

TITLE 5: GENERAL REGULATIONS

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CHAPTER 50: ABANDONED OR JUNK MOTOR VEHICLES

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§ 50.01 DEFINITIONS

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

DISMANTLED and PARTIALLY DISMANTLED MOTOR VEHICLES. Motor vehicles from which such part or parts are ordinarily a component of such motor vehicle has been removed or is missing.

INOPERABLE MOTOR VEHICLES.

- (1) Motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power.
- (2) Motor vehicles required to be licensed for operation upon the public roads of the State of Michigan under the provisions of the Michigan Motor Vehicle Code.

MOTOR VEHICLES. Any wheeled vehicles which are self-propelled or intended to be self-propelled.

(Ord. 99, passed 12-28-65; Amended Ord. passed 7-26-77)

§ 50.02 DISMANTLED OR INOPERABLE MOTOR VEHICLES ON PRIVATE PROPERTY

(A) It is hereby declared to be unlawful for any person, firm or corporation to store on, place on or permit to be stored or placed on or allowed to remain on any private property within the city, a dismantled, partially dismantled, cut up, removed parts from, or otherwise disassembled or inoperable motor vehicle or any parts of a motor vehicle, except within a completely enclosed building, or upon the premises of an authorized junkyard business as may be permitted under the Zoning Ordinance of the city.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
50.02	Dismantle or Inoperable Motor Vehicles on Property	\$50.00	\$100.00	\$200.00

(Ord. 99, passed 12-28-65; Amended Ord. 21-01, passed 6-8-21)

§ 50.03 REMOVAL PROCEDURE

The Police Department may remove or cause to be removed any junk automobile or abandoned, dismantled, partially dismantled or inoperative parts to be removed any junk automobile or abandoned, dismantled, partially dismantled or inoperative parts thereof, from any unenclosed private property in the city, after having notified in writing, the owner or occupant of such property of his intention to do so at least 48 hours prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied or may be posted in a conspicuous place upon vacant or unoccupied property, and such vehicles or parts thereof, so removed, shall be disposed of according to law. Such removal shall not excuse or relieve any person of the obligation imposed by this chapter to keep his property free from storage or accumulation of junk or abandoned, dismantled, partially dismantled or inoperative vehicles, or the parts of either, nor from the penalties for violation thereof.

(Ord. 99, passed 12-28-65; Amended Ord. 21-01, passed 04-13-21)

§ 50.04 APPLICATION TO ZONING ORDINANCE

This chapter shall not be construed to permit parking or placing of dismantled or partially dismantled vehicles on any street area in the city or in any front yard, as now or hereafter defined by said Zoning Ordinance.

(Ord. 99, passed 12-28-65)

§ 50.05 PROVISIONS TO BE SUPPLEMENTAL

This chapter shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinance as well as any Statute of the State of Michigan relating thereto.

(Ord. 99, passed 12-28-65)

§ 50.06 DECLARATION OF PUBLIC NUISANCE

The presence of a dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle on any platted or unplatted parcel of land in violation of the terms of this chapter is hereby declared to be a public nuisance.

(Ord. 99, passed 12-28-65)

CHAPTER 51: ANIMALS

SECTION

- § 51.01 PURPOSE**
- § 51.02 DEFINITIONS**
- § 51.03 RUNNING AT LARGE**
- § 51.04 KEEPING OF ANIMALS**
- § 51.05 BARKING DOGS**
- § 51.06 ANIMAL WASTE**
- § 51.07 DOG TO BE LICENSED AND INOCULATED**
- § 51.08 DANGEROUS ANIMALS**
- § 51.09 PROVISIONS AND REGULATIONS OF STATE DOG LAW**
- § 51.10 DEER CONTROL**

§ 51.01 PURPOSE

It is the intent of this section to ensure that the keeping of animals within the City does not pose a threat to the health, safety, and welfare of the residents of the City, to protect against the occurrence of offensive odors, noise, accumulation of animal wastes and unsanitary conditions in the City. The provisions of this section are also calculated to maintain the value of residential properties in the City of Whitehall.

(Ord. 97, passed 4-26-43; Am. Ord. 09-01, passed 3-24-09)

§ 51.02 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:

- (A) **DANGEROUS ANIMAL** means any animal that bites or attacks and causes serious injury or death to a person or another animal. A dangerous animal does not include any of the following:
- (1) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.
 - (2) An animal that bites or attacks a person who provokes or torments the animal.
 - (3) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.
 - (4) Livestock.
 - (5) An animal that bites or attacks a wild animal while on the property or under the control of its owner.
- (B) **DOMESTIC PET** includes any animal including but not limited to dogs, cats, and caged birds which a law enforcement officer determines is not likely to bite without provocation nor cause death, maiming, or illness of a human. The term "domestic pets" does not include livestock, nor does it include exotic or wild animals, the keeping of which is prohibited.
- (C) **EXOTIC ANIMAL** means an animal which is not indigenous to the lower peninsula of Michigan. Exotic does not include certain domesticated varieties of birds and small (less than 24" long), non poisonous snakes and lizards which are caged or otherwise contained within a building.
- (D) **LIVESTOCK** means animals used for human food and fiber or for service to humans. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.
- (E) **OWNER** means a person who owns or harbors an animal.
- (F) **PROVOKE** means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary animal.
- (G) **RUNNING AT LARGE** means any animal not on the property of its owner and not restrained by a leash.
- (H) **SERIOUS INJURY** means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.
- (I) **TORMENT** means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as

evidenced by its altered behavior, that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

- (J) **WILD ANIMAL** means any undomesticated animal which is indigenous to the lower peninsula of Michigan, including bear, deer, squirrels, skunks, opossums, woodchucks, and raccoons.

(Ord. 97, passed 4-26-43; Amended Ord. 09-01, passed 3-24-09)

§ 51.03 RUNNING AT LARGE

- (A) It shall be unlawful for any owner of any animal to permit the animal to go beyond the property of the owner unless restrained by a chain or leash and under the reasonable control of some person.

- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
51.03	Animals Running at Large	\$50.00	\$100.00	\$200.00

(Ord. 97, passed 4-26-43; Amended Ord. 09-01, passed 3-24-09)

§ 51.04 KEEPING OF ANIMALS

- (A) The owning of domestic pets is permitted in all zoning districts, provided that doing so is not in violation of any other local, state, or federal regulations.
- (B) In all residential zoning districts, the keeping of more than four adult domestic pets, in any combination, shall be prohibited. Domestic pets born on the premises to a legally confined pet may remain thereon until ten (10) months of age, after which they shall be considered adult domestic pets.
- (C) The keeping of livestock with the exception of subsection (D) below, exotic animals, and wild animals within the City of Whitehall is prohibited.
- (D) A maximum of four chickens may be kept on a single-family residential parcel of land if the parcel is no less than 12,000 square feet in size and subject to the following conditions:
 - (1) Chickens shall be provided with and kept in a covered and fenced enclosure in the rear yard only. All covered and fenced enclosures shall be no closer than three feet to any lot line, ten feet from any other structure, and 25 feet from any adjacent dwelling. The structure to house the chickens shall not exceed 200 square feet and shall be no taller than eight feet in height.
 - (2) All feed and other items associated with the keeping of chickens shall be secured and protected in sealed containers. Chickens shall be kept in compliance with all applicable generally accepted agricultural and management practices as established by the State of Michigan.
 - (3) Roosters are prohibited.

(E) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
51.04	Keeping of Animals	\$50.00	\$100.00	\$200.00

(Ord. 97, passed 4-26-43; Amended Ord. 09-01, passed 3-24-09; Amended Ord. 21-01 passed 6-8-21)

§ 51.05 BARKING DOGS

(A) It shall be unlawful for any person to own a dog in the city which by loud and frequent barking, howling, yelping, growling or any other noise causes serious annoyance or nuisance to any of the people of the city.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
51.05	Barking Dogs	\$100.00	\$200.00	\$300.00

(Ord. 97, passed 4-26-43; Amended Ord. 09-01, passed 3-24-09)

§ 51.06 ANIMAL WASTE

(A) It shall be unlawful for any person in control of an animal traveling outside of the owner's property to fail to pick up, remove and properly dispose of from any other property any of the animal's feces, manure, or solid waste.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
51.06	Animal Waste	\$50.00	\$100.00	\$200.00

(Ord. 97, passed 4-26-43; Amended Ord. 09-01, passed 3-24-09)

§ 51.07 DOG TO BE LICENSED AND INOCULATED

All dogs shall be licensed and inoculated pursuant to the Animal and Vector Control Ordinance of Muskegon County.

§ 51.08 DANGEROUS ANIMALS

(A) The owner of a dangerous animal that bites or attacks and causes serious injury or death to a person shall be subject to fines.

(B) The regulation of any other dangerous or grievously injured animals, along with the seizure, confinement, impoundment, and claiming of impounded animals will be regulated pursuant to the Animal and Vector Control Ordinance of Muskegon County.

(C) Penalty

Section	Description	Violation
51.08	Dangerous Animals	Misdemeanor – fines determined by court

See § 11.00 in Title 1
(Amended Ord. 21-01, passed 6-8-21)

§ 51.09 PROVISIONS AND REGULATIONS OF STATE DOG LAW

The provisions and regulations of the State Dog Law, Public Act 339 of 1919, as amended, being MCL 287.26 et seq., not in conflict with this ordinance are adopted and declared to be a part of this article and may be enforced in a like manner as any other provision.

§ 51.10 DEER CONTROL

(A) FEEDING

No person shall intentionally feed; cause to be fed; bait; provide for or make available food or other substances for the consumption by deer within the City. This section shall not apply to naturally growing vegetation or their seed; planted vegetation growing in yards or flower beds for landscaping; planted vegetation for human consumption; bird seed, grain, or corn if contained in an elevated bird feeder and not purposely deposited on the ground or in a feeder trough; or public employees acting within the scope of their authority for purposes of health, safety, or wildlife management.

(B) HUNTING

Limited and controlled bow, archery, or cross-bow hunting during bow hunting season as designated by the Michigan Department of Natural Resources (DNR), or any subsequent controlling State agency, is allowed within the city for purposes of limiting the urban deer population that may cause a threat to vehicular traffic, damage landscaping, impact the health and regeneration of native vegetation, decrease the overall health of the deer population, and increase the risks of disease transmission.

(C) ELIGIBLE PROPERTY

Owners of private property may apply annually to the City for designation as an eligible property for purposes of hunting deer in accordance with this ordinance. The City Council, in its sole discretion, may approve or deny an application. Eligible property shall be located within the City and comprise no less than three contiguous acres. Adjacent landowners may jointly apply for designation as eligible property. The City Council reserves the right, in its sole discretion, to revoke any property as eligible property. The City Council may establish fees for eligible property applications.

(Amended ord. 24-01, Passed 2-27-24)

(D) HUNTERS

Licensed bow, archery, or cross-bow hunters meeting the requirements established by the DNR may apply annually to the City for a permit to hunt deer on approved eligible properties. The application shall include consent from the eligible property owner. Hunting may not occur within 150 feet of any building, public street, or the property lines of the eligible property. All shots must be taken from a temporary elevated stand and shot no further than 150 feet. The

City Council reserves the right, in its sole discretion, to revoke any hunting permits. The City Council may establish fees for hunting permits.
(Amended Ord. 23-02, passed 7-25-23)

CHAPTER 52: CEMETERIES

SECTION

§ 52.01 CEMETERY LOTS; SALE, PURCHASE AND USE
§ 52.02 RATES, RULES AND REGULATIONS INCORPORATED BY REFERENCE

§ 52.01 CEMETERY LOTS; SALE, PURCHASE AND USE

- (A) All cemetery lots and grave spaces when purchased are accepted by the purchaser subject to all rules and regulations in force or such rules and regulations as may be adopted hereafter; and cannot be used for any other purpose than the burial of the human dead.
- (B) Purchasers of cemetery lots or grave spaces will have the ground conveyed to them by a Perpetual Care Agreement; the same shall state that the lot has been sold and accepted according to the rules and regulations of **Oakhurst Cemetery**, and shall be recorded in the cemetery records, giving lot and section numbers.
- (C) Any sale, transfer or assignment of a Perpetual Care Agreement for any place of burial shall be with the consent of the City Clerk, acknowledging the transferred agreement, and in no instance shall any of the rules and regulations accepted by the original owner be abrogated.
- (D) Upon the death of the original owner or owners of a cemetery lot or grave space, the transferees to such a lot or grave space shall be entitled to all the privileges of the original owner or owners and shall be recorded as the owner of said lot or grave space, provided that such transferees have furnished the City Clerk with written proof of their ownership.
- (E) Persons desiring a burial upon the lot of another person must furnish written permission to the City Clerk from the owner thereof.
- (F) The cemetery grounds are in direct charge of the Public Works Department.
- (G) Whenever outside workers are engaged by any lot owner to perform work on the cemetery grounds, permission to do such work must first be obtained by the lot owners from the City.
- (H) All grade lines are established by the Cemetery Supervisor and cannot be changed by the lot owners. No lot shall be filled or raised above the established grade.

- (I) The City Council shall establish a schedule of prices for the sale of lots and all other work performed within the cemetery, and also reserves the right to change the price for the sale of lots and all other work performed within the cemetery grounds, when in their judgment it shall become necessary to do so.
- (J) The City Council reserves the right to set aside any given section of the cemetery and place said section under any such special rules and regulations as it deems desirable to the beautification of the cemetery as a whole.
- (K) No interment will be made until the grave space to be used is entirely paid for.
- (L) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
52.01	Cemetery lots; sale, purchase, use	\$50.00	\$100.00	\$200.00

(Ord. 30, passed 6-4-52; Amended Ord. 21-01, passed 6-8-21)

§ 52.02 RATES, RULES AND REGULATIONS INCORPORATED BY REFERENCE

The City may promulgate rates, rules, and regulations governing the management of the cemetery. These rates, rules, and regulations and any amendments thereto shall be considered a part of this chapter and are incorporated by reference.

CHAPTER 53: FIRE PREVENTION

SECTION

- § 53.01 ADOPTION OF FIRE CODE
- § 53.02 CHANGES TO FIRE CODE
- § 53.03 ESTABLISHMENT AND DUTIES
- § 53.04 NEW MATERIAL, PROCESS OR OCCUPANCIES WHICH MAY REQUIRE PERMITS
- § 53.05 ORDINANCE REPEAL
- § 53.06 SEVERABILITY
- § 53.07 PENDING PROCEEDINGS

§ 53.01 ADOPTION OF FIRE CODE

That a certain document which is on file in the office of the clerk of the City of Whitehall, being marked and designated as the *International Fire Code*, 2015 edition and all subsequent editions as amended and restated from time to time, including Appendices and all amendments, as published by the International Code Council, be and is hereby adopted as the Fire Code of the city of Whitehall, State of Michigan regulating and governing the handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issue of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Whitehall are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any prescribed in Section 2 of this ordinance.

§ 53.02 CHANGES TO FIRE CODE

That the following sections are hereby revised:

Section 101.1 Insert: City of Whitehall

Section 109.4 Insert: Misdemeanor, Five Hundred Dollars (\$500; 90 days)

Section 111.4 Insert: One Hundred Dollars (\$100); Five Hundred Dollars (\$500)

§ 53.03 ESTABLISHMENT AND DUTIES

- (A) The Code shall be enforced by the White Lake Fire Authority with input from the City Manager as may be required.
- (B) The White Lake Fire Authority shall report annually to the City Manager and the City Council; the report shall contain all proceedings under this Ordinance, with such statistics as the Fire Chief wishes to include. The Fire Chief shall recommend any amendment to this Ordinance which in their judgment is desirable.

§ 53.04 NEW MATERIAL, PROCESS OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

A designated member of the City Council, the City Manager and the Fire Chief shall serve as a committee to determine and specify after giving interested parties an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those enumerated in the Code. The Fire Chief shall post a list of all such items in a conspicuous place at his office and distribute copies to all interested parties.

§ 53.05 ORDINANCE REPEAL

Any previously adopted Fire Code and all other ordinances or parts of laws in conflict herewith are hereby repealed.

§ 53.06 SEVERABILITY

If any sections, subsections, sentences, clause or phrase of this ordinance is for any reason, held to be unconstitutional; such decision shall not affect the validity of the remaining portions of this section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional.

§ 53.07 PENDING PROCEEDINGS

Nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right of remedy of any character be lost, impaired or affected by this ordinance.

(Ord. 15-05, Repealed and replaced Chapter 93: Fire Prevention, passed 7-28-15; Am. Ord. 17-03: Fire Code, passed 8-22-17)

CHAPTER 54: NUISANCES

SECTION

- § 54.01 NUISANCE DEFINED AND PROHIBITED**
- § 54.02 DANGEROUS STRUCTURES AND PREMISES**
- § 54.03 LITTERING**
- § 54.04 NOISE CONTROL**
- § 54.05 ABANDONED REFRIGERATORS**
- § 54.06 GRASS AND NOXIOUS WEEDS**
- § 54.07 OPEN FIRES**
- § 54.08 JUNK OR RUBBISH**

§ 54.01 NUISANCE DEFINED AND PROHIBITED

(A) 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.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.01	Nuisance Defined & Prohibited	\$25.00	\$50.00	\$100.00

(Ord. 94, passed 6-1-61)

§ 54.02 DANGEROUS STRUCTURES AND PREMISES

(A) No person shall maintain any structure which is a menace to the health, or safety of the public. No person owning or occupying any premises shall permit any condition to exist thereon which endangers the public health or safety.

(B) The City Manager may abate any such public nuisance, if the public safety or health 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.

(C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.02	Dangerous Structures & Premises	\$25.00	\$50.00	\$100.00

(Ord. 94, passed 6-1-61)

§ 54.03 LITTERING

- (A) No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, wash water or other noxious unsightly material and no person shall intentionally release any balloon, paper lantern, kite or other object into the air within the city limits unless it is reasonably controlled to be drawn back and collected at the end of a flight.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.03	Littering	\$25.00	\$50.00	\$100.00

(Ord. 94, passed 6-1-61; Am. Ord. 18-04, passed 10-23-18)

§ 54.04 NOISE CONTROL

- (A) It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, unusual, or unnecessary noise, which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the city.
- (B) Each of the following acts is hereby declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:
 - (1) The erection, excavation, demolition, alteration, or repairing of any building in a residential or business district other than between the hours of 7:00 a.m. to 8:00 p.m. on except in the interest of public safety and then only upon permission having been first obtained from the City Manager.
 - (2) The firing of fire crackers, fireworks (except on the days legally recognized as National Holidays, except such days shall be prohibited between 1:00 a.m. and 8:00 a.m. and otherwise in conformance with MCL 28.451-471; Public Act 256 of 2011 and §70.01(B)(4) herein), air guns, or other combustible substances for the purpose of making a noise or disturbance.
- (C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.04	Noise Control	\$25.00	\$50.00	\$100.00

(Ord. 10-04, passed 5-11-10; Am. Ord. 12-02, passed 7-24-12, Am. Ord. 13-04, passed 07-09-13; Amended Ord. 21-01, passed 6-8-21)

§ 54.05 ABANDONED REFRIGERATORS

- (A) It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight door, or lock which may not be released for opening from the inside of said ice box, refrigerator or container.
- (B) It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight snap-lock or other device thereon without first removing the said snap-lock or doors from said ice box, refrigerator or container.
- (C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.05	Abandoned Refrigerators	\$25.00	\$50.00	\$100.00

(Ord. 94, passed 6-1-61)

§ 54.06 GRASS AND NOXIOUS WEEDS

- (A) Persons occupying or owning any residential, commercial, or industrial property shall maintain the property free from grass or weeds in excess of six inches in height; excessively vigorous vegetative growth; accumulation of dead weeds, grass, or brush; and plants that are poisonous or detrimental to human health that extend upon, overhang, or border any public property. This ordinance does not apply to unimproved industrial property or property zoned agricultural, conservation, open space, or recreation.
- (B) It shall be the duty of the occupant or owner to cut and remove or destroy by lawful means, all grass, weeds, excessive growth, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this ordinance.
- (C) If the provisions of this ordinance are not complied with, the City may notify the occupant or owner that compliance is required within five days of receiving official notice in accordance with §10.21. If the occupant or owner fails to comply with the notice, the City shall cause the grass, weeds, and other vegetation to be removed or destroyed. The actual cost to cut, remove or destroy plus 15% shall be billed to the owner. If left unpaid, the costs shall be assessed as a tax lien against the property.
- (D) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.06	Grass & Noxious Weeds	\$25.00	\$50.00	\$100.00

(Ord. 94, passed 6-1-61; Am. Ord. 96-01, passed 8-13-96; Amended Ord. 21-01, passed 6-8-21)

§ 54.07 OPEN FIRES

- (A) Open fires are prohibited in the city except in accordance with the provisions of this Ordinance.
- (B) The following are definitions for the words and phrases used in this section:

DEFINITIONS

APPROVED CONTAINER is defined as a container constructed of metal or masonry with a metal covering device with openings no larger than three-quarters ($\frac{3}{4}$) inch with draft holes near the bottom no larger than three-quarters ($\frac{3}{4}$) inch.

OPEN FIRE means any fire outside of a building or structure involving any type of combustible material, whether for cooking, pleasure or any other purpose, located anywhere within the city, on public or private property.

BONFIRE is defined as an outdoor fire exceeding the size of a recreational fire and used for ceremonial purposes.

RECREATIONAL FIRE means any fire such as a campfire contained in a fire pit or portable manufactured fire container for the purpose of recreational and personal enjoyment.

OUTDOOR COOKING APPARATUS means a charcoal grill, camping stove or similar apparatus designed exclusively for cooking food.

FIRE PIT means a structure with the following components:

- (1) The diameter of the pit shall not exceed three (3) feet;
- (2) The depth of the pit shall be one (1) to two (2) feet deep; and
- (3) The rim of the pit shall be lined with rock, concrete, brick or steel that is six (6) inches wide all around the perimeter.

WASTE MATERIAL is defined as: household paper and paper products; treated wood and manufactured wood products, plastics, furniture and furniture pieces, used building materials, chemicals, refuse and yard waste, including leaves.

- (C) **PERMISSABLE FIRES** - Recreational fires outside of one- or two-family dwellings in the city shall be permitted if done in accordance with the following provisions:
 - (1) No recreational fire may be within twenty-five (25) feet of an existing structure or property line. Provided, however, in the case of a lot wherein the above dimensions cannot be met because of the small size of the lot, then the said pits or containers shall be located in the center of the rear of the property an equal distance from the property line and any structure located thereon.
 - (2) No such burning shall be done prior to 7:00 a.m., and must not be continued after 2:00 a.m.

- (3) No recreational fires shall occur unless under the supervision of 18 years or older and discretion.
- (4) Material that is acceptable to burn in a recreational fire shall be limited to clean clear unpainted unfinished and untreated wood and wood products (excluding particle board and similar products), split firewood, tree limbs and charcoal. No accelerant such as gasoline and kerosene may be used except charcoal lighter fluid.
- (5) A fire extinguisher or water hose shall be connected and available at all times when a recreational fire is active.
- (6) No recreational fire shall exceed three (3) feet in diameter and two (2) feet in height.
- (D) Bonfires and recreational fires in other locations shall only be allowed by permit issued by the fire chief or their designee pursuant to rules promulgated by the fire chief.
- (E) Fires in an outdoor cooking apparatus are permitted in accordance with the provisions of the International Fire Code.
- (F) **PROHIBITED FIRES:**
 - (1) Incineration of waste material, outside of dwellings in the city, shall be prohibited.
 - (2) Obnoxious odors; wind, sparks and embers.
 - (a) It shall be a nuisance and unlawful for any person to burn or allow to be burned, at any time or place any materials of any kind which exude obnoxious odors, or when such fire emits excessive smoke, sparks or burning embers upon adjoining, adjacent, neighboring or nearby premises.
 - (b) No such burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.

(G) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.07	Open Fires	\$50.00	\$250.00	\$500.00

(Ord.18-03, passed 4/10/18; Amended Ord. 21-01, passed 6-8-21)

§ 54.08 PRESENCE OF JUNK OR RUBBISH DECLARED A NUISANCE

- (A) The presence of any junk or rubbish as defined in this subsection on premises within the city is hereby declared to be a nuisance per se, and in addition to the other penalties provided herein may be abated by injunction.
(Ord. 102, passed 4-22-69)

(B) DEFINITIONS

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

JUNK. Any worn-out, cast-off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

NOTICE. A letter, stating the manner in which this subsection is being violated, the description and/or location of the premises, the name of the owner(s) and tenants (if any) in occupancy of said premises, and the period of time within which said premises shall be cleared from the violation of this subsection. Such letter shall be signed by the Chief of Police.

OWNER. The term owner as used herein shall be the person, firm or corporation in whose name said premises are listed in the assessment rolls of the city.

RUBBISH. Rubbish means and includes wire, chips, shavings, bottles, broken glass, crockery tin, cast or wooden ware, bedding, boxes, rags, dead weeds, stumps, tree trunks, brush, paper, circulars, hand bills, boots, shoes, ashes, or litter of any kind that will be a detriment to the public health and safety.

(Ord. 102, passed 4-22-69)

- (C) No person, firm or corporation shall deposit, store, maintain, collect, or permit the storage, deposit, maintenance or collection of any junk or rubbish on their own premises or any premises he or they own or use under his or their control.

(Ord. 102, passed 4-22-69)

- (D) **ABATEMENT PROCEDURE:** Any person, firm or corporation, who within 15 days after notification of said violation by the Chief of Police, shall fail to remove or cause to be removed any junk or rubbish or have the same placed in an adequate enclosure or building shall be deemed guilty of violating the provisions of this subsection.

(1) Such notice as is provided shall be served upon the owner as appears by the city tax assessment roll of the city, and tenant if there is such in occupancy by certified mail or by an officer of the Whitehall Police Department.

(2) The fact that such premises are allowed to be used, rented or leased by the owner to another party shall not relieve said owner from the responsibilities herein created.

(Ord. 102, passed 4-22-69)

- (E) **PROVISIONS TO BE SUPPLEMENTAL:**

This subsection shall not be construed as repealing any other ordinance now in effect or hereafter made effective relating to rubbish, litter, refuse, trash, junk or dismantled motor vehicles or parts thereof, but shall be construed as supplementary to any such ordinances as well as any statute of the state relating thereto.

(F) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
54.08	Deposit of Junk or Rubbish; Abatement; Provisions	\$25.00	\$50.00	\$100.00

(Ord. 102, passed 4-22-69)

CHAPTER 55: PARKS AND RECREATION; MARINAS

SECTION

- § 55.01 SPEED OF VESSELS ON WHITE LAKE**
- § 55.02 INJURY TO PARK PROPERTY**
- § 55.03 WASTE CONTAINERS**
- § 55.04 OPEN FIRES**
- § 55.05 VEHICLES IN PARKS**
- § 55.06 PARK HOURS**
- § 55.07 CAMPING PROHIBITED**
- § 55.08 ADDITIONAL RULES**
- § 55.09 THROWING STONES, DEBRIS OR RUBBISH**

§55.01 SPEED OF VESSELS ON WHITE LAKE

(A) Except when specified operators of water vessels are authorized by the City Council for public events, it is unlawful for the operator of a water vessel to exceed a slow no wake speed on the waters of White Lake, and the City of Whitehall, from the Highway 31 bridge south to a line which extends in an easterly direction (090° true) from the southern-most portion of Maple Beach Park to the nearest landfall.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.01	Speed of Vessels on White Lake	\$25.00	\$50.00	\$100.00

(Ord. 111, passed 3-23-83; Amended Ord., 98-10, passed 12-22-98)

§ 55.02 INJURY TO PARK PROPERTY

(A) No person shall obstruct any walk or drive in any public park or playground and no person shall injure, mar or damage in any manner, any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplaces, or other public property within or pertaining to any park or playground.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.02	Destruction of Park Property	\$25.00	\$50.00	\$100.00

(Ord. 31 passed 6-1-61)

§ 55.03 WASTE CONTAINERS

(A) No person shall place or deposit any garbage, glass, tin cans, papers or miscellaneous waste in any park or playground except in containers provided for that purpose.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.03	Littering – Waste Containers	\$25.00	\$50.00	\$100.00

(Ord. 31, passed 6-1-61)

§ 55.04 OPEN FIRES

(A) No person shall kindle or build any fires in any park or playground except in fireplaces or stoves in any park provided for that purpose. Upon leaving such fire, it shall be the duty of the person last using it to see that said fire is extinguished.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.04	Open Fires – Designated Areas	\$25.00	\$50.00	\$100.00

(Ord. 31, passed 6-1-61)

§ 55.05 VEHICLES IN PARKS

(A) No person shall drive or park any vehicle in any park or playground except in spaces set aside and designated as parking areas by the City Manager. Driving and parking on all streets and public ways within any park or bordering on the same, shall be subject to all of the provisions of Chapter 42, regulating traffic generally and to such additional rules and regulations as the City Manager shall adopt pursuant to this subsection.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.05	Parking of Vehicles – Designated Areas	\$25.00	\$50.00	\$100.00

(Ord. 31, passed 6-1-61)

§ 55.06 PARK HOURS

(A) All parks shall be closed for public use from 10:00 p.m. until 6:00 a.m. of the following day.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.06	Violation of Park Hours	\$25.00	\$50.00	\$100.00

§ 55.07 CAMPING PROHIBITED

- (A) Camping is strictly prohibited in any park without prior written consent from the City Council.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.07	Camping Prohibited	\$25.00	\$50.00	\$100.00

§ 55.08 ADDITIONAL RULES

- (A) The City Manager is hereby empowered to make such additional rules and regulations subject to the approval of the City Council, pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public, and no person shall fail to comply with such rules and regulations.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.08	Violation of Misc. Rules/Regulations	\$25.00	\$50.00	\$100.00

(Ord. 31, passed 6-1-61)

§ 55.09 THROWING STONES, DEBRIS OR RUBBISH

- (A) No person shall throw, discharge or otherwise place or cause to be placed in the waters, pond, bay or other body of water in or adjacent to any park, any stones, rocks, debris, food, rubbish or other material which could cause damage or harm any person or property or pollute the water.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
55.09	Throwing Stones, Debris, Rubbish	\$25.00	\$50.00	\$100.00

(Ord. 00-07, passed 10-10-00; Amended Ord. 21-01, passed 6-8-21)

CHAPTER 56: STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION

- § 56.01 PLACEMENT OF INSTALLATIONS, DEBRIS OR BARRIERS WHICH ENDANGER PUBLIC TRAVEL PROHIBITED
- § 56.02 BURNING MATERIALS ON PAVED SURFACES; INTERFERING WITH PROPER CURING OF STREET PAVEMENT
- § 56.03 OBSTRUCTIONS AND ENCROACHMENTS
- § 56.04 USE OF STREETS FOR DISPLAY OF GOODS, WARES AND MERCHANDISE; PERMIT REQUIRED
- § 56.05 USE OF SKATE BOARDS, ROLLER BLADES, ROLLER SKATES AND STREET SKATES
- § 56.06 PLACEMENT OF DUMPSTERS RESTRICTED
- § 56.07 CONSTRUCTION PERMIT REQUIRED
- § 56.08 SIDEWALK PROGRAM
- § 56.09 PRIVATE ROADS, PURPOSE
- § 56.10 APPLICATION
- § 56.11 EXISTING PRIVATE ROADS
- § 56.12 FEES
- § 56.13 INDEMNIFICATION
- § 56.14 STREET ACCESS

§ 56.01 PLACEMENT OF INSTALLATIONS, DEBRIS OR BARRIERS WHICH ENDANGER PUBLIC TRAVEL PROHIBITED

(A) Hereafter it shall be unlawful for any person, firm or corporation to leave, place or erect, or cause the same to be left, placed or erected, any fence or other installation, debris or barrier in, on, or along the right-of-way of any street or alley or any other public way, park or public property in the city, or any material which by reason of its construction or otherwise, is dangerous in itself, or by reason of its location cause an obstruction on said street alley or public way, and thereby endangers public travel.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.01	Placement of Debris, Barriers or Installations	\$25.00	\$50.00	\$100.00

(Ord. 41, passed 6-1-61)

§ 56.02 BURNING MATERIALS ON PAVED SURFACES; INTERFERING WITH PROPER CURING OF STREET PAVEMENT

(A) It shall be unlawful for any person, firm or corporation to burn garbage, rubbish, leaves, or any other material, upon the paved portion of any street, alley, or highway in this city and it shall also be unlawful for any person, firm or corporation through the use of oil, water, or any

other substance or material, by sprinkling or by any other means, to interfere with the proper curing of street paving, or damage, injure or deface any such improvement.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.02	Burning Materials on Paved Surfaces	\$25.00	\$50.00	\$100.00

(Ord. 41, passed 6-1-61)

§ 56.03 OBSTRUCTIONS AND ENCROACHMENTS

(A) It is provided that the restrictions against obstructions and encroachments set out in §§ 56.01 and 56.02 shall not apply to acts of this municipality in serving the public uses and to uses authorized and permitted by the City Manager, or designee for emergencies or necessities, not inconsistent with the use of streets, highways and alleys for their primary purposes and for limited periods, such as the loading and unloading of goods and passengers, construction work, play streets and public parades, but no such grant of necessity or privilege shall be authorized for a time beyond the temporary need existing therefore.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.03	Obstructions	\$25.00	\$50.00	\$100.00

(Ord. 41, passed 6-1-61, Am. Ord. 16-05, passed 12-13-16)

§ 56.04 USE OF STREETS FOR DISPLAY OF GOODS, WARES AND MERCHANDISE; PERMIT REQUIRED

(A) No person, firm or private corporation, their employees or agents, shall cause or permit the placement of any goods, wares, or merchandise or other articles including, but not limited to, newspaper vending machines (other than is herein permitted) on any city sidewalk, city right-of-way, or on any city property; provided, however, that temporary stands or fixtures displaying merchandise for sale during special events such as festivals, arts and crafts shows, and sidewalk sales may be placed on sidewalks, city right-of-ways, or city property by first obtaining permission from the City Council.

(B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.04	Use of Streets for Display of Goods/Merchandise	\$25.00	\$50.00	\$100.00

(Ord. 41, passed 6-1-61; Am. Ord. passed 10-23-90)

§ 56.05 USE OF SKATE BOARDS, ROLLER BLADES, ROLLER SKATES AND STREET SKATES

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

ROLLER BLADES, ROLLER SKATES and STREET SKATES. Small wheels near the toe and heel of the shoe or frame that would attach to a shoe which are used for gliding on a hard surface such as a floor or sidewalk, etc.

SKATEBOARDS. An item consisting of a board, generally oblong, with small wheels at each end, for riding on a hard surface such as a floor or sidewalk.

TO ROLLER SKATE. To skate on any type of roller blades, roller skates or street skates.

- (B) No person shall roller skate, ride, or operate a skateboard within the city without complying with the terms of this subsection:

No person shall ride:

- (1) Or cause to ride, or operate any form of roller blades, roller skates or skateboard for any purpose on any public way, street, sidewalk, plaza, or parking area in the downtown business district which is described as an area within the following boundary: beginning at the south right-of-way (R.O.W.) of Hanson Street at Thompson intersection, then east on Hanson to the west R.O.W. of Livingston Street, then south on Livingston to the north R.O.W. of Spring Street, then west on Spring to the east R.O.W. of Lake Street, then northwest on Lake to the north R.O.W. of Colby Street, then east on Colby to the west R.O.W. of Thompson, then north on Thompson to a point which would be the south R.O.W. of Hanson Street extended to the west R.O.W. of Thompson, then east on the south R.O.W. of Hanson to the point of beginning.
- (2) On any step, wall, bench, table, or any other public or private fixture or surface not intended for use as a walking surface by pedestrians.
- (3) In a careless, reckless, or acrobatic manner upon any public way or publicly-owned property.
- (4) At a speed greater than a walking or pedestrian speed upon a crosswalk or when crossing the roadway or overtaking a pedestrian on a sidewalk.
- (5) In any manner so as to destroy, deface, mark, damage, or injure any public or private property of another.
- (6) So as to assault, molest, touch, annoy, harass, frighten, or abuse any person in any public place or private place open to the public, or so as to obstruct the free, uninterrupted passage of the public.
- (7) Other than single file when approaching or passing any pedestrian on any sidewalk or other pedestrian way.

- (8) In any manner which would likely result in injury or harm to any person or place.
- (9) On private property without first obtaining permission of the owner.
- (10) Within any city park.

(C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.05	Use of Skateboards, Roller Skates, Street Skates	\$25.00	\$50.00	\$100.00

(Ord. passed 7-11-89; Am. Ord. Passed 7-10-90)

§ 56.06 PLACEMENT OF DUMPSTERS RESTRICTED

- (A) No person, firm, or private corporation, their employees or agents, shall cause or permit the placement of any garbage dumpster or refuse dumpster on any city sidewalk, right-of-way, or on any city property.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.06	Placement of Dumpster Restricted	\$25.00	\$50.00	\$100.00

(Amended Ord. 21-01, passed 6-8-21)

§ 56.07 CONSTRUCTION PERMIT REQUIRED

- (A) No person shall construct, rebuild or repair in or upon any street or public right-of-way except in accordance with the Department of Transportation Highway Standards, nor without first obtaining a written permit from the Department. Said permit shall be prominently displayed on the construction site.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.07	Construction Permit Required	\$25.00	\$50.00	\$100.00

(Ord. 40A, passed 10-22-85)

§ 56.08 SIDEWALK PROGRAM

This subsection shall provide for the establishment, administration, and enforcement of a Sidewalk Program, prescribing specifications and permits, line and grade stakes, sidewalk maintenance and repair, permit revocation, construction and removal of snow and ice from sidewalks in the city, and to prescribe payment for the violation of said program.

(Ord. 40A, passed 10-22-85)

(A) DEFINITIONS:

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

DEPARTMENT: The City Department of Public Works.

SIDEWALK. The portion of the street right-of-way designed for pedestrian travel.
(Ord. 40A, passed 10-22-85)

(B) SIDEWALK SPECIFICATIONS: Sidewalks constructed in public right of ways shall be constructed in accordance with City specifications. (Ord. 40A, passed 10-22-85)

(C) SIDEWALK REPAIR: When the City Manager determines that a sidewalk has been damaged or made unsafe for use to the point of necessitating repairs through negligence or intentional actions by the adjacent property owner or persons acting on behalf of the adjacent property owner, notice shall be given to the owner of their responsibility, at their cost, to repair the sidewalk within a reasonable time. If the owner fails to make the required repairs within the time established, the City Manager shall have the sidewalk repaired with the cost of repairs charged against the property owner.

(D) REMOVAL OF SNOW AND ICE FROM SIDEWALK: It shall be the duty of property owners abutting a sidewalk to promptly remove all snow or ice from the sidewalk. Failure to remove all snow or ice within 24 hours of a written notice given by the City may result in civil fines.

(E) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
56.08	Sidewalk Program	\$25.00	\$50.00	\$100.00

(Amended Ord. 21-01, passed 6-8-21)

§ 56.09 PRIVATE ROADS, PURPOSE

(A) The city discourages the use of private roads within its boundaries but recognizes that under extenuating circumstances, private roads may be allowed provided they are properly designed, constructed and maintained for the movement of vehicular traffic, including emergency vehicles, in a safe and efficient manner.

(B) The city has determined that as large tracts of land are divided, sold, transferred and developed, private access roads are being created to provide access to the newly divided properties which are not subject to regulation under the Michigan Land Division Act of 1967, as amended, and other state regulations. The city determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private roads to assure that:

(1) Private roads are designed with width, surface and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles;

- (2) Said roads are constructed of suitable materials to ensure minimal maintenance and safe passage; and
 - (3) Private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and other significant natural features of the city.
(Ord. 40A, passed 10-22-85)
- (C) DESIGN REQUIREMENTS - All private roads shall be constructed according to the following design requirements:
- (1) Any lot not having the required minimum lot width on a public road shall have such required lot width upon a private road.
 - (2) All private roads shall have direct access to a public road.
 - (3) Public road access:
 - (a) The layout of the private road and the intersections of the private road with either a public or private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured;
 - (b) The minimum distance between intersections of public and/or private road rights-of-way shall not be less than 150 feet, as measured along the right-of-way line thereof.
 - (c) Any private road shall be designed so that no lots abutting and having access to such private road shall have direct access to a county primary or county local road.
 - (d) At least one street sign at the entry to the private road from the public road shall indicate the existence of such private road by appropriate notice so stating. A stop sign conforming to the requirements of the Michigan Manual of Uniform Traffic Control Devices shall also be provided at the exit point from the private road to the public roadway.
- (D) All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least 66 feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right of way.
- (E) Private roads shall have a minimum width of 22 feet of traveled surface.
- (F) Private roads shall be paved by the property owner, or the property owners association, upon the occurrence of either of the following events, whichever occurs first:
- (1) Forthwith upon, or prior to, the issuance of a building permit for the second principal building served by the private road; or
 - (2) At such time as the private road provides access to five or more lots. For new lots, this date shall be the date of the final approval of any application to create additional lots.

- (G) A minimum clear width of 36 feet shall be maintained centered in the right-of-way of easement.
- (H) The specifications for surface and base materials, shoulders, curbs, culverts, signs, cul-de-sacs and methods of construction of private roads shall conform to the city standards for local roads. Private road grades shall not exceed 10%.
- (I) The City Council may require the installation of trees or other landscaping to compensate for the removal or alteration of natural features or amenities.
- (J) Street lighting may be required by the City Council. If so required, street lighting shall be installed in accordance with the standards of Consumers Energy Company as approved by the City Council. Street lighting shall be installed, operated and maintained at no cost to the city and the city may require an appropriate agreement indemnifying and holding it harmless with regard to the street lighting.
- (K) Private roads shall be inspected for compliance by an agency qualified to do so and designated by the City. All inspection costs shall be paid by the applicant before final approval of the private road.
- (L) All private roads shall be named and identified by the use of appropriately located road name signs. Road names shall not duplicate any existing road name in Muskegon County, and shall be subject to the approval of City Council. All lots fronting on the private road shall have an address on the private road.
(Ord. 02-03, passed 4-9-02)

§ 56.10 APPLICATION

- (A) No individual, association, corporation or entity, either public or private, shall construct a private road without first having obtained a private road permit from the City Council.
- (B) An application for a private road permit shall contain the following:
 - (1) A completed private road permit application, provided to the applicant by the Zoning Administrator.
 - (2) A detailed written description of the development to be served by the private road, including a description of the proposed association or other entity which shall be responsible for operation and maintenance of the private road.
 - (3) Seven copies of a site plan, drawn to scale, prepared by a registered engineer or land surveyor, showing the precise location, grade, route, elevation, dimensions and design of the private road and any proposed extensions thereto, existing and proposed curb cuts and the location and distance to any public road which the private road is to intersect.
 - (4) A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.

- (5) The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity and television cable to be located within the private road right-of-way or within 20 feet of either side thereof; copies of the instruments describing and granting such easements shall be submitted with the application.
 - (6) The location of any lakes, streams, wetlands and drains with the proposed right of way or within 100 feet thereof.
 - (7) The location of any other buildings and structures located, or to be located within 100 feet of the private road right-of-way.
 - (8) The applicant(s)/owner(s) of the proposed private road right-of-way or private road shall provide the City Council with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein, or other documentation satisfactory to the City Council which shall provide for and assure that the private road shall be regularly maintained, repaired and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid.
- (C) Prior to the City Council approving or disapproving a private road permit application, the Planning Commission will review the application and make its recommendation to the City Council as to whether a private road permit should issue after the Planning Commission deliberates on factors it deems relevant, including the following:
- (1) The proposed private road will not be detrimental to the public health, safety or general welfare.
 - (2) The proposed private road will not adversely affect the use of land.
 - (3) That the private road will be constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions.
 - (4) That the private road will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and natural environment of the city.
 - (5) The construction of the private road conforms to the requirements of this section and all relevant permits and licenses have been obtained and provided to the city. Verification of the private road's conformance with this section will be provided by the applicant's civil engineer who submits a set of as-built drawings carrying a certificate and statement certifying that the private road has been completed in accordance with the requirements of the permit.
- (D) The City Council may require that the applicant comply with reasonable conditions relative to the design and construction of the private road.
- (E) The City Council may, as a condition of the private road construction permit, require that the applicant provide a performance guarantee.

- (F) Upon application, the City Council may modify any of the private road requirements of this section after finding that all of the following conditions exist:
- (1) Topography, soils and/or other significant natural features physically preclude or prevent compliance with the requirements of this section without substantial alteration of such natural features; such natural features shall be clearly identified and described in the application of any such modifications.
 - (2) The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification, would provide a financial benefit.
 - (3) That no other reasonable private road design alternatives are available that would comply with the requirements of this section.
 - (4) That the request for modification was reviewed by the Traffic Engineer designated by the City Council.
- (G) Construction of a private road is to be commenced within one year of issuance of the permit and the applicant is to proceed diligently to completion of the road. If construction is not commenced within such period and pursued to completion, the permit shall expire and the applicant shall reapply as provided in this section if the applicant later decides to proceed. The period within which construction must be commenced is subject to extension by the City Council for good cause shown and, as a condition of extension, the City Council may increase the amount of performance guarantee required.
- (H) The Building Inspector shall not issue occupancy permits for any building on lots served by a private road until construction of the private road as approved by the City Council has been completed and the owner shall have submitted to the Zoning Administrator a Completion Certificate signed by a registered engineer indication that the road has been completed in accordance with the approved plan and the requirements of this section.
(Ord. 02-03, passed 4-9-02)

§ 56.11 EXISTING PRIVATE ROADS

Private roads existing prior to the effective date of this subsection or the extension of private roads existing prior to the effective date of this subsection, shall not be subject to the requirements of this section, except for the following:

- (A) Prior to the construction of any kind on an existing private road, or the extension of such private road, or on parcels which depend thereon for access, and prior to the issuance of any building permits, the Zoning Administrator shall review an application submitted in accordance with the requirements of this section:
- (B) The Zoning Administrator, after review of the application by the Traffic Engineer, and other individuals or agencies deemed appropriate by the Zoning Administrator, shall issue a Private Road Permit, provided the following standards are met with regard to the existing private road, or an extension thereof.

- (1) An existing private road, or extension thereof, shall have sufficient width and grade and a surface of suitable material to provide safe passage and maneuverability of private vehicles and police, fire ambulance and other safety vehicles.
- (2) A soil erosion permit shall be provided to the Zoning Administrator which the Administrator may consider as evidence that the extension of an existing private road shall protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands and other significant natural features of the city.

If a private road is extended, or if additional lots are created or buildings are to be constructed such that paving is required pursuant to § 56.09 (F) herein, then the entire length of the private road shall be constructed or reconstructed in accordance with the standards of the city for local paved roads as described herein, for a width of 22 feet or the width of the existing right-of-way, whichever is less.

- (C) Building permits may be issued prior to the construction of the private road, provided a performance guarantee assuring the completion of the private road has been submitted in accordance with the requirements of this section and the Article XXIII (Special Use Permit) of the Whitehall Zoning Code.
(Ord. 02-03, passed 4-9-02)

§ 56.12 FEES

Fees for the permits required herein shall be set by the City Council from time to time, by resolution.
(Ord. 02-03, passed 4-9-02)

§ 56.13 INDEMNIFICATION

The applicant(s)/owner(s) of the private road agree that by applying for or securing a permit to construct the private road that they shall indemnify and will hold the city harmless from any and all claims for and/or property damage arising out of the use of the private road or of the failure to properly construct, maintain, use, repair and replace the private road.
(Ord.02-03, passed 4-9-02)

§ 56.14 STREET ACCESS

Any lot of record created after the effective date of this subsection shall front upon a public street or private road meeting the requirements of the city for the minimum lot width required by this subsection.
(Ord. 02-03, passed 4-9-02)

CHAPTER 57: TREE MANAGEMENT

SECTION

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§ 57.01 PURPOSE AND APPLICATION OF REGULATIONS.

It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city.

(Ord. 34, passed 9-27-83; Amended Ord. 21-01, passed 6-8-21)

§ 57.02 DEFINITIONS

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

CURB LAWN. That part of a street not covered by sidewalk or paving, lying between the property line and the portion of the street paved for vehicular traffic.

DEPARTMENT or DPW. The Department of Public Works of the city.

DEVELOPER. All persons or an organization of any kind who shall engage in new construction or other improvements in any zoning district of the city.

DIRECTOR. Shall mean Director of Public Works Department or his authorized representative.

PARK. All public parks and all areas owned by the city or to which the public has free access as a park.

PROHIBITED SPECIES. Any tree of poplar (*populus Sp.*), willow (*Salix Sp.*), box elder (*Acer Negundo*), silver maple (*Acer Saccharinum*), locust (*Robina Sp.*), tree of heaven (*Ailanthus Altissima*), catalpa

(Catalpa Sp.), mulberry (Morus Sp.), Siberian Elm (Ulmus Pumila), birch (Betula Sp.), and any other species so determined by the council.

PUBLIC UTILITY. Any person, owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or other communication service.

STREET. All of the land lying between property lines on either side of all streets, highways and public right-of-ways in the city.

TREE. Unless the context clearly indicates otherwise, means trees, shrubs, bushes and all other woody vegetation, whether potted or not.

(Ord. 34, passed 9-27-83)

§ 57.03 MAINTENANCE AND REMOVAL

The planting, maintenance, or removal of trees in public places in the city will be performed by the Department of Public Works or private contractor in accordance with the adopted policies, and may be accomplished by order of the City Manager or the DPW Director upon recommendation of the City Council. *(Ord. 34, passed 9-27-83; Amended Ord. 21-01, passed 6-8-21)*

§ 57.04 TREE STANDARDS

- (A) All planting, transplanting, trimming, pruning or removal of any tree upon or from any curb tree lawn, street, park, or public place in the city shall conform to the American National Standards Institute A300.

(Am. Ord. 06-04, Passed 8-22-06, Am. Ord. 06-09, Passed 12-12-06)

- (B) Clean up and restoration, including brush debris resulting from line clearing activities, shall take place within 10 business days following the date on which the planting, transplanting, trimming, or removal on any curb tree lawn, street, park, or public place in the city took place and in such a manner as to repair all damage to the surrounding area created by the activities and additionally to clean and restore the work area to a reasonable standard.

(Am. Ord. 06-04, Passed 8-22-06, Am. Ord. 06-09, Passed 12-12-06)

§ 57.05 PROTECTION OF TREES AND SHRUBS

It shall be unlawful for any persons to do the following to any trees in or upon any curb lawns, parks or other public places:

- (A) Fasten any sign, card, poster, wire, rope or other material to, around or through, any tree or its guard, except in emergencies such as storms or accidents, except for any nursery tag identifying its species or care;
- (B) Remove, break, injure, mutilate, kill, cut, peel or destroy any tree or shrub by any means or in any manner;
- (C) Permit any fire to burn where such fire will injure any portion of any tree or shrub;

- (D) Permit any toxic chemical to seep, drain, or to be emptied on or about any tree or shrub;
- (E) Deposit, store, place or maintain, on any street, highway, or other public place, any brick, sand, stone, concrete or other material which may impede free passage of water, air or fertilizer to the roots of any tree or shrub growing therein;
- (F) Fail to repair or stop any leak existing or occurring in any gas pipe or main within a radius of 40 feet of any tree;
- (G) Knowingly permit any electrical wires to come into contact with any tree or shrub;
- (H) Allow excavations and driveways to be placed within five feet of any tree without written permit from the DPW Director. Any person making such excavation or construction shall guard any tree within six feet thereof with a good substantial frame box to be approved by the Department, and all building materials or other debris shall be kept at least four feet from any tree.
- (I) Plant any prohibited species of tree as hereunto set forth under § 57.14.
(Ord. 34, passed 9-27-83)
- (J) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
57.05	Protection of Trees	\$25.00	\$50.00	\$100.00

§ 57.06 COMPENSATION FOR TREES DESTROYED OR DAMAGED

The cost of public trees growing on streets, curb tree lawns, parks, or other public places which are destroyed or damaged to the point where repair or replacement is needed shall be paid for by the person or persons causing such damages in the amount needed to replace or repair the destroyed or damaged trees. (Ord. 34, passed 9-27-83; Amended Ord. 21-01, passed 6-8-21)

§ 57.07 PRIVATE TREES; DISEASE, INSECTS AND OTHER HAZARDS

- (A) When the City Manager or DPW Superintendent shall discover that any tree growing on private property within the city is afflicted with any dangerous insect, infestation, disease or condition, he shall immediately serve a written notice upon the property owner or his agent describing the tree or trees, their location, the nature of the insect infestation, or disease or condition, to prevent the spreading thereof, and shall specify the corrective measures required to be taken. This notice may require the pruning, treatment or destruction of the affected trees as reasonably necessary.
- (B) Every notice shall be complied with within a definite time as stated in the notice, but within no less time than ten days after service thereof upon the property owner.
- (C) If at the expiration of the time limit in the notice, the owner has not complied with the requirements thereof, the city shall carry out the requirements of that notice. The cost of

completing the work necessary to resolve the condition complained of shall be assessed against the property on the next tax roll of the city.

(D) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
57.07	Private Trees; Disease, Insects/Other Hazards	\$25.00	\$50.00	\$100.00

(Ord. 34, passed 9-27-83)

§ 57.08 TRIMMING AND REMOVAL OF TREES ON PRIVATE PROPERTY

(A) Any tree growing on private property and so located as to extend its branches over a public street, highway, sidewalk, park or other public place, or so located as to become a traffic hazard, shall be trimmed or removed by the property owner on whose property the tree stands, so as to remove obstruction from the public street, highway, sidewalk, park, or public place and so as to eliminate the traffic hazard and the menace and the danger to the public, pursuant to written notice by and under the supervision of the city. All tree branches shall be trimmed to maintain a clear vision area for the vertical height of ten feet above the street or right-of-way.

(B) When such notice is given, the property owner will be given a reasonable and definite time to comply with the order, but not less than ten days, unless immediate hazard exists. If the work is not satisfactorily completed within that time, then the city DPW Director or his agents may enter upon the property, make the necessary trimming or removals, and properly dispose of the same; provided that all or part of the costs involved in the trimming or removal when done by the city DPW Director or his agents shall be assessed against the property on the next tax roll of the city. The city shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light.

(C) The City Manager, DPW Director or their agents shall have authority to enter upon private property at all reasonable hours for purposes of examining any trees, shrubs, plants or vines where hazardous conditions, destructive insects, or diseases are suspected. The city may remove such specimens as are required for analysis to determine the presence of insect, disease, or other detrimental condition. It shall be unlawful for any person to prevent the City Manager, DPW Director or their agents from entering private property for purposes of carrying out the duties hereunder.

(D) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
57.08	Trimming & Removal of Trees/Private Property	\$25.00	\$50.00	\$100.00

(Ord. 34, passed 9-27-83; Amended Ord. 21-01, passed 6-8-21)

§ 57.09 PERMITS REQUIRED

- (A) No person or public utility shall hereafter plant, transplant, trim, prune, or remove any tree upon or from any curb lawn, street, park, or public place in the city, nor cause such act to be done by others without first obtaining a written permit from the DPW Director.
- (B) The requirements of §57.09A shall not apply to trimming, pruning, or removal under emergency conditions defined as the loss or imminent threat to public safety, property or loss of utility service nor shall it apply to the City of Whitehall.
- (C) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
57.09	Permit Required	\$25.00	\$50.00	\$100.00

(Ord. 34, passed 9-27-83, Am. Ord. 06-04, passed 8-22-06, Am. Ord. 06-09, passed 12-12-06; Amended Ord. 21-01, passed 6-8-21)

§ 57.10 APPLICATION FOR PERMITS

- (A) Applications for permits must be made at the office of the Department of Public Works not less than 72 hours in advance of the time the work is to be done for private removal or planting in the street right-of-way.
- (B) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
57.10	Application for Permits	\$25.00	\$50.00	\$100.00

(Ord. 34, passed 9-27-83)

§ 57.11 PERMIT EXPIRATION

- (A) Each permit granted shall contain an expiration date, and the work shall be completed in the time allowed in the permit, and in the manner therein described.
- (B) Any permit issued shall be void if its terms are violated, or if the work described is not substantially completed by its expiration date.
- (C) Permit extensions may be granted by the City Manager if in his judgment conditions warrant.
- (D) Penalty

Section	Description – Civil Infraction	First Offense	Second Offense	Third Offense
57.11	Permit Expiration	\$25.00	\$50.00	\$100.00

(Ord. 34, passed 9-27-83)

§ 57.12 CONTENTS OF PERMIT

- (A) Every permit issued by the City Manager shall describe work to be done, or state the number of trees to be removed or planted and the location, size, species, or variety of each tree, the method of planting and other information that the City Manager or DPW Superintendent may require to ensure that the work will be done properly.
- (B) Whenever any tree shall be planted in conflict with the provisions of the permit it shall be lawful for the City Manager or DPW Director to cause removal of the same, and the cost for removal shall be assessed to the permittee as provided by law.

(Ord. 34, passed 9-27-83)

§ 57.13 PERMIT FEE; SUPERVISION

- (A) No charge shall be made for any permit unless it is necessary to retain a consultant to supervise the provisions of the permit, and in such case, the City Manager shall determine the charge for the service based on actual cost plus an additional one percent of the actual cost of the service for the City Administrative purposes.
- (B) In issuing any and all permits, the City Manager shall act promptly and shall keep duplicate records of all permits issued and of compliance therewith.
- (C) Permits for all tree management activities will be issued only after the DPW Superintendent or the City Manager makes a thorough investigation as to the advisability of the proposed work.

(Ord. 34, passed 9-27-83)

§ 57.14 AUTHORITY TO ENFORCE; RESPONSIBILITY AND POWERS

- (A) The City Manager shall be charged with the duty of enforcing the provisions of this chapter.
- (B) The City Manager shall have control over all trees located within the street right-of-ways and parks in the city and the planting, care and removal thereof, subject to the regulations contained in this chapter.

(Ord. 34, passed 9-27-83)

§ 57.15 RESPONSIBILITY OF CITY COUNCIL; DUTIES

- (A) It shall be the responsibility of the Council to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented by the City Manager to the City Council along with the proposed budget and upon its acceptance and approval shall constitute the official comprehensive city tree plan for the city.
- (B) The Council may retain a registered Forester as a consultant to assist in the technical matters of Forestry Management.

- (C) The City Council may request the City Manager to consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of this chapter.
(Ord. 34, passed 9-27-83; Amended Ord. 21-01, passed 6-8-21)