

Chapter 18

NUISANCES*

* **Charter References:** Hazards and nuisances, § 10.7.

Cross References: Public nuisance violations for bed and breakfast operations, § 7-14; offenses, Ch. 19; utilities and services, Ch. 34.

State Law References: Air pollution act, MCL 336.11 et seq., MSA 14.58(1) et seq.; environmental protection act, MCL 691.1201 et seq., MSA 14.528(201) et seq.

Art. I. In General, §§ 18-1--18-25

Art. II. Dangerous Structures, §§ 18-26--18-45

Art. III. Littering and Distribution of Handbills, §§ 18-46--18-85

Art. IV. Noise Control, §§ 18-86--18-120

Art. V. Grass and Noxious Weeds, §§ 18-121--18-130

Art. VI. False Alarms, §§ 18-131--18-134

ARTICLE I.

IN GENERAL

Sec. 18-1. General definitions, prohibition.

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

(Code 1977, § 9.1)

Sec. 18-2. Abatement generally.

Where no other procedure is made specifically applicable by another provision of this chapter, any structure, condition or activity prohibited by this chapter may be abated by the city manager in accordance with the following procedure. The city manager shall first investigate the existence of the alleged nuisance to determine whether or not a nuisance as defined in section 18-1 exists and to further determine the person who has created or is committing or maintaining such nuisance. He shall then give written notice to the person or persons responsible for the creation, commission or maintenance of such nuisance, specifying in particular the nature thereof, the corrective action to be taken to abate the same and the time limit for abatement of such nuisance, which shall be a reasonable time but not to exceed fifteen (15) days from the time the notice is served. Such notice shall be served in accordance with section 1-9 of this Code. If, at the expiration of the time limit in

the notice, the person responsible for the commission, creation or maintenance of any nuisance shall not have complied with the requirements thereof, the city manager shall carry out the requirements of said notice. The cost of such abatement shall be a debt owed the city by the person responsible for the commission, creation or maintenance of such nuisance and if the nuisance is attributable to the use, occupancy or ownership of any land or premises within the city, shall be charged against such premises in accordance with the provisions of chapter 28.

(Code 1977, § 9.2)

Sec. 18-3. Remedies severable.

Any action taken by the city to abate any nuisance under the provisions of section 18-2 or any other provision of this Code, shall not affect the right of the city to institute proceedings against the person committing, creating or maintaining any nuisance for violation of this Code nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the city to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation, restrained and enjoined.

(Code 1977, § 9.3)

Secs. 18-4--18-25. Reserved.

ARTICLE II.

DANGEROUS STRUCTURES*

* **Cross References:** Buildings and building regulations, Ch. 8.

Sec. 18-26. Prohibited.

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

(Code 1977, § 9.11)

Sec. 18-27. Notice and hearing.

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 the structure is a public nuisance and requiring the owner to alter, repair, tear down or remove the same within such reasonable time, not exceeding sixty (60) days, as may be necessary to do or have done the work required by said notice. The notice may also provide a reasonable time within which such work shall be commenced.

(Code 1977, § 9.12)

Sec. 18-28. Abatement.

If, at the expiration of any time limit in a notice issued under the provisions of this article, the owner has

not complied with the requirements thereof, the city manager shall carry out the requirements of such notice. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with the provisions of section 10.7 of the Charter.

(Code 1977, § 9.13)

Sec. 18-29. Emergency abatement.

The city manager may abate any such public nuisance, if the public safety requires immediate action, without preliminary order of the council. Thereafter the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of section 10.7 of the Charter.

(Code 1977, § 9.14)

Secs. 18-30--18-45. Reserved.

ARTICLE III.

LITTERING AND DISTRIBUTION OF HANDBILLS*

* **Cross References:** Waste materials and litter on premises having mechanical and electronic amusement devices, § 4-155; streets, sidewalks and other public places, Ch. 29; litter on streets, § 29-136 et seq.; garbage and rubbish generally, § 34-16 et seq.

State Law References: Littering, MCL 752.901 et seq.; MSA 28.603(1) et seq.

Sec. 18-46. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized private receptacle means a litter storage and collection receptacle as required and authorized in Chapter 21 of this Code.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original, or copies of any matter or literature.

Litter means "garbage," "refuse," and "rubbish" as defined herein and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine published with not less than four (4) issues per year, and sold to the public.

Park means a park, reservation, playground, beach, recreation center or any other public area in the city,

owned or used by the city and devoted to active or passive recreation.

Private premises is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Refuse is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, and solid market and industrial wastes.

Rubbish is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. The general term "rubbish" shall also include the following:

- (1) Wrecked, dismantled or unusable automobiles, or vehicles which shall remain unlicensed for any consecutive thirty (30) day period;
- (2) Scrap building materials including, but not limited to, lumber, brick, cement or cinder blocks, plumbing material or fixtures, heating ducts or fixtures, shingles, nails, mortar, concrete, cement, screws and bolts, or any other materials used in constructing any structure, including electrical wiring and fixtures;
- (3) Junk items including, but not limited to, parts of machinery, broken or unusable furniture, stoves, refrigerators, or other household appliances, remnants of wood, metal, or other cast-off materials, whether or not the same could be put to any reasonable use.
- (4) Household furniture, designed and customarily used as interior furnishings, when stored and/or used outdoors in yards or on open porches and decks.

(Code 1977, § 9.31; Ord. No. 453, § 1, 6-20-88)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 18-47. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public receptacles for collection, or in official city dumps.

(Code 1977, § 9.32)

Sec. 18-48. Placement of litter in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles, shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Code 1977, § 9.33)

Sec. 18-49. Sweeping litter into gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the city, the

accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
(Code 1977, § 9.34)

Sec. 18-50. Merchants to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalks in front of their business premises free of litter.
(Code 1977, § 9.35)

Sec. 18-51. Litter thrown by persons in vehicles.

No person while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.
(Code 1977, § 9.36)

Cross References: Traffic and motor vehicles generally, Ch. 33.

Sec. 18-52. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.
(Code 1977, § 9.37)

Cross References: Traffic and motor vehicles generally, Ch. 33.

Sec. 18-53. Litter in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
(Code 1977, § 9.38)

Cross References: Parks and recreation generally, Ch. 21.

Sec. 18-54. Litter in lakes, streams and fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the city.
(Code 1977, § 9.39)

Cross References: Waterways generally, Ch. 37.

Sec. 18-55. Distributing handbills.

No person shall throw or deposit any handbill in or upon any sidewalk, street or other public place within the city.

(Code 1977, § 9.40)

Sec. 18-56. Placing handbills on vehicles.

No person shall throw or deposit any handbill in or upon any vehicle.

(Code 1977, § 9.41)

Sec. 18-57. Handbills on uninhabited or vacant premises.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Code 1977, § 9.42)

Sec. 18-58. Distributing handbills at inhabited private premises.

(a) No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises.

(b) The provisions of (a) shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

(c) A non-profit organization may obtain a permit from the city clerk to distribute handbills at inhabited private premises without leaving such handbill with an owner, occupant or other person. The permit shall be valid for two (2) days, and the non-profit organization may only apply for one (1) permit during an eleven-month period. Permits can only be issued for community service projects, and can not be issued for fundraising activities. The permit applicant shall fully describe activities and rationale for the permit. If the city receives complaints from residents that they do not want the handbills, the permit applicant shall retrieve the handbills from the resident in a timely fashion. The permit application shall provide contact information so that such complaints may be forwarded. The city clerk may reject a permit application if it does not meet the criteria in this subsection, or upon evidence of past abuses of this policy.

(Code 1977, §§ 9.43, 9.44; Ord. No. 692, § 1, 2-19-08)

Sec. 18-59. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the city, any litter, handbill or any other object.

(Code 1977, § 9.45)

Sec. 18-60. Bill posting in streets.

No person shall attach, place, paint, write, stamp or paste any sign, advertisement, or any other matter upon any lamp post, electric light, telegraph, or telephone pole, shade tree, fire hydrant; or on any thing within any park. Public officers posting any notice required or permitted by law shall be excepted from the provisions of this section.

(Code 1977, § 9.46)

Sec. 18-61. Bill posting in private places.

No person shall attach, place, paint, write, stamp or paste any sign, advertisement, or other matter upon any house, wall, fence, gate, post or tree without first having obtained the written permission of the owner, or occupants of the premises and having complied with all provisions of this Code pertaining thereto.

(Code 1977, § 9.47)

Sec. 18-62. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

(Code 1977, § 9.48)

Sec. 18-63. Owner to maintain premises free of litter.

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. The term "person in control" shall include owner, tenant, lessee, agent, servant, or employee, except that any lien imposed by the city under the provisions of this chapter shall be against the property owner.

(b) Any person, firm or corporation who shall violate this section is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in section 1-8(c), plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fine and provided by Section 1-8(c)(2) of the Owosso City Code. The building inspector, building official, and code enforcement officer are hereby designated as the authorized city official to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section.

(Code 1977, § 9.49; Ord. No. 531, § 1, 5-15-95)

Sec. 18-64. Litter on vacant lots.

No person shall throw or deposit litter upon any open or vacant private property within the city whether owned by such person or not.

(Code 1977, § 9.50)

Sec. 18-65. Clearing of litter from open private property by city.

(a) *Notice to remove.* The city manager is hereby authorized and empowered to notify the owner of

any open or vacant property within the city, or the agent of such owner, to properly dispose of litter located on such owner's property, which is dangerous to public health, safety and welfare. Such notice shall be given in accordance with section 1-9.

(b) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within thirty (30) days after receipt of written notice provided for in section (a) above, the city manager shall make a full and complete report thereof to the city council, which may then proceed to levy a special assessment against property involved in accordance with the provisions of section 10.7 of the Charter.
(Code 1977, § 9.51)

Sec. 18-66. Storage of rubbish or scrap materials.

(a) No person shall store or permit the storage or accumulation of litter or rubbish on any private property within the city except within a completely enclosed building or upon the premises of a properly zoned, licensed, or approved junk dealer, junk buyer, secondhand store or dealer, or dealer in used auto parts.

(b) No person shall store or permit the storage or accumulation of scrap building materials on any private property, except within a completely enclosed building; or where such materials are a part of the stock in trade of business located on such property; or except when such materials are being used or discarded in connection with construction of a structure on such property in accordance with a valid building permit, or a structure is being razed, renovated or remodeled, providing the scrap materials are removed within a reasonable time after the completion of such construction, razing, renovation or remodeling.

(c) The council may, on proper application, grant an extension of time based on a reasonable request for violations of subsections (a) or (b).
(Code 1977, §§ 9.52, 9.53)

Sec. 18-67. Auto repairs, maintenance.

No person shall engage in major mechanical overhaul, repair or body work on motor vehicles on any residential lot within the city, except in a completely enclosed building. Minor mechanical maintenance of motor vehicles owned by the resident in possession of the premises to the extent of tuneup, oil changes, and minor replacement of parts shall be permitted if completed within forty-eight (48) hours.
(Ord. No. 392, § 1(9.54), 7-6-82)

Sec. 18-68. Authority to make rules for establishment and operation of impound lot.

The city council may create an impound lot to store abandoned, wrecked, dismantled and unusable vehicles. The location and operation of such an impound lot may be established by rules adopted by the city council by resolution.
(Ord. No. 609, § 1, 8-20-01)

Sec. 18-69. Fees for towing and storage.

The fee charged for storage of a vehicle at a storage facility operated by the city shall be fifteen dollars

(\$15.00) per day. Such storage fees may be charged to the vehicle owner or the owner of real property from which a vehicle was removed. The city may also charge a vehicle owner or owner of real property from which a vehicle is removed any expenses incurred in towing a vehicle plus an administrative fee of fifteen (15) percent of all towing and storage fees. The fees for storage and administration may be amended from time to time by the city council by resolution.
(Ord. No. 609, § 1, 8-20-01)

Section 18-70. Lien.

The city shall have a lien against the owner of any real property from which an abandoned, wrecked, dismantled or unusable vehicle has been removed for any unrecovered towing, storage and administration expenses and fees and such lien shall be charged against the premises pursuant to chapter 28 commencing with the procedure specified in Code section 28-12.
(Ord. No. 609, § 1, 8-20-01)

Secs. 18-71--18-85. Reserved.

ARTICLE IV.

NOISE CONTROL*

* **Cross References:** Noise restriction on dogs, § 5-28; sound equipment for outdoor assemblies, § 20-29(17); noise control at swimming pools, § 31-13.

Sec. 18-86. Prohibitions for peace and safety.

(a) In order to preserve and protect the public peace, health and safety, no person shall make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

(b) Among others, each of the provisions of this article is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive.
(Code 1977, §§ 9.61, 9.62)

Sec. 18-87. Exceptions.

None of the terms or prohibitions of this article shall apply to or be enforced against:

- (1) *Emergency vehicles.* Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (2) *Highway maintenance and construction.* Excavations or repairs of bridges, streets, or highways by or on behalf of the city, county, or the state, during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day.

(Code 1977, § 9.63)

Sec. 18-88. Horns and signal devices.

The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time, is hereby prohibited.
(Code 1977, § 9.62(1))

Cross References: Traffic and motor vehicles generally, Ch. 33.

Sec. 18-89. Radio and musical instruments.

The playing of any television set, radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, is hereby prohibited.
(Code 1977, § 9.62(2))

Sec. 18-90. Shouting and whistling.

Yelling, shouting, hooting, whistling, or singing or the making of any loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity, is hereby prohibited.
(Code 1977, § 9.62(3))

Sec. 18-91. Hawking.

The hawking of goods, merchandise, or newspapers in a loud and boisterous manner is hereby prohibited.
(Code 1977, § 9.62(4))

Cross References: Peddlers, solicitors and transient merchants generally, Ch. 22.

Sec. 18-92. Animal and bird noises.

The keeping of any animal or bird which by causing frequent or long continued noise shall unreasonably disturb the comfort or repose of any person is hereby prohibited.
(Code 1977, § 9.62(5); Ord. No. 678, § 1, 9-5-06)

Cross References: Animals generally, Ch. 5.

Sec. 18-93. Whistle or siren.

The blowing of any whistles or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger, is hereby prohibited.
(Code 1977, § 9.62(6))

Sec. 18-94. Engine exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom, is hereby prohibited.

(Code 1977, § 9.62(7))

Cross References: Traffic and motor vehicles generally, Ch. 33.

State Law References: Motor vehicle noise, MCL 257.707 et seq., MSA 9.2407 et seq.

Sec. 18-95. Construction noises.

The erection (including excavating), demolition, alteration or repair of any building, or the excavation of streets and highways, other than between the hours of 7:00 a.m. and 6:00 p.m., unless a permit be first obtained from the department of public works, is hereby prohibited.

(Code 1977, § 9.62(8))

Cross References: Buildings and building regulations, Ch. 8.

Sec. 18-96. Handling merchandise.

The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers is hereby prohibited.

(Code 1977, § 9.62(9))

Sec. 18-97. Devices to attract attention.

The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose is hereby prohibited.

(Code 1977, § 9.62(10))

Cross References: Use of devices to attract attentions prohibited by peddlers and solicitors, § 22-19.

Secs. 18-98--18-120. Reserved.

ARTICLE V.

GRASS AND NOXIOUS WEEDS*

* **Cross References:** Vegetation generally, Ch. 35.

State Law References: Control and eradication of noxious weeds, MCL 247.61 et seq., MSA 9.631(1) et seq.

Sec. 18-121. Definitions.

For the purposes of this article "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (*charlock*, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow-thistle (*Sonchur arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior l.*) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*).

(Code 1977, § 9.71)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 18-122. Prohibited conditions.

No person occupying any premises, nor any person owning any unoccupied premises, shall permit or maintain on any such premises:

- (1) Any growth of noxious weeds;
- (2) Any growth of grass or other rank vegetation to a greater height than twelve (12) inches in the average; or
- (3) Any accumulation of dead weeds, grass or brush.

(Code 1977, § 9.71)

Sec. 18-123. Duty of occupant or owner.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the city to cut and remove or destroy by lawful means all such noxious weeds and grass, at least once each year not later than the fifteenth day of May, and thereafter as often as may be necessary to comply with the provisions of this article.

(Code 1977, § 9.72)

Sec. 18-124. Cutting by city.

If any person shall fail to comply with the provisions of section 18-123 by the specified time, the city manager shall, through the department of public works, cause all such grass and noxious weeds to be cut or destroyed upon lands of the person not complying with the provisions hereof. The director of the department shall keep an accurate account of all expenses incurred with respect to each parcel of land entered upon in carrying out the provisions of this article and shall make a sworn statement of the account and present the same to the city manager.

(Code 1977, § 9.73)

Sec. 18-125. Collection from owner.

A copy of the sworn statement, including an account of the costs incurred on each of the several descriptions or parcels of property, shall be transmitted to the city treasurer. The city treasurer shall add to all such accounts fifteen (15) percent of all such expenditures to cover the costs of publication, overhead and other expense, and collect the total amount as provided in section 10.7 of the Charter.

(Code 1977, § 9.74)

Sec. 18-126. Notice of requirements.

The city clerk shall on or before the first day of May of each year give notice of the requirements and provisions of this article by publishing a notice thereof once a week for two (2) successive weeks in a newspaper of general circulation in the city.

(Code 1977, § 9.75)

Secs. 18-127--18-130. Reserved.

ARTICLE VI.

FALSE ALARMS*

* **Editors Note:** Ord. No. 497, adopted Nov. 16, 1992, amended the Code by adding provisions designated as §§ 18-80--18-82, 18-84. In order to facilitate classification and ease of usage of the Code, said provisions have been redesignated as Art. VI, §§ 18-131-18-134 at the discretion of the editor.

Sec. 18-131. Declared nuisance.

Any false alarm in excess of one (1) in any calendar year from the same location is hereby declared to be a public nuisance.

(Ord. No. 497, 11-16-92)

Sec. 18-132. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Alarm user shall mean any person or other entity on whose premises an alarm system is maintained within the city except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using such system is an alarm user. Also excluded from this definition and from the coverage of this article are persons or entities who use alarm system to alert or signal persons within the premises in which the alarm systems are located, of an attempted unauthorized intrusion, holdup attempt or fire hazard. If such a system, however, employs an audible signal emitting sounds or flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of an alarm system and shall be subject to this article.

Alarm system shall mean any device or assembly of equipment and devices arranged to signal the presence of a condition requiring urgent attention and to which police officers or fire department personnel are expected to respond. In this article, the term "alarm system" shall include the terms "automatic hold-up alarm system", "burglar alarm system", "intrusion alarm system", "hold-up alarm system", "manual hold-up alarm system", "temperature fire alarm system", "manual fire alarm system", "fire alarm system", and "automatic sprinkler water-flow alarm system".

False alarm shall be defined as any alarm signal which is registered at the police department, any central dispatch center, or elsewhere not resulting from criminal activity for which the alarm was intended, or in the case of a fire alarm any alarm signal which is registered at the police department or elsewhere not resulting from a fire or potential fire condition or life threatening medical emergency.

(Ord. No. 497, 11-16-92)

Sec. 18-133. False alarm fee.

(a) The alarm user shall be required to pay to the city the sum of ten dollars (\$10.00) for a second false alarm, and twenty-five dollars (\$25.00) for each additional false alarm in any given calendar year. No alarm user shall be required to pay said fee on the first occasion of a false alarm during any one (1) calendar year, but shall be advised in writing of said false alarm and of the existence of this article.

(b) Alarms caused by the following extenuating circumstances shall not constitute a false alarm and no false alarm fee shall be charged by the city:

- (1) Alarm system malfunctions, if corrective measures have been instituted within a seventy-two-hour period with notification to the police department, provided that the alarm user presents documentation of repair service having been performed by the alarm company to remedy a malfunction.
- (2) Storm conditions.
- (3) Alarms activated by persons working on the alarm system with prior notification to the police department.
- (4) Alarms activated by disruption or disturbance of Michigan Bell or General Telephone Company facilities, or motor vehicle-utility pole accidents.
- (5) When the alarm system is the responsibility of a lessee and the lessor provides the city the name of such lessee.
- (6) In paragraphs (1), (2), (4) and (5) of this subsection (b), it shall be the responsibility of the alarm user to notify the police department by filling out the alarm card and returning it to the police department within five (5) working days. Failure to notify the police department will result in an automatic billing to the user.

(c) At the direction of the police chief, an "alarm notification card" shall be designed and used as required by this article.

(d) On the first business day following the response of police officers to an alarm call, a representative to the police chief shall mail an alarm notification card to the alarm user.

(e) Within ten (10) working days of the date of the mailing by the police department of the alarm notification card, the alarm user shall return the completed card to the police department explaining which exclusion applies. If the exclusion is not accepted, the alarm user shall be billed. Failure by the alarm user to return the card shall cause an automatic billing of the false alarm fee to be sent to the alarm user.

(f) If, upon receiving a false alarm fee notice, the alarm user wishes to request a waiver of the assessment of the fee due to extenuating circumstances, he may do so in writing within ten (10) working days of the assessment date. The notice to the police department shall contain documentation of the extenuating circumstances involved. Within ten (10) working days of the receipt of the waiver request by the police department, the police chief or his designee shall make a determination on the waiver request and shall notify

the alarm user of the decision.

(g) In the event that the alarm user is not satisfied with the decision rendered by the police chief, an additional written request for waiver may be filed within ten (10) working days of the date of the decision by the police chief, with the city manager. Within ten (10) working days of the receipt of the waiver request and documentation of extenuating circumstances, the city manager or his designated representative shall review the request, make a determination on the waiver, and shall notify the alarm user of the decision.

(Ord. No. 497, 11-16-92)

Sec. 18-134. Assessment of fees.

Any billing to an alarm user for a false alarm fee which remains unpaid for a period in excess of ten (10) days shall be assessed a later charge of ten (10) percent and shall bear interest at the rate of six (6) percent until paid, and shall be certified to the city assessor who shall place the same on the next tax roll and assess the fees, penalties and interest against the real or personal property assessment of the user to be collected in the same manner as general city taxes pursuant to Chapter 9 of the City of Owosso Charter.

(Ord. No. 497, 11-16-92)