appointment, one shall be appointed for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from the first Monday in May of the year when appointed, and annually thereafter trustees shall be appointed. The Council may remove any trustee so appointed, for inattention to his or her duties, want of proper judgment, skill or taste for the proper discharge of duties required of him or her or other good cause. The Board shall serve without compensation.

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(‘69 Code, § 2703) (Am. Ord. A-50, passed 7-13-92)

§ 91.04 BOARD CHAIRPERSON AND CLERK.

The Board of Cemetery Trustees shall appoint one of their number chairperson, and the City Clerk shall be Clerk of the Board, and the Council may by ordinance invest the Board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof. In addition to the duties herein mentioned, the Board shall perform such other duties as the Council may prescribe. (‘69 Code, § 2704) (Am. Ord. A-50, passed 7-13-92)

§ 91.05 PROPERTY MANAGEMENT POWERS, DUTIES.

The Board, subject to the directions and ordinances of the Council, shall have the care and management of any such cemetery or burial place or places and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the City Clerk. Such Board shall also have power in its discretion to take, receive and hold any property, real or personal, by device or otherwise, which may be granted, transferred or devised to such Board in trust for the purpose of caring for and keeping in good order and repair any given lot or lots, or portions thereof, specified in any such trust. The Board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the City Clerk and be recorded in his or her office at the expense of the purchasers. (‘69 Code, § 2705) (Am. Ord. A-50 passed 7-13-92)

§ 91.06 NECESSARY EMPLOYEES.

The Board shall recommend to the City Council necessary employees and equipment for the cemetery; the Board shall expend the money budgeted by the City Council for the care and improvement of the grounds as such expenditures are approved by the Council, enforce the ordinances of the city made for the management and care thereof and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the state. (‘69 Code, § 2706) (Am. Ord. A-50, passed 7-13-92)

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§91.07 CEMETERY FUND.

All moneys raised for any public cemetery authorized by this act and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "Cemetery Fund." The fund shall not be devoted or applied to any other purpose, except for the purposes of such cemetery. The Board of Trustees shall submit to the Council annually on December 1, or oftener when the Council shall require an itemized estimate of its expected income, if any, and expenditures during the next fiscal year for the Board activities under its control. At the same time the Board shall report the amount of all monies received into and owing to the cemetery fund, from what source and for what purpose and such other matters as the Council may require to be reported. ('69 Code, § 2707) (Am. Ord. A-50, passed 7-13-92)

§91.08 CITY OWNED CEMETERY.

The Council, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place and the improvement thereof, and to protect the same and the appurtenances thereof from injury and to punish violations of any lawful orders and regulations made by the Board of cemetery trustees. ('69 Code, § 2708) (Am. Ord. A-50, passed 7-13-92)

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Fire Prevention
CHAPTER 92: FIRE PREVENTION

Section

92.01 Adoption of Fire Prevention Code

92.02 Adoption of Fire Prevention Code Establishing Charges

Appendix

§ 92.01 ADOPTION OF FIRE PREVENTION CODE.

(A) A certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as "The BOCA National Fire Prevention Code, Eighth Edition, 1990," as published by the Building Officials and Code Administrators, Inc. is adopted as the Fire Prevention Code of the city for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA National Fire Prevention Code are referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) The BOCA National Fire Prevention Code is amended and changed in the following respects: Section F-100.1 (page 1, second line).
Insert City of Lake City.

(C) The limits referred to in Section F-2601.2 of the BOCA National Fire Prevention Code in which the storage of explosives, ammunition and blasting agents is prohibited are established as follows: by resolution of the Lake City Council.
(Ord. A-51, passed 3-8-93)

§ 92.02 ADOPTION OF FIRE PREVENTION CODE.

(A) An ordinance of establish charges for the fire department services under Public Act 33 of 1951, as amended(Complied Law 41.801, etc.) and to provide methods for the collection of such charges and exemptions they're from.

(B) Purpose: The within ordinance is adopted for the purpose of providing financial assistance to the City and Township the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of the within ordinance to provide full

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funding of the fire protection operations which remains, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the district from the existence of a fire department and its availability to extinguish fires within the district and perform other emergency services.

(C) Charges: The following charges shall hereafter be due and payable to the fire department from a recipient of any of the following enumerated services from the fire department. The following charges are based on a 3-hour base charge. Any incident over 3 hours in duration other charges apply. SEE APPENDIX A FOR FEE SCHEDULE

(D) Time for payment for run: all of the foregoing charges shall be due and payable within 30 days from the date the service is rendered and in default of payment shall be collectible through proceedings in the District Court or in and court of competent jurisdiction as a matured debt.

(E) Exemptions:

The following properties and services shall be exempt from the foregoing charges:

- (1) False Alarms
- (2) Fire caused by railroad trains, which are the specific statutory responsibility of the railroad companies.
- (3) Fire involving township building, grounds and/ or property.
- (4) Fire services performed outside the jurisdiction of the township under a mutual contract with an adjoining municipality.\

(F) Collections of Charges: The City may proceed in district court by suit to collect any monies remaining unpaid and shall have any and all remedies provided by the law for the collection of said charges.

(G) Non-Exclusive Charge: The foregoing rates shall not be exclusive of the charges that may be made by the City for costs and expenses of maintaining a fire department, but shall only be supplemental thereto. The City through general taxation may additionally collect charges after a vote of the electorate approving the same or by special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

(H) Multiple Property Protection: When a particular service renders by the fire department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the fire chief subject only to appeal, within the time limits for payment, to the township board and shall be administered so that charges shall only be collected from the

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recipients of the service.

(I) Severability: Should any provision or part of the within ordinance be declared by any court of the competent jurisdiction to ne invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of the ordinance which shall remain in full force and effect.

(J) Rates: Rates to be adjusted and set by resolution by a majority vote or a quorum of the city council.

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APPENDIX A

DEPARTMENT: LAKE CITY AREA FIRE DEPARTMENT		TIME OF CALL:	TIME CLEARED:
1 DATE OF INCIDENT:			
INCIDENT NUMBER:		TYPE OF INCIDENT:	
INCIDENT LOCATION:			
UTILITY WORK ORDER #			
Charges: Minimum of 2 hours Aircraft	Amount		
Fire	\$2,000.00	Forest Fire (Arson) 1st Acre	\$1,500.00 <input style="width: 50px;" type="text"/>
Automobile Fire	\$800.00	add'l acres _____ X	\$300.00
Commercial Establishment Fire	\$1,500.00	Grass Fire per acre \$300.00 X _____ acres	<input style="width: 50px;" type="text"/>
Commercial Vehicle Fire	\$1,500.00		
Extrication	\$1,000.00	Foam: per 5 gallon bucket	BUCKETS <input style="width: 50px;" type="text"/>
Extrication (Bus, Semi, Commercial)	\$1,500.00	Class A/B \$100.00 X	
Dumpster Fire	\$200.00	First Aid 2000/Fire Cap \$150.00 X	
Residential/House Fire	\$750.00	Haz-Mat \$ 600.00 plus 14% over actual cost	<input style="width: 50px;" type="text"/>
Industrial Fire	\$2,500.00	plus 15% over hazmat equip used over cost	<input style="width: 50px;" type="text"/>
Multi-Family Building	\$1,500.00	Over 2 Hours	HOURS
ORV & Snowmobile Accidents	\$300.00	Truck per hour \$200.00 X	
Rubbish	\$200.00	Manpower per person	
Standby/Good Intent/No action taken	\$150.00	X Add'l personnel \$50.00 X	
Smoke/C02 Detector Check	\$100.00		
Utility/Powerline Incident	\$300.00	Notes:	
Smoke/H20/Contaminate Removal	\$200.00		
Other Services not listed	\$200.00		

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CHAPTER 93: NUISANCES

Section

- 93.01 Definitions
- 93.02 Prohibition
- 93.03 Abatement
- 93.04 Recovery of expense
- 93.05 Dangerous structures
- 93.06 Smoke
- 93.07 Barbed wire
- 93.08 Livestock
- 93.09 Disposal of compostable materials
- 93.10 Noxious weeds
- 93.11 Expenses caused by nuisances

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§93.01 DEFINITION.

Whatever annoy, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway or navigable stream or lake; allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property is declared to be a public nuisance. A "public nuisance" shall include, but not be limited to, whatever is forbidden by any provisions of this chapter, the common law and the statute law of this state. ('69 Code, §§ 4101.1 and 4101.2) (Am. Ord. A-59, passed 1-12-98)

§ 93.02 PROHIBITION.

No person shall commit, create, or maintain any nuisance. Each day a nuisance shall remain unabated shall be construed as a separate violation. ('69 Code, § 4101.1) Penalty, see § 93.99

§93.03 ABATEMENT.

(A) The Mayor or City Superintendent may at his or her option elect to enforce the provisions of this chapter by one of the following methods or by any combination thereof:

(1) He or she may prosecute the person committing, creating or maintaining the nuisance for a violation of the provisions of this Code;

(2) He or she may cause the nuisance to be immediately abated provided the nuisance involved the public health or safety or injury to property; or

(3) He or she may give notice in the manner provided in this Code ordering the nuisance to be abated.

('69 Code, §4103)

(B) In the event that the owner, possessor or occupiers or any persons, firm or corporation having charge of any property subject to an order of abatement of a nuisance by the Council or the City Superintendent fails or refuses to comply with the abatement notice, it shall be the duty of the City Superintendent to take the necessary steps to abate and remove such nuisance after the date prescribed in the notice of abatement. ('69 Code, §4104)

§ 93.04 RECOVERY OF EXPENSE.

(A) The cost of abatement by the city or any nuisance may be collected in an action at law from the owner, occupier or possessor of the property upon which the nuisance was committed, created or maintained.

(B) In all cases where the city shall incur any expenses for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure or for removing or abating any nuisance found upon any such lot or premises, the Council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which said nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

('69 Code, § 4105)

§93.05 DANGEROUS STRUCTURES.

(A) No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.

(B) The Council may, after notice to the owner and after holding a public hearing thereon, condemn such structure by giving notice to the owner of the land upon which such structure is located, specifying in what respects said structure is a public nuisance and requiring the owner to alter, repair,

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tear down or remove the same within such reasonable time, not exceeding 60 days as may be necessary to do or have done the work required by the notice. The notice may also provide a reasonable time within which such work shall be commenced.

(C) If, at the expiration of any time limit in the notice, the owner has not complied with the requirements thereof, the City Superintendent shall carry out the requirements of the notice. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with the provisions of § 93.04.

(D) The City Superintendent may abate any such public nuisance, if the public safety requires immediate action, without preliminary order of the Commission. Thereafter the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of sections § 93.04.
(^N69 Code, § 4106) Penalty, see § 93.99

§ 93.06 SMOKE.

No person who is responsible therefor shall permit the emission from any chimney or smoke stack of dense smoke or smoke containing soot or other substance in sufficient quantity to noticeably permit the deposit of soot or any other substance within the city. The emission of smoke or other substance is herein described to constitute a public nuisance.
(^N69 Code, § 4108) Penalty, see § 93.99

§ 93.07 BARBED WIRE.

No person shall place or maintain any barbed wire fencing or any strands of barbed wire along the line of, or in, any public street, alley or public place within the corporate limits, nor shall any person place or allow the same to remain between any premises owned or occupied by him or her and the adjoining premises, or place or allow to remain any barbed wire fencing or barbed wire within the corporate limits in any place where it will expose any person to injury on account thereof, provided that it shall not be lawful to place such barbed wire at the top of a legal fence when placed not less than six feet from the ground. (^N69 Code, § 4109) Penalty, see § 93.99

§ 93.08 NOXIOUS WEEDS.

(A) No person who is the owner or occupier of lands within the corporate limits shall fail to cut down all noxious weeds, including ragweed, Canada thistles, milkweed, wild carrots, oxeye daisies, poison ivy, dodders, mustards, bindweed, perennial saw thistles or hoary alyssum, growing thereon, so often in each year as shall be sufficient to prevent them from going to seed or

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on that portion of the public street or alley abutting the property and bounded by the established curb or gutter line.

(B) Any tree, shrub or plant which endangers public property or the health or safety of the public is declared to be a public nuisance. The City Superintendent shall give notice to the owner or occupier of the premises upon which such nuisance is located or adjoins that portion of the street or alley where such nuisance is located, to remove, trim or dispose of the same within five days after service of the notice, which shall be given in accordance with this Code.

(C) If at the expiration of the time limit in the notice the owner or occupier has not complied with the requirements thereof, the City Superintendent shall carry out the requirements of the notice. (N69 Code, § 4110) Penalty, see § 93.99

§ 93.09 LIVESTOCK.

(A) Any livestock within city limits running at large and not upon the premises of its owner or custodian and accompanied by the owner or custodian is deemed to be and constitutes a public nuisance.

(B) If the dung or litter of any livestock appears on any public property or street right-of-way, the waste thereof must be cleaned up immediately by the owner or custodian of the livestock. Failure to comply will be deemed a public nuisance.

(C) All livestock within the incorporated limits of the city must be taken care of in a humane way and in accordance with the state public health standards.
069 Code, § 4111) Penalty, see § 93.99

§ 93.10 DISPOSAL OF COMPOSTABLE MATERIALS.

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

COMPOSTABLE MATERIALS. Leaves, limbs, cut grass or other yard clippings.

DUMP SITE, The former Lake City Dump Site located on Decker Road in Forest Township, Missaukee County, Michigan.

(B) The city shall make use of its dump site for disposal of compostable materials.

(C) The City Council shall determine and publish a schedule of dates and times when the dump site shall be open to residents and land owners of the city for disposing of compostable materials.

(D) Anyone hauling compostable materials to the dump site must immediately remove all containers

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for such compostable materials from the dump site and may not dump other materials of any kind.

(E) All dumpings must be made within the dump site in a manner and at a location as directed by city personnel at the site or as posted.

(F) Any person violating any of the provisions of this section shall, on conviction thereof, be punished by a fine not to exceed \$100 or by imprisonment in the county jail for a term not to exceed 90 days or both. Each act of violation shall constitute a separate offense.

(G) A person shall be scheduled at the dump site to be present on the days the dump is open. Such city personnel are authorized to issue ticket in the manner allowed by law to any violator of this section. (Ord. A-35, passed 8-11-88) Penalty, see § 93.99

§93.11 EXPENSES CAUSED BY NUISANCES.

All cases where the city shall incur any expenses for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure or for removing or abating any nuisance found upon any such lot or premises, the Council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which said nuisance was moved or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment. f 69 Code, § 4105.2) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person, firm or corporation which violates, disobeys, neglects or refuses to comply with any provision of this chapter shall be guilty of a civil infraction and upon being found responsible for a violation shall be punished by a fine of not less than \$100, nor more than \$500, together with prosecution costs and court costs, in the discretion of the court. (Ord. A-60, passed 11-10-97)

CHAPTER 94: ANIMALS

Section

General Provisions

- 94.1 License
- 94.2 Control
- 94.3 Nuisance
- 94.4 Impounding
- 94.5 Disposition of dogs
- 94.6 Disposition of fees

GENERAL PROVISIONS

§94.01 LICENSE.

(A) It shall be unlawful for any person to own, protect or keep any dog within the city limits unless the dog has been licensed in accordance with the laws of the state.

(B) It shall be unlawful for any person to own, protect or keep any wild animal within the city limits unless a permit be obtained from the City Clerk to own, protect or keep such wild animal. ('69 Code, §§ 4301.1, 4301.2) Penalty, see § 10.99

§94.02 CONTROL.

Every dog or wild animal within the city limits shall at all times be confined upon the premises of his or her owner or custodian, except when the dog or wild animal is otherwise under the reasonable control of some person. ('69 Code, § 4302.1) Penalty, see § 10.99

§ 94.03 NUISANCE.

Any dog or wild animal within the city limits running at large and not upon the premises of its owner or custodian and unaccompanied by the owner or custodian is deemed to be and shall constitute a public nuisance. ('69 Code, § 4303.1) Penalty, see § 10.99

§ 94.04 IMPOUNDING.

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(A) Any dog or wild animal found running at large shall be impounded by the Pound Master or by any police officer.

(B) Any dog or wild animal so impounded shall be cared for by the Pound Master for a period of four days and the owner or custodian notified of the impounding if the name of the owner or custodian is known. The Pound Master shall carefully keep a description of every dog or wild animal impounded together with the date and hour of such impounding.

(C) Within said four-day period, the owner or custodian may reclaim the dog or wild animal by paying a fee of \$3 to the Pound Master.

('69 Code, §§ 4304.1 - 4304.3) Penalty, see § 10.99

§ 94.05 DISPOSITION OF DOGS.

If the owner or custodian fails or refuses to pay the fee or reclaim the dog or wild animal within the four-day period, the Pound Master shall kill the dog or wild animal in a humane manner, or, at his or her option, may sell the dog or wild animal to a person or persons whom he or she deems responsible and who will properly care for and confine the dog, or wild animal, giving a bill of sale which shall be prima facie evidence of the regularity of the proceedings. f69 Code, §4305.1)

§ 94.06 DISPOSITION OF FEES.

All fees and other moneys collected by the Pound Master under this chapter shall be turned over to the City Treasurer and shall go into the General Fund of the city. ('69 Code, §4306.1)